

Waimakariri District Council Proposed Waimakariri District Plan

Recommendations of the PDP Hearings Panel

Recommendation Report 3

Hearing Streams 1 and 2 Part 2: District Wide Matters- UFD – Urban Form and Development

This report should be read in conjunction with **Report 1** and **Recommendation Reports 2,7, 29, 34, 35, and 36.**

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 29 contains the PDP Panel's recommendations on the PDP's Christchurch International Airport Ltd – noise contour and bird strike submissions – PDP and Variation 1.

Recommendation report 34 contains the PDP Panel's recommendations on the PDP's Rezoning- Large Lot Residential Zone.

Recommendation report 35 contains the PDP Panel's recommendations on the PDP's Rezoning- Ohoka- PDP and Variation 1.

Recommendation report 36 contains the PDP Panel's recommendations on the PDP's Rezoning- Residential.

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 Streams 1 and 2** comprised Commissioners Gina Sweetman (Chair), Allan Cubitt, Gary Rae, Megen McKay, Neville Atkinson and Niki Mealings. However, we record here that Commissioner Mealings took no part in the Hearing Stream 2 proceedings which related to the UFD chapter and was not involved in the deliberations on those provisions. That was because Commissioner Mealings had previously declared a conflict in relation to the UFD objectives and policies of the PDP, and Map A of the RPS, as set out in the Commissioners 'Conflict of Interest' register.

We also record here that many of the issues traversed in this Hearing Stream were also subject to further evidence in subsequent hearings, which not all Panel members were involved in. Commissioners Mealings and Atkinson were not on Hearing Streams 12C or 12D Panel and Commissioners Mealings and McKay were not on the Hearing Stream 12C Panel. However, they did have the benefit of reading the various s42A reports, submitter evidence and representations which were provided through evidence to those Hearing Streams, along with the associated JWS. This evidence essentially built on the evidence put in front of the UFD Hearing Stream Panel during this hearing.

1. Introduction

Report outline and approach

1. This is Report 3 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 submissions received on the UFD - Urban Form and Development chapter. The relevant provisions are:
 - UFD-O1 and UFD-O2
 - UFD-P1 to UFD-P10
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 - 7** contains our evaluation of key issues and recommended amendments to provisions; and
 - (c) **Section 8** addresses consequential amendments
 - (d) **Section 9** 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 the UFD - Urban Form and Development 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 author’s final 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. The provisions of the UFD chapter received over 49 submissions with a total of over 210 original submissions points. A total 42 further submissions were also received, which raised 206 further submission points.

Key issues

12. Given that our decision reports focus only on ‘exceptions’ as explained in paragraph 6 above, this report focuses on the following provisions:
 - Introduction
 - UFD-O1 and UFD-O2
 - UFD – P2
 - UFD – P3
 - UFD-P10

3. Introduction section

13. The following is a summary of the Panel’s recommended amendments in relation to the ‘Introduction - Interpretation and application of this chapter’ section of the UFD chapter, beyond those recommended by the s42A report author.

Provision	Panel recommendations
Introduction ‘Interpretation and application of this chapter’	Delete the majority of the recommended changes and amend the last paragraph so that it is clear that the objectives and policies of this chapter ‘provide direction for assessment of new development proposals’.

14. The submission point we consider here is that of Forest and Bird¹ who requested amendments to the Introduction to clarify that the UDF provisions are also strategic directions and that there is no hierarchy between the chapters. They submitted the wording ‘give effect to’ is directive and elevates the UFD provisions above the SD provisions and all other provisions in the plan. To address this concern, they sought significant changes to the wording of the ‘Interpretation and application of this chapter’ paragraph to clarify that the UFD chapter provides direction and/or guidance for other chapters of the District Plan but that there is no hierarchy between them.
15. The s42A report author recommended accepting the submission in its entirety. However, the only part of the amendments sought by the submitter that was discussed by the report author was the request to use the phrase ‘provide direction’ rather than ‘give effect to’. He agreed with the submitter that *“the existing wording of ‘must give effect to’ implies that the objectives and policies of the Urban Form and Development chapter has precedence over the objectives within Strategic Directions which is not the intent as*

¹ 192.33

set out in the s32 evaluation". In his view, the phrase 'provide direction' is more consistent with "the intent of the Strategic Directions within [the] NPS".

16. The Panel discussed the 'hierarchy' question at length in our Strategic Directions recommendation report. Our position on that issue is as follows:

We agree with the submitter and with the report authors with respect to the Strategic Directions objectives having primacy in terms of informing objectives and policies contained in other chapters, and with the objectives and policies in other chapters to be expressed and achieved as being consistent with the SD objectives. On the one matter where there appears to be some disagreement, we consider that whether or not the Strategic Directions objectives and policies are used to resolve conflicts with other objectives and policies in the plan will become more of a practice matter, to be considered on a case by case basis. This does not require any policy direction.

17. However, the Panel considers the focus of the UFD provisions to be somewhat different to the SD provisions. The s42A report author stated that the UFD policies "**link directly into those within the General Objectives and Policies for all Residential Zones (RESZ) and the General Objectives and Policies of all Industrial Zones (INZ).**" [our emphasis]. We are unclear what that direct link is because in our view the purpose of the UFD provisions is to guide the direction of new development in the district, which the s42A report author acknowledges is not provided for in the RESZ and INZ chapters. The UFD provisions do not seem to have any further influence on the remainder of the PDP provisions once the new development areas have been rezoned, with perhaps the exception of UFD-P10, which relates to new development within existing residential zones.
18. Because of this, we do not agree with the recommendation of the s42A report author to accept the submission of Forest and Bird in full. While we agree that 'give effect to' should be replaced with 'provide direction', we do not agree that the remainder of the wording requested by the submitter, and recommended by the s42A report author, should be accepted. In our opinion, the submitter's wording does not provide the clarification sought on the purpose of these provisions. Hence, we recommend a simple amendment to the notified provision that reflects the purpose of the UFD chapter.
19. Accordingly, the Panel recommends that the submission of Forest and Bird is only accepted in part.

4. UFD-O1 and UFD-O2

20. The following is a summary of the Panel's recommended amendments in relation to UFD-O1 and UFD-O2, beyond those recommended by the s42A report author.

Provision	Panel recommendations
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UFD-O1	Amend objective to require capacity be 'provided at all times'.
UFD-O2	Amend objective to require capacity be 'provided at all times'.

21. The submission points we consider here are those of Kāinga Ora² who requested that both UFD-O1 and UFD-O2 be amended to require that *'there is, at all times, at least'* sufficient capacity to meet housing bottom lines. Kāinga Ora considered this change necessary to reflect the requirements of Policy 2 of the NPS-UD. Five submitters³ also sought the addition of 'at least sufficient' to UFD-O1 along with a number of amendments to that objective as follows:

"At least sufficient feasible development capacity for residential activity in each township to meet specified housing bottom lines, a wide range of housing types, sizes and densities and a changing demographic profile of the District as follows:..."

22. The s42A report author recommended accepting the submissions in part by beginning the objective with *'At least'*. This was on the basis that it would *"provide some context as to how Council is to implement Policy 2 NPS-UD."* However, he did not extend that recommendation to the second part of Kāinga Ora's request, which sought that *'at all times'* also be included, on the basis that it did not *"provide any additional clarity or context"*. He advised that the Council has been party to numerous development capacity studies, and it is these processes that Council *"ensures that 'at least' and 'at all times' sufficient capacity is provided"*.
23. Ms Dale, the planner for Kāinga Ora, contested this position in her evidence. In her view, *"it is necessary to include 'at all times at least' in order to give effect to, and to achieve consistency with, Policy 2 of the NPS-UD."* She highlighted the fact that the words *'at all times'* were introduced into the NPS-UD in 2020, replacing the phrase *'at any one time'* in the earlier NPS-UDC 2016. In her view, this change *"signals that sufficient development capacity must be provided for as a minimum rather than an ultimate target. Policy 2 of the NPS-UD now very clearly anticipates local authorities seeking to achieve a higher standard than simply "sufficient"."*
24. The Panel favours Ms Dale's evidence on this matter. We agree with her that the overall direction of the NPS-UD 2020 is that providing *'sufficient'* capacity is a minimum, not an ultimate target. All the planners involved in the Hearing Stream 12D joint witness conference on NPS-UD matters agreed that *"the term 'at least' indicates a preference for enabling rather than constraining development capacity"*.⁴ This is consistent with Objective 2 of the NPS which seeks to *"improve housing affordability by supporting*

² 325.7; 325.8

³ John and Coral Broughton [223.3]; Richard and Geoff Spark [183.2]; Rick Allaway and Lionel Larsen [236.3]; Dalkeith Holdings Ltd [242.3]; Miranda Hales [246.4]

⁴ See JWS – Planning, Hearing Stream 12D, dated 30 August 2024

competitive land and development markets”. This has been an important consideration in how we have approached rezoning requests.

25. As a consequence, we recommend that Kāinga Ora’s submission be ‘accepted’ as opposed to ‘accepted in part’.
26. With respect to the submitters that sought reference to a range of housing types etc, the s42A report author recommended that these submissions be rejected. This was because *“the content of the amendment on types, sizes and densities to UFD-O1 and UFD-O2 are within the proposed Variation 1 amendments to MRZ-O1 and MRZ-P1 and therefore...the provisions do not need to be repeated in the UFD chapter.”*
27. While the Panel accepts that the more detailed zone provisions address these matters, we note here that SD-O2 Urban Development also incorporates some of these elements, for instance SD-O2(4) which “provides a range of housing opportunities”. We have also recommended that Kāinga Ora’s submission on that objective be accepted, which brings it further into line with the NPS-UD.⁵ As SD-O2 is the overarching PDP objective on urban development, we do not consider it necessary to repeat its content in UFD-O1, which is essentially addressing the Council’s requirement to set housing bottom lines in accordance with Policy 7 of the NPS-UD.

5. New Residential Development Areas: UFD-P2, Map A of the RPS, and NPS-UD

28. The following is a summary of the Panel’s recommended amendments to UFD-P2, beyond those recommended by the s42A report author:

Provision	Panel recommendations
UFD-P2	Amend to be more consistent with the provisions of the NPS-UD and the RPS
UFD-P1	Consequential amendment to remove reference to ‘urban centres’ and replace with ‘urban areas’.

29. The submissions we consider here seek a range of changes to UFD-P2 in relation to how development is provided for in the district, particularly in the context of the SD provisions, the CRPS and the NPS-UD. The main themes are as follows:
 - Amend UFD-P2 to refer to Map A of the RPS rather than the Future Development Strategy (FDS) to give effect to Chapter 6 in the Canterbury Regional Policy Statement.⁶
 - Amend the wording of the Policy to remove constraints on residential land

⁵ See recommendation on Kāinga Ora [325.3] Strategic Directions Decision report

⁶ Ecan316.8

development across the entire district, including the removal of the avoid directive in clause 2.⁷

- Amend the policy to align with SD-O2 and Policy 6 of the NPS-UD.⁸
- Amend the policy so that future development only occurs within the future urban development areas already identified within the Future Development Strategy 'Our Space 2048'.⁹

30. The key issue we address here is the concern that the Policy does not give effect to Chapter 6 of the CRPS, which was the focus of the submissions from Environment Canterbury and Christchurch City Council. The s42A report author considered the policy to be consistent with the wider objectives of Chapter 6 (Objective 6.2.2(5) (8) and (9) and Objective 6.2.1(8)). He did not consider it necessary to refer to Map A in the policy *"partly because Councils' new development areas identified in the Proposed Plan implement Map A of the RPS."* In his view, the Policy *"enables Council to meet the requirement of Policy 2 of the NPSUD."*
31. At the hearing, Ms Mitten, a Principal Planner with Environment Canterbury, addressed this matter at length in her evidence. Her concern with referencing the FDS's rather than Map A in the Policy was that an FDS can be amended through a Local Government Act process, which does not require mandatory public consultation or an appeal process, and could be changed so that it would not give effect to the RPS. She was also concerned that the definition of FDS was unclear. She noted that the definition does not require that an FDS be produced under the NPS-UD and that any number of WDC strategies or policies may meet the requirements of the definition.
32. Ms Mitten was also concerned that the wording of UFD-P2(2) would enable residential development within Greater Christchurch outside of the areas identified in Map A and is therefore inconsistent with the RPS. She also addressed the position of a number of further submitters¹⁰ who stated that the NPS-UD allows for development outside of Map A, so the Policy does not need to refer to it. She acknowledged that development outside of Map A may be allowed but only under very strict circumstances, noting that the NPS-HPL criteria will further impact on that.
33. The s42A report author responded to Ms Mitten's evidence in his reply report. In relation to the FDS issue, he drew our attention to clause 3.12(1) and (5) of the NPS-UD. Section 3.12(1) requires Tier 1 authorities to prepare an FDS for their tier 1 urban environment every 6 years and in time to inform the next long-term plan. In his opinion, the FDS is not part of a RPS because Clause 3.12(5) states that *"an FDS may be prepared and published as a stand-alone document or be treated as part of any other document (such as a spatial plan)"*. His concern with the reference to Map A in the policy was that the *Our Space 2018-2048* document clearly identifies the need for further assessment of the growth areas identified within Map A because no detailed analysis of site-specific

⁷ Rolleston Developments Ltd [326.52], J & C Broughton [223.4], Concept Services [230.2], R Allaway & L Larsen [236.5], and Ngāi Tahu Property [411.5]

⁸ Kāinga Ora [325.10]

⁹ Christchurch City Council [360.9]

¹⁰ Richard and Geoff Spark [FS37] Miranda Hales [FS46].

constraints has occurred. As a consequence, some of the identified growth areas may not be suitable development and therefore Map A would not be able to meet the requirements of the housing development capacity requirements of the NPS-UD.

34. To deal with this issue, he advised that clause 1 of Policy UFD-P2 identifies the new residential development areas that form part of Map A and identifies them as Development Areas (DAs) while clause 2 provides for residential development outside of the DAs identified in Map A. Policy UFD-P2(2) is also intended to enable development outside the Greater Christchurch Area (GCA), should it be required.
35. The issue of the different policy context for development within and outside of the GCA was addressed further by the expert planners involved in the JWS at subsequent Hearing Streams. These expert planners also addressed the implications of Objective 6(c) and Policy 8 of the NPS-UD for the urban form established by Map A of the RPS. That policy framework requires local authorities to be responsive to plan changes that would add significantly to development capacity, even if the development is unanticipated by RMA planning documents or is out of sequence with planned land release.
36. The expert planners' JWS for Urban Growth and Development¹¹ all agreed that this policy framework "*provides an additional mechanism in the context of the CRPS Chapter 6 "avoid" requirements that are not necessarily responsive to urban growth and housing capacity*". This matter was considered in more detail by the experts in subsequent hearings¹² with the expert planners all agreeing that "*responsive does not necessarily mean that proposals qualifying under Policy 8 must be granted. Rather, the policy provides a pathway for the consideration of proposals that are otherwise 'unanticipated' or 'out of sequence'. Further, a positive lens should be applied to such proposals accounting for the significant capacity they provide and the objectives of the NPS-UD to improve affordability and support competitive markets.*"
37. Those expert planners also agreed "*that rezoning requests may be considered under Policy 8 regardless of whether there is sufficient development capacity or not under Policy 2 of the NPS-UD.*" Mr Wilson elaborated on his opinion on this matter in subsequent hearings¹³ when he said, "*I do not agree with the scenario where a shortfall must exist before additional land can be released*". He went on to say:

*The interpretation scenario I prefer – interpretation approach 2 in my s42A report– uses the **responsive planning provisions of the NPSUD to step aside from these limitations and restrictions, down-weighting or appropriately weighting them**, enabling the consideration of all development proposals on their merits, insofar as the CRPS provisions give effect to the NPSUD. As the CRPS provisions are not inconsistent with the NPSUD, these must be applied with the NPSUD responsive planning pathway, as s75(3) RMA requires that they are given effect to.*

¹¹ Joint Witness Statement – Urban Growth and Development (Planning) Day 2, 26 March 2024, paragraph 11

¹² Hearing Stream 12D.

¹³ Hearing Stream 12E s42A reply report

*I consider that the CRPS gives effect and context to a “well-functioning urban environment”, **Policy 8 allows the “avoid” or other prohibitive ‘urban limit’ components of the CRPS provisions to be disregarded**, but the other components of these provisions remain to be implemented. However, particularly in regard to cl 3.8 NPSUD, the Chapter 6 provisions still retain strong weight and may ultimately be determinative upon the location and nature of any new urban areas. [our emphasis]*

38. In our initial deliberations at the end of the hearings, we formed the tentative view that the UFD policy framework did not appropriately recognise the different planning regimes within and outside of the GCA as defined by Map A of the RPS. We also agreed with the expert planners that Policy 8 of the NPS-UD, which has not been given effect to in the RPS, requires consideration of development proposals regardless of whether there is significant capacity already provided for by the relevant planning documents.
39. We also agreed with the planners that this policy framework allows us, as Mr Wilson put it, to ‘step aside from’ the limitations and restrictions imposed by Map A and the policy framework of the RPS but that the remainder of the RPS policies must be applied. That means the land does not need to be identified in a planning document for future growth before we can consider it.
40. Our tentative conclusions on these matters led to the following question being put to the s42A report authors in Minute 43:

During the course of the hearings on the UFD chapter (and subsequent chapters) it became apparent that various policies in the UFD chapter (at least P2, P3, P7, and P8) need to be revised to address the different development criteria that applies within the Greater Christchurch Area (Chapter 6 of the CRPS and Map A) and that which applies outside the Greater Christchurch Area (Chapter 5 of the CRPS). Complicating this issue is how the application of the Policy 8 of the NPSUD might apply in this policy context, in particular where feasible development capacity under UFD-01 cannot be met in the urban form required by Map A of the CRPS. The Panel has heard substantial evidence on the need to address shortfalls outside of the areas identified on Map A, and outside the areas identified in UFD-P2(1). To assist the Panel with its deliberations, can you please provide a set of provisions that:

- a) *split the policies into two parts (inside and outside of the GCA), and*
- b) *incorporate a policy basis to address Policy 8 of the NPS-UD.*

41. The s42A report authors who considered this question (Mr Buckley, the s42A Report author of this chapter, and Mr Wilson) noted that while the notified UFD provision did attempt to address these matters, they largely agreed with the Panel’s interim view (and therefore Environment Canterbury and Christchurch City Council) that “*further clarity was required to address the distinction between Chapter 5 CRPS (outside of the dashed*

line in Map A of the CRPS), and Chapter 6 (inside the dashed line in Map A of the CRPS)."
In response, they produced an amended set of UFD policies, which included a substantial rewrite of UFD-P2, to address this issue and Policy 8 of the NPS-UD. Various submission points from Environment Canterbury and Christchurch City Council were identified as providing scope for the proposed changes.

42. The notified UFD-P2 is as follows:

UFD-P2 Identification/location of new Residential Development Areas

In relation to the identification/location of residential development areas:

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

43. The s42Areport authors' final recommended version of the policy is broken into two parts, the first addressing the GCA and the second addressing outside the GCA. Both clauses provide for development in identified areas and outside of those areas where the development provides significant capacity and meets certain criteria. The recommended policy (without track changes) is as follows:

UFD-P2 Identification/location of new Residential Areas

Within Greater Christchurch, general residential and medium density residential areas, contribute to well-functioning urban environments by:

a) *being located only within existing urban areas, Greenfield Priority Areas, or Future Development Areas identified in the Canterbury Regional Policy Statement and development areas identified in the District Plan as of <date of notification>;*

or

b) *provides significant development capacity which meets all of the following criteria:*

i. *it responds to a shortfall identified by the most recent Housing and Business Development Capacity Assessment; and*

ii. *it is of a high yield relative to either the forecast demand or the identified shortfall, for the entire territorial authority area; and*

iii. *it will be realised in a timely manner, with commencement of the development in the short to medium term;*

iv. *it provides additional development infrastructure at the time of rezoning to support the proposal, or provides sufficient certainty that this can be provided, including by way of developer funding, developer agreements and other legal mechanisms;*

c) *are integrated with infrastructure planning and funding decisions by occurring in a manner that makes use of existing and planned transport upgrades, including public transport, and three waters infrastructure, or where such infrastructure is not available or planned, upgrades, funds and builds infrastructure as required;*

d) *are strategic over the medium-term and long-term, or identified in the FDS and the DDS;*

e) *occur in an area that is well connected along transport corridors with good accessibility for all people to housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport*

f) *concentrate higher density residential housing in locations focusing on activity nodes such as any key activity centres, schools, public transport routes and open space;*

g) *take into account the need to provide for intensification of residential development while maintaining appropriate levels of amenity values on surrounding sites and streetscapes;*

h) *are informed through the development of an ODP;*

i) *support¹⁴ reductions in greenhouse gas emissions, including through settlement patterns that reduce vehicle kilometres travelled and support public and active transport;*

j) *are resilient to natural hazards and the likely current and future effects of climate change as identified in SD-O6;*

¹⁴ Environment Canterbury[316.8] wrap up report.

Outside of Greater Christchurch, general residential areas contribute to well-functioning urban environments by:

- k) being located only within existing urban areas, and development areas identified in district plan as at <date of notification>;*
- or***
- a) occurring in a form that concentrates, or integrated with existing urban areas and promotes a coordinated pattern of development;*
- b) providing significant development capacity which meets all of the following criteria:*
 - i. it responds to a shortfall identified by the most recent Housing and Business Development Capacity Assessment; and*
 - ii. it is of a high yield relative to either the forecast demand or the identified shortfall, for the entire territorial authority area; and*
 - iii. it will be realised in a timely manner, with commencement of the development in the short to medium term; and*
 - iv. it provides additional development infrastructure at the time of rezoning to support the proposal, or provides sufficient certainty that this can be provided, including by way of developer funding, developer agreements and other legal mechanisms;*
- c) protecting highly productive land;*
- d) avoiding adverse reverse sensitivity effects, and fragmentation on land used for primary production;*
- e) being integrated with infrastructure planning and funding decisions by occurring in a manner that makes use of planned transport upgrades, including public transport, and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required;*
- f) being strategic over the medium-term and long-term, or identified in the DDS;*
- g) occurring in an area that is well connected along transport corridors with good accessibility for all people to housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;*
- h) taking into account anticipated amenity values on surrounding sites and streetscapes;*
- i) being informed through the development of an ODP;*
- j) supports reductions in greenhouse gas emissions, including through settlement patterns that reduce vehicle kilometres travelled and support public and active transport;*

k) being resilient to natural hazards and the likely current and future effects of climate change as identified in SD-06.

The ‘Urban Environment’

44. The Panel has identified a number of issues with the recommended policy, particularly around scope, which we address below. However, the first issue we discuss here is the reference in both parts of the policy to ‘urban environment’, which is defined in the NPS-UD as follows:

means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

*is, or is intended to be, predominantly urban in character; and
is, or is intended to be, part of a housing and labour market of at least 10,000 people*

45. We address the extent of the ‘urban environment’ here because it is an important consideration for these policies. It is also relevant to determining the applicability of the NPS-UD in respect of rezoning submissions, which are considered in our subsequent decision reports. How the urban environment is defined has implications for the housing capacity assessment. A wider definition of the ‘urban environment’ is likely to capture more housing demand compared to a narrower definition.
46. Expert planners for the Council and those representing a number of submitters engaged in expert witness conferencing on the definition of the ‘urban environment’¹⁵. The experts did not agree on what an ‘urban environment’ was. Expert opinion fell into three different camps, which the JWS summarised as follows:

“(a) Experts who consider that the definition of the urban environment for Greater Christchurch is complete and implemented through the dashed line on Map A.

(b) Experts who consider that Map A defines the urban areas of Greater Christchurch but that there is ambiguity in how Map A defines the urban environment for Greater Christchurch.

(c) Experts who consider there may be other urban environments beyond the dashed line in Map A/Greater Christchurch based on the two limb tests of the NPS-UD definition.”¹⁶

47. With respect to the first limb of the definition, all planners agreed that the land contained within the existing urban areas, greenfield priority areas, future development areas and other areas contained within the projected infrastructure boundary is (or is intended to be) predominantly urban in character. They also agreed that there may also be additional areas beyond these within the GCA that may also be, or intended to be,

¹⁵ Joint Witness Statement – Urban Environment (Planning) Day 1 Date: 26 March 2024

¹⁶ Paragraph 13

predominantly urban in character but would be subject to a case by-case assessment of urban character.

48. The area of disagreement related to whether all GCA is, or is intended to be, predominantly urban in character, with the planners essentially split on this question. The difference of opinion on this issue primarily related to the degree to which 'predominantly' includes rural areas. Interpretation also differed on what constitutes 'character'.
49. With respect to the second limb of the definition, all the planners agreed that all Greater Christchurch is part of the Christchurch labour and housing market and that areas beyond Greater Christchurch may also be part of the Christchurch labour and housing market, *"but the connection becomes more tenuous with distance from the city, for example, Oxford, but not Lees Valley."*
50. Three of the Council planners¹⁷ consider that *"it is the prerogative of the relevant local authority to determine what an urban environment is for the purposes of applying the NPS-UD in planning decisions."* They consider that *"the outer dashed line on Map A of the CRPS corresponds to the Greater Christchurch 'study area' rather than the 'urban environment'."* Mr Phillips, a planner for Carter Group Property Ltd and Rolleston Industrial Developments Ltd,¹⁸ stated in his evidence for Hearing Stream 12D¹⁹ that the NPS-UD itself defines the 'Greater Christchurch area as the 'urban environment' (Table 1), and that non-statutory documents such as "Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga" (Our Space) and the Greater Christchurch Spatial Plan (GCSP) (as endorsed on 16 February 2024) consolidate that view. This view was endorsed by the legal submissions of Ms Appleyard for Carter Group Property Ltd and Rolleston Industrial Developments Ltd.
51. The Panel does not agree that the definition of 'Tier 1 urban environment' in Table 1 of the NPS-UD assists in determining what the 'urban environment' is for those environments listed. These areas still need to be assessed against the criteria within definition of 'urban environment' to identify the relevant urban environment for the application of the NPS-UD policies. While we agree that the GCA *"is, or is intended to be, part of a housing and labour market of at least 10,000 people"*, we are not convinced that it meets the first part (*"is, or is intended to be, predominantly urban in character"*) of what is a conjunctive test. We note that many of those Tier 1 and 2 local authorities listed in the Appendix contain large areas of rural land so they cannot automatically be considered as predominantly urban or intended to be predominantly urban. We agree with the expert planners who consider this assessment is ultimately a matter of judgement and expertise, having regard to particular facts and circumstances applying to that area.
52. Mr Phillips and others suggest that this assessment has been done in the documents he refers to in his evidence as outlined above. However, the Panel is not convinced that

¹⁷ Ms Manhire, Mr Wilson, Mr Buckley

¹⁸ Carter Group Limited and Rolleston Industrial Developments Limited

¹⁹ Paragraphs 19 to 29

these documents identify the GCA as the ‘urban environment’ for the purposes of the NPS-UD. The maps included in those documents (generically known as Map A in the RPS) merely outline the extent of the Greater Christchurch area. We tend to agree with Mr Wilson’s comments in the Position Paper attached to the JWS²⁰, where he said:

- *Map A, with the outer dashed line for the transport/commuting boundary (that corresponds to the 2007 UDC) existed prior to Our Space, having been in the original CRPS.*
- *Figure 1 of Our Space maps the Greater Christchurch study area (light green), but then maps the urban areas as dark green, continuing the pattern of Map A. Most of the light green area is rural land not intended to become urban as show in the map itself.*
- *At no point in its various incarnations has Map A ever explicitly defined the Greater Christchurch study area as the urban environment, having never been defined with a legend item.*
- *Instead, Map A, including its changes and updates following the NPS-UDC and NPS-UD has continued with mapping urban areas (shaded) and has never defined what the outer dashed line is.*
- *If there was intent within the CRPS to have the Greater Christchurch study boundary as the urban environment boundary, it would have come in through change 1 or prior to that, but that never occurred.*
- *The only CRPS reference to the urban environment came in the s55 changes following the NPSUD in 2022, not as a definition or as a change to Map A, and in itself, is still unclear as to what the “area in Map A” is. This insertion has not resolved the issue.*
- *If the CRPS was to contain an urban environment definition, it would either be as a legend item on Map A, or a definition, or both, but it does not contain these. This would also have to occur via a Schedule 1 RMA process.*
- *Instead, the projected infrastructure boundary defines the urban environment for the purposes of Map A.*

53. The ‘Our Space’ document simply says that “*the Partnership has determined that the Greater Christchurch area shown in Figure 1 **should be the geographic area of focus** for the Update and the relevant urban environment for the purposes of the NPS-UDC requirements.*” Figure 1 itself shows ‘urban area including identified growth areas’ as a darker green colour within the lighter green that depicts the GCA. We have reviewed the GCSP to determine whether the definition of ‘urban environment’ has been advanced in this document, but the same lack of certainty exists. As Mr Phillips notes in his Stream 12D evidence, while the “*the Spatial Plan refers to the urban environment, it does not explicitly define it.*” However, he goes on to note that the GCSP states that ‘*The Spatial Plan satisfies the requirements of a future development strategy under the National Policy Statement on Urban Development*’ and suggests that this means the entire GCA

²⁰ Page 26

is the urban environment, with Map 2 of GCSP relating to the Greater Christchurch urban environment.²¹

54. Map 2 shows the location of urban areas, both existing and future. However, in the Panel's view it does not suggest the entire area is urban or is intended to be urban. The map illustrates that the urban areas are widely dispersed across the GCA and illustrates how they are linked with transportation networks across the non-urban part of GCA. It is 'drawing a long bow' to suggest the entire area is, or is intended to be, the urban environment for the purposes of NPS-UD, particularly when the NPS-HPL is factored into that assessment.
55. Mr Willis, an expert planner representing the Council in the expert witness conference, elaborated on his view on this issue in a subsequent hearing stream²² when he noted that *"the Greater Christchurch Spatial Plan (GCSP) states that highly productive land within Greater Christchurch is to be protected for food and fibre production (for example 3.4 pages 24 & 58; and 5.4 page 25)."*²³ A significant component of Waimakariri District that falls within the GCA contains highly productive land (HPL) and other rural land. The s42A report author noted:

"the 2018 Boffa Miskell Rural Character Assessment (which informed the Proposed Plan) did assess rural character within the entire Waimakariri District, including the District's area within Greater Christchurch. It did not conclude that the whole of that part of the District within Greater Christchurch is predominantly urban in character. Rather it identified areas of urban character and areas of rural character and indicated that the rural areas were not uniform, with different areas identified such as Coastal Plains, Lower Plains and Waimakariri River Plains."

56. In our view, it is clear from the from 2018 Boffa Miskell Rural Character Assessment that the entire GCA component of the district is not predominantly urban in character. It is also clear to us from GCSP, the RPS and the NPS-HPL that it is not intended for it to be predominantly urban either.
57. Ms Appleyard for Carter Group Property Ltd and Rolleston Industrial Developments Ltd argued *"that if a narrow interpretation was adopted as for example, only including specific existing townships, it would ignore how urban Canterbury functions and would be contrary to the purpose of the NPS-UD in that it would prevent responsiveness and local authorities from adapting to emerging issues, such as climate change."*²⁴ The Panel has difficulty reconciling this argument with the fact that the GCA is subject to spatial planning processes, which address such issues, while she herself highlighted that, with respect to the responsive planning provisions of the NPS-UD, the phrase 'intended to

²¹ Statement of evidence of Jeremy Phillips (Planning) on behalf of Carter Group Limited and Rolleston Industrial Developments Limited, paragraphs 26-29.

²² Hearing Stream 12D

²³ Paragraph 48

²⁴ Legal submissions on behalf of Carter Group Property Limited and Rolleston Industrial Developments Limited, paragraph, paragraph 33

be' does not state who must have the intention for an area to be 'predominantly urban'. This is a proposition that we understood all the planners agreed on. The planners also agreed that the responsive planning provisions allow local authorities to step outside of any limits or constraints imposed on the extent of the 'urban environment'. Given that everyone, including the Panel, agrees that the GCA "is, or is intended to be, part of a housing and labour market of at least 10,000 people", we do not consider it fatal for "unanticipated or out-of-sequence developments coming forward from private developers"²⁵ that the entirety of the GCA is not an urban environment.

58. On balance, we conclude that the entire GCA within Waimakariri District is not intended to be 'urban environment'. In our view, the shaded areas on Map A, shown as Existing Urban Areas, Future Development Areas and Greenfield Priority Areas, along with any other land that may be within the 'projected infrastructure boundary' will fall within the 'urban environment' of the GCA. But as we have discussed above, this does not stop other areas becoming part of the urban environment 'it if is intended' under the responsive planning provisions, given we agree that the GCA meets the second part of the NPS-UD definition of 'urban environment'.
59. We also agree with the planners that there may well be 'urban environments' outside of the GCA but that these would be subject to a case-by-case assessment of urban character. We would expect places such as Oxford and Ashley to fall within the definition given their commuter links with Rangiora.

Definition of Urban Environment in the PDP

60. A related issue is the submissions on the definition of 'urban environment' within the PDP. This issue was discussed in both the s42A reports for SD and UFD and has implications across both chapters. Two submitters requested changes to this definition through submissions on the SD chapter, with one requesting the inclusion of the LLRZ Overlay in the definition²⁶ and the other seeking the inclusion of Pegasus.²⁷ The s42A report author recommended accepting those submissions. However, his position changed in the UFD s42A report when considering the same submissions along with those of Environment Canterbury²⁸ and Christchurch City Council²⁹ who questioned the consistency of the provisions with the RPS. We understand his concern to be an "inconsistency with the use of the term "Urban Environment" (defined in the NPSUD) in the Strategic Directions, Urban Form and Development and Natural Hazards chapters."
61. To address this issue, he recommended deleting the definition of 'urban environment' and the inclusion of the term 'urban centres' where necessary. He defined this as 'The area encompassing the townships of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus'. After the response to Minute 43, which lead to the recommended redraft of

²⁵ Ibid, paragraph 27.3

²⁶ A Carr [185.5]

²⁷ Ravenswood Developments Limited [347.4]

²⁸ 316.8 and 316.13

²⁹ 360.9. 360.10 and 360.11

UFD-P2, the phrase 'urban centre' was only used in UFD-P1(1), which addresses intensification in urban areas.

62. The Panel is comfortable with the deletion of 'urban environment' because that is defined by the NPS-UD but does not apply to all of the urban areas within the district. However, as the s42A report author pointed out in his reply report, deleting this definition does present a difficulty in relation to the application of NH chapter provisions because the 'urban environment' definition was initially included in the PDP to identify those areas within the district where the urban flood maps apply. To resolve that concern, the s42A report author recommended a new definition be included as follows:

Urban Flood Assessment

For Waimakariri District, the urban flood assessment comprises the towns of Rangiora, Kaiapoi, Woodend (including Ravenswood), Pegasus, Oxford, Waikuku, Waikuku Beach, The Pines Beach, Kairaki, Woodend Beach, the small towns of Ashley, Sefton, Cust, Ohoka, Mandeville, and all Large Lot Residential Zone areas and Special Purpose Zone (Kāinga Nohoanga).

63. We are comfortable with this recommendation with the exception that it be renamed 'Urban Hazard Area', and we have recommended the relevant provisions in the Natural Hazards chapter be amended accordingly.
64. The Panel is uncomfortable with the use of phrase 'urban centres' given it is restricted to the townships of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus. The urban 'area' is wider than that in the Waimakariri District as it includes urban areas outside of these towns that may be subject to intensification, and it also includes areas that are 'urban' but not part of the 'urban environment' for the purposes of the NPS-UD, such as township outside the GCA. Hence, we recommend the use of 'urban area' in UFD-P1 and UFD-P3 but do not recommend that the term needs to be defined, as its ordinary meaning is clear.

UFD-P2 - The Greater Christchurch Policy Area

65. We now address the content of the new UFD-P2 as recommended by the s42A report authors in response to Minute 43. Turning first to the GCA part of the policy, we note that Clause 1(a) effectively provides for development within the areas shown on Map A. As we discussed above in the introductory section, the submission of Environment Canterbury sought that UFD-P2 refer to Map A of the RPS rather than the FDS to give effect to Chapter 6 of the RPS. The s42A report author did not consider this necessary in the s42A report "*partly because Councils' new development areas identified in the Proposed Plan implement Map A of the RPS*" but changed his position in the final reply to Minute 43. The recommended clause (a) now refers to "*being located only within existing urban areas, Greenfield Priority Areas, or Future Development Areas identified in the Canterbury Regional Policy Statement and development areas identified in the District Plan*".

66. While we acknowledge that this may address Environment Canterbury's concern, the Panel prefers the report author's original view that Map A, or the various different areas within it, does not need to be referred to in the policy. The 'development areas' referred to in this clause reflect Map A and, in our opinion, that is all that is required. While we note that some of the Development Areas identified on Map A are potentially constrained by what Mr Wilson described as *'the "avoid" or other prohibitive 'urban limit' components of the CRPS'* (for example, the airport contour and flood hazards in Kaiapoi), our recommendations for rezoning these areas has included an assessment against the responsive planning provisions and 'well-functioning urban environment' criteria of the NPS and Policy 6.3.12 of the RPS.
67. Clause 1(b) would appear to provide for the responsive planning provisions of the NPS-UD. However, as drafted, any development assessed under this clause must meet all of the criteria listed in (a) to (d). Clause (a) requires there to be a 'shortfall' in capacity but as we highlighted above, all planners agreed that there does not need to be a shortfall for Policy 8 of the NPS-UD to apply. In our view, this clause is inconsistent with the responsive planning provisions of the NPS-UD. Subclauses (b) and (c) are also inconsistent with the responsive planning provisions and there are no submissions requesting these additions, or policy support from the higher order documents. In any event, we do not think they are necessary. Hence, we have recommended these clauses be deleted.
68. With respect to subclause (d) we note that infrastructure is already addressed in clause (c), which all development under clauses (a) and (b) is required to achieve. While it is framed slightly differently, we do not think it adds anything extra to the policy and have recommended deleting it.
69. Turning to clauses (c) to (j), we note that many of these matters were included in the original policy so there is scope to retain some of them. However, clause (d) is again at odds with the responsive planning provisions and there is no submission requesting its inclusion. We have recommended its deletion accordingly.
70. We have also recommended deleting part of (i) as it was not part of the original policy and there are no submission requesting that addition, or policy support from the higher order documents.
71. We have also recommended including two additional clauses that address HPL (g) and reverse sensitivity (h) in response to submissions.³⁰ We agree with the submitters that it is appropriate that these matters be considered at the overarching policy level when land is being identified for residential development. We also note these clauses reflect the requirements of both the RPS and the NPS-HPL.

³⁰ Fulton Hogan[41.16]; Aggregate and Quarry Association [127.5]; Daiken New Zealand Ltd [145.11]; NZ Pork [169.12]; Forest and Bird[192.35]; Federated Farmers [414.59]

UFD-P2 - Outside the Greater Christchurch Policy Area

72. Many of the provisions discussed above in relation to the GCA have been included in the policy relating to land outside of the GCA. We have recommended deleting those provisions from the Outside GCA policy for the same reasons.
73. With respect to the chapeau of this policy, in line with our discussion above on the ‘urban environment’, we are comfortable that it is referenced in the ‘Outside GC’ policy as there is likely to be environments that meet the NPS-UD definition outside the GC (e.g. Oxford). However, there are also urban areas and settlements in this policy area that do not meet that definition. We have therefore recommended referring to these areas in the chapeau of our recommended policy.
74. We are comfortable with the reference to ‘development areas’ in clause (a), as these would need to be identified in accordance with Objective 5.2.1 and Policy 5.3.1 of the RPS. Clause (b) was in the original policy and reflects the Policy 5.3.1(1) of the RPS. The s42A report author accepted Kāinga Ora’s submission to replace ‘or is attached to’ from that policy with ‘integrated with’, which we agree with.
75. Clause (c) addresses the responsive planning provisions of the NPS-UD, but we have recommended limiting its application to the ‘urban environment’ under that document rather than the entire policy area. We have also recommended deleting subclauses (i) to (iv) for the reasons outlined above.
76. We note that the recommended policy for ‘outside GCA’ did contain clauses that address HPL and reverse sensitivity. The Panel considers the changes appropriate but have recommended some slight amendments to better reflect the provisions of the RPS and the NPS-HPL. However, we have not included reference to ‘fragmentation’ in this policy as its intention is to provide for new residential land so that may lead to the fragmentation of land currently used for primary production. However, any such development must comply with the locational constraints that will assist in reducing fragmentation of primary production land.

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

77. The following is a summary of the Panel’s recommended amendments to UFD-P3, beyond those recommended by the s42A report author:

Provision	Panel recommendations
UFD-P3	Amend the policy to align with the different requirements for LLRZ within and outside GCA, and for consistency with NPS-UD

78. The submissions we consider here seek a range of changes to UFD-P3 in relation to how large lot residential development is provided for, particularly in the context of the SD provisions, the CRPS and the NPSUD. The main themes are as follows:
- Amend UFD-P3 to refer to Map A of the RPS rather than the Future Development Strategy in order to give effect to Chapter 6 in the Canterbury Regional Policy Statement.³¹
 - Enable it to attach to the GRZ.³²
 - Enable it to be located on the edge of townships.³³
 - Enable new Large Lot Residential Zone development that is not included in the Rural Residential Development Strategy or identified in the District Plan.³⁴
79. The response of the s42A report author to the submissions (who is also the s42A report author for the Hearing Stream 12C LLRZ rezonings) was similar to his response to the submissions on UFD-P2 (which raised similar themes), that the provisions adequately address the provisions of the RPS and *“are suitable to ensure that any site used for large lot residential development is suitable.”*
80. At the hearing, the planner for Environment Canterbury, Ms Mitten, addressed the issue of different policy contexts for development within and outside GCA. She noted that *“Policy UFD-P3 (2) does not specifically mention that this relates to outside of Greater Christchurch only. An amendment to UFD-P3 to specify that this policy applies to the area that is in outside of Greater Christchurch would clarify this further. Given this, I also have concerns regarding the extent to which this policy applies within Greater Christchurch (consistent with the concerns I have outlined above in relation to UFD-P2).”* She suggested some minor amendments that referenced Map A in the policy.
81. The s42A report author addressed Ms Mitten’s concern in his reply report. He advised that:
- “Policy UFD-P3 provides for large lot residential development for areas both inside and outside of the GCP area in accordance with the RRDS. The two areas inside the GCP area (MacDonalds Lane and Swannanoa) comply with RPS Policies 5.3.1 and 6.3.9. Those large lot residential properties outside of the GCP area only Policy 5.3.1 applies. **Those provisions listed in UFD-P3(2) apply to areas inside and outside the GCP area, which are based on both set of RPS policies.**” [our emphasis]*
82. On that basis, he did not recommend any changes to UFD-P3. However, as we have stated above, the Panel formed the tentative view that the UFD policy framework does not appropriately recognise the different planning regimes within and outside of the GCA as defined by Map A of the RPS. As a consequence, we asked that the matter be revisited in the final reply report in response to Minute 43. The final policy recommended by the s42A report authors in the Wrap Up reply report did not

³¹ Environment Canterbury [316.]8

³² Rolleston Industrial Developments Ltd [160.3]

³³ Rainer and Ursula Hack [201.3]; Rick Allaway and Lionel Larsen [236.6]

³⁴ Mark and Melissa Prosser [224.2] CA & GJ McKeever [111.3]; John Stevenson [162.2]; Chloe Chai and Mark McKitterick [256.3]; Keith Godwin [418.3]

recommend any further changes on this matter. We address that and the other changes sought below.

Overarching Issues

83. Before we address the changes sought to the policy, we consider two overarching issues that impact on how the zoning requests for LLRZ can be dealt with. In summary, these are:
- a) Is the LLRZ an 'urban' zone and therefore subject to the provisions of the NPS-UD?
 - b) In relation to the LLRZ Overlay, have these areas been identified for 'future urban development' so that the NPS-HPL does not apply?
84. These matters were addressed in the UFD hearing but considered in more detail by the rezoning hearings. As we noted above, the s42A report author was the same for both hearings.

Is the LLRZ an 'urban' zone?

85. The LLRZ was not only subject to debate and questions from the Panel within the UFD hearing but also discussed at length in the rezoning hearings with a particular focus on the issue of whether it is an 'urban zone' or not. This matter is relevant in determining whether the NPS-UD applies to these zones. The s42A report author for Hearing Stream 12C LLRZ rezonings concluded (at paragraphs 64 to 71) that *"the LLRZ was 'urban' and [I] considered the rezoning requests in this report in terms of their suitability to be an urban zone and within an urban area."* His assessment was based on the RPS definitions for 'Urban' and 'Urban activities', as follows:

Urban (in the Wider Region)

*[Note this definition applies to Chapter 5 – Land use and infrastructure]
A concentration of residential, commercial and/or industrial activities, having the nature of town or village which is predominantly non-agricultural or non-rural in nature.*

Urban activities (greater Christchurch)

means activities of a size, function, intensity or character typical of those in urban areas and includes:

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

86. Noting the definition of ‘urban environment’ in the NPS-UD and that “*NPS-HPL includes large lot residential as an urban zone within the definition of ‘urban’*”, he concluded that the NPS does not apply to the LLRZ.
87. In response to the Panel’s preliminary question on the RRDS and the responsive planning provisions of the NPS-UD at the Stream 12 LLRZ rezoning hearing, the s42A report author changed his opinion, essentially on the basis of the “urban environment” definition in the NPS-UD and his interpretation of what “urban in character” is. In essence, he did not consider the LLRZ to be ‘predominantly urban’ in character.
88. Without exception, this change in interpretation was opposed by the submitters who attended the LLRZ hearings. Mr Fowler, legal counsel for Mark and Melissa Prosser at both the UFD and LLRZ hearings,³⁵ addressed the matter in his legal submissions³⁶. He submitted:
66. *That NPS-UD does not elaborate on the phrase “predominantly urban in character”. “Predominantly” means “mainly”, “strongest”, or “prevailing”. “Character” refers to the collective “qualities” or “characteristics” or “features” that distinguish a thing.*
67. *Giving the phrase its plain and ordinary meaning, considered as a whole, it describes an area of land that has the main or prevailing features and characteristics of an urban environment.*
89. Mr Allan, the planner for the Prosser’s, addressed this issue fully in his supplementary evidence. He did not agree that density alone or the lack of curb and channelling, streetlights, businesses, and community services were determinative of whether an area of land is ‘predominantly’ urban in character. He also analysed the various planning instruments, concluding that LLRZ is ‘urban’.³⁷ Mr Allan stated:
- *NPS-UD Clause 3.35 Development outcomes for zones – the PWDP describes the purpose of LLRZ “is to provide residential living opportunities for predominantly detached residential units on lots larger than other Residential Zones”. This is reinforced by LLRZ-O1 and the supporting policies (e.g. LLRZ-P1) and rules (e.g. LLRZ built form standards), thus establishing the predominant low-density residential character as the development outcome intended for LLRZ, as required by clause 3.35(1)(a) and (b), NPS-UD.*
 - *National Planning Standards (NPS) – LLRZ is defined as “areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the low density residential and general residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development”. Use of the term ‘residential’ in the zone name places LLRZ in the suite of residential zones identified in the NPS, which I consider is an intentional naming convention to clearly distinguish the predominant purpose of zones, i.e. residential, rural,*

³⁵ 224

³⁶ Mr C Fowler, Legal Submissions for Mark and Melissa Prosser, Hearing Stream 12C

³⁷ Paragraph 40

commercial.

- *NPS-HPL – while this document is not directly relevant to these proceedings, it does include LLRZ in its definition of ‘urban’.*
- *CRPS – read in context, the definitions of ‘urban’, ‘urban activities’, ‘rural residential activities’ and ‘rural activities’ place LLRZ-enabled development and activity at the ‘urban’ end of the spectrum.*
- *PWDP – defines ‘urban environment’ as per the NPS-UD, and also specifically includes “the small towns of...Mandeville, and all Large Lot Residential Zone areas...”*

90. In her response to the report author’s change in position, Ms Kealey, the planner for Andy Carr³⁸, disagreed that the LLRZ’s *“are not identified as such [urban] within the NPS-UD”*. In terms of urban character, she noted that *“a LLRZ zone must be connected to Council services and is not expected to contain ‘rural’ type activities, such as farming”* and *“that rural activities in the LLRZ are secondary, and the primary purpose, character and amenity therefore are for residential living and not for typically rural activities.”* She concluded that the LLRZ is an urban zone, noting that the higher order documents do not provide an ‘in between’ option.³⁹
91. The planners for the submitters all support the S42A report author’s original position, that the LLRZ is ‘urban’. The Panel is also of the view that the report author’s original position was correct, for the same reasons that have been set out by the planners above.
92. This matter has been complicated by the PDP because the density provisions for the zone (an average of 5,000m²) lead to it being identified as a ‘rural residential’ in the RPS for the GCA, which has an average density of between 1 and 2 households per hectare. However, the zone is named Large Lot Residential, and it is listed in the residential chapter in the District Plan (and there is a Rural Lifestyle zone in the Rural chapter) and in the National Planning Standards as a residential zone. The NPS-HPL also identifies it as urban. All of these do not support the identification of the LLRZ as a non-urban zone.
93. The definition of ‘urban activities’ for GCA in the RPS is as follows:

“means activities of a size, function, intensity or character typical of

those in urban areas and includes:

- ***Residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area;***
- *Business activities, except those that fall within the definition of rural activities;*
- *Sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location);*

³⁸ Submitter 158

³⁹ Supplementary Evidence of Samantha Kealey, paragraphs 3.10 and 3.11

• *Any other land use that is to be located within the existing urban area or new Greenfield Priority Area or Future Development Area.” [our emphasis]*

94. The confusing component of this is the definition of ‘residential units’, which only need to be at a density of less than 4ha of site area to be considered residential. However, this definition excludes ‘rural residential activities’ which in the GCA are residential units at an average density of between 1 and 2 household per hectare. The reason for the contradictory nature of the densities in these two definitions was not explained to us.
95. We find this confusing given we agree with submitters that the LLRZ is, or is intended to be, an urban zone, and the activities within the zone would comply with definition of ‘urban activities’ in the GCA. It would appear, however, that the s42A report author, along with Ms Mitten, have applied the ‘rural residential’ policy, despite it being identified as a ‘residential zone’ by all other means. Furthermore, we also note that the RPS policies for urban development within the GCA also apply to ‘rural residential development’ (6.3.2 Development form and urban design and 6 .3.3 Development in accordance with outline development plans), suggesting it is more urban than rural.
96. We suspect this issue has arisen due to the Council needing to adopt the zonings set by the National Planning Standards. However, the approach taken has caused significant uncertainty and is a matter that should perhaps be addressed via a plan change once the RPS has been reviewed.
97. One of the constraints on ‘rural residential’ in Policy 6.3.9, if it applies, is the requirement that new rural residential development area must be identified in a ‘Rural Residential Development Strategy’ (RRDS). Mr Fowler traversed this issue at length in his legal submissions on the Prosser zoning request.⁴⁰ He addressed the *Black v Waimakariri District Council [2014]* Environment Court decision that was discussed by the s42A report author, highlighting the different legal framework under which that was decided. He also noted that the RPS has not been updated to reflect the most recent iteration of the NPS-UD, highlighting the fact that the RRDS was prepared in 2019 when the May 2020 iteration was not in force.
98. We agree with, and adopt, Mr Fowler’s submissions on this matter. Because we consider this zone to be a residential/urban zone, we agree with him and the submitters’ planners that the responsive planning provisions of the NPS-UD apply. Therefore, the constraint imposed by RRDS is no longer a bar to development provided the locational and design intentions of the subclauses in Policy 6.3.9 are met.
99. We must also note here that the LLRZ is dealt with differently by the RPS where it is located outside GCA. In that policy area, the ‘rural residential’ definition does not contain density limitations and has the following definition:

Rural Residential development means zoned residential development outside or on the fringes of urban areas which for primarily low density residential activities, ancillary activities and associated infrastructure.

⁴⁰ Paragraphs 76 - 88

100. Arguably, this definition does not apply to land 'zoned' as Large Lot Residential particularly given the fact that 'urban' in this policy area is defined as *"a concentration of residential, commercial and/or industrial activities, having the nature of town or village which is predominantly non-agricultural or non-rural in nature"*. The village component of this would appear consistent with the anticipated character of these areas, as discussed above in Mr Allan's and Ms Kealy's evidence. And again, there is also a Rural Lifestyle Zone in this policy area.
101. However, whether LLRZ is urban or rural residential does not appear to have any great significance outside of the GC area as the relevant policy does not distinguish between the two. It requires that both 'urban growth' and 'limited rural residential development' occurs *"in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development"*.

Has the LLRZ Overlay identified land for 'future urban development' so that the NPS-HPL does not apply?

102. The issue we discuss here is whether GRUZ land with a LLRZ Overlay that contains HPL has been identified for 'future urban development' in terms of the NPS-HPL. Land that has been so identified is exempt from the NPS-HPL provisions. We note here that the LLRZ Overlay has been informed by the 'Waimakariri Rural Residential Development Strategy'.
103. As HPL has not yet been mapped in Canterbury in accordance clause 3.5(1) to (5) of the NPS-HPL, clause 3.5(7) is the operative interim definition of HPL. Clause 3.5(7) of the NPS-HPL provides:

"Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- (a) is*
 - (i) zoned general rural or rural production; and*
 - (ii) and LUC 1, 2, or 3 land; but*
- (b) is not:*
 - (i) identified for future urban development; or*
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle."*

104. The NPS-HPL defines 'Identified for future urban development' as follows:

(a) identified in a published Future Development Strategy as land suitable for

commencing urban development over the next 10 years; or
(b) *identified:*

- i. in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*
- ii. at a level of detail that makes the boundaries of the area identifiable in practice.*

105. Leaving aside his position that the LLRZ is not urban, the s42A report author acknowledged that *“the NPS-HPL clearly identifies LLRZ as urban for the context of assessment of its objective and policies”*. He also stated in his response to our questions, that *“the RRDS is a statutory planning document in line with Clause 1.3 interpretation of “Identified for future urban development”*. He advised that the overlay is *“used to identify areas where rezoning may occur where the sufficient information has been provided to demonstrate that rezoning is appropriate.”* He did note here that the RRDS itself *“states that Rural Residential is not urban: “A rural residential development area shall not be regarded as in transition to full urban development”*.” As will be evident from the discussion above, we disagree with that proposition.
106. However, the key issue here is that that the Overlay areas are not currently subject to a rezoning change to urban or rural lifestyle (so the exception in 3.5.7 (b) (ii) is not available) and hence, the ‘overlay’ must comply with the ‘for future urban development’ exemption in (b)(ii) to avoid the HPL provisions. The s42A report author addressed the NPS-HPL definition of ‘Identified for future urban development’ which he noted required the ‘strategic planning document’ to be at a level of detail that makes the boundaries of the area identifiable in practice. He stated that *“the RRDS did not identify specific boundaries, but deliberately used ‘growth directions’ as insufficient information was available to identify specific properties”* and concluded on this basis that the *“boundaries of properties are not evident in the RRDS [so] it can be assumed that it doesn’t meet the definition of having been ‘Identified for future urban development’.”*
107. The s42A report author’s position was informed by two opinions sought from Council’s legal advisors.⁴¹ Their advice was that *“land within the LLRZ Overlay is HPL for the purpose of the NPS-HPL such that the NPS-HPL is relevant to considering the PDP provisions for the LLRZ Overlay and submissions on the LLRZ Overlay or land within in it.”* While their advice was specific to certain zones, they did not consider the RRDS identified the land *“at a level of detail that makes the boundaries of the area identifiable in practice”* and referred to the Ministry for the Environment’s ‘Guidance to Implementation of the NPS-HPL’ to support that proposition.
108. The position advanced by the s42A report author and Council’s legal advisors was disputed at the Hearing Stream 12C hearing by the planner (Ms Aston) and legal counsel (Mr Cleary) representing the Survus Consultants submission⁴² in relation to 25 Ashley

⁴¹ Buddle Finlay, ‘Application of National Policy Statement for Highly Productive Land to the Large Lot Residential Zone Overlay’, 29 June 2023 and ‘Further advice on application of National Policy Statement for Highly Productive Land to the Large Lot Residential Zone Overlay – Urban Form and Development Policy 3’, 26 June 2024

⁴² 250

Gorge Road and 650 Bay Road. Much of Ms Aston's evidence was in the context of the specific property under consideration but she was comfortable that there was sufficient detail for the RRDS to identify specific properties as preferred rural residential areas. Her evidence stated:

"My view is that there was sufficient detail for the final (as opposed to notified) RRDS to identify specific properties as preferred rural residential areas. The notified RRDS was subject to a submissions and hearing process. That process attracted numerous submissions from landowners requesting that their land be included as a preferred rural residential area. These submissions were for the most part site specific and cadastral based, as they related to individual properties. The hearing panel recommendation report (attached) which summarises submissions states with respect to Oxford (page 9):

The key landowner of the property within the growth direction to the north is in support of the proposal for further rural residential development here".⁴³

109. She went on to say:

"I accept that the RRDS did not provide a cadastral basis to the growth direction, but I hold the view that it did not need to in order to meet the second part of the definition of "identified for future urban development". What "identifiable in practice" means is a different test, and can, for example, relate to any later stage in giving effect to the strategic planning document. The reality being that in practice the boundaries of the LLRZ Overlay have been identified in the PDP, consistent with the intent as stated in the RRDS for the rural residential growth directions to be implemented through the PDP (and presumably potentially, if proposed by landowners, private plan changes). I quote from the Implementation section of the RRDS which clearly anticipates the later rezoning stage in giving effect to the strategic planning document.

"The purpose of the Rural Residential Development Strategy is to determine directions for rural residential growth.

The Waimakariri District Plan Review process is the key vehicle through which the Rural Residential Development Strategy will be implemented. The Proposed Waimakariri District Plan, with revised objectives, policies and rules relating to rural residential development, is intended to be publicly notified in mid-2020.

Most likely the Proposed Waimakariri District Plan will apply a 'Rural Residential Growth Area Overlay' (or similar) which indicates that the area is identified for rural residential development and subsequent rezoning. This will be

⁴³ Aston rebuttal, para 4.41

accompanied by District Plan provisions to enable this approach.”⁴⁴

110. In her view, *“the NPS-HPL cannot be engaged as a means to “wind back the clock” to start afresh and replace what was a quite rigorous public and evidential process to provide for future growth ...”*.⁴⁵ Ms Aston highlighted a number of areas in the s42A Report where the link between the Overlays and the identification of properties in the RRDS had been made.
111. Mr Cleary addressed this issue at length in his legal submissions. He made the observation that *“there must be a reason for inclusion of exemptions in the NPS-HPL. It seems more than logical to suggest their inclusion is recognition of the fact that, prior to gazettal of the NPS-HPL, many local authorities would have expended considerable effort in conjunction with their communities to identify areas that are suitable for future urban development.”* He referred to the Council’s own submission on the NPS-HPL which highlighted the work they had undertaken that culminated in the RRDS.
112. He went on to discuss clause (b) of the definition of ‘identified for future development’ noting that the RRDS meets the definition of a strategic planning document (defined as ‘any non-statutory growth plan or strategy adopted by local authority resolution’). With respect to the word ‘suitable’ for commencing urban development, he submitted that *“the plain ordinary meaning of that word would be appropriate or fit for purpose”* and went on to highlight Ms Aston’s evidence that examined *“the robust analysis undertaken as part of the development of the RRDS, analysis which concluded that four separate areas or locations within the District were suitable for rural-residential development.”*
113. Mr Cleary then addressed Buddle Finlay’s advice which referenced MFE’s guidelines on the application of the NPS-HPL, which considered there should be ‘a high level of certainty’ that the land will be developed for urban use in the next 10 years. He drew our attention to caselaw around the weight to be given to guidelines, noting that the Court in *Gray v Dunedin City Council [2023] NZEnvC 45* were not prepared to give any weight to the discussion of the NPS-HPL in the MfE guidelines. He also highlighted the fact that the definition does not use the word ‘certainty’ and submitted that *“it is not a word that can reasonably be inferred into an interpretation or application of the definition in the context of the RRDS.”*
114. Turning to the test of whether the level of detail is sufficient to make the boundaries of the area ‘identifiable in practice’, Mr Cleary submitted the words ‘in practice’ *“make it explicit that it is not necessarily a requirement that the boundaries of an area are clearly identified in a strategic planning document, for example, at a cadastral level”*. He considered context to be significant here noting that Council has sought to implement the RRDS through an RMA process. He submitted that:

*“In developing the PDP, the Council pursued the option of identifying the locations previously chosen in the RRDS within an LLRZ Overlay. In so doing, this must mean that **in practice** the Council has identified the boundaries of the area of land that*

⁴⁴ Aston rebuttal, para 4.45

⁴⁵ Ibid, para 4.47

are suitable for rezoning as LLRZ. In my submission, it is both inconsistent and absurd to, on the one hand, identify the boundaries of the LLRZ Overlay in a proposed plan and then subsequently assert that those boundaries are not capable of identification in practice.”⁴⁶

115. He went on to say that this is made explicit by Policy UFD-P3(1) which refers to the LLRZ Overlay ‘as identified’ in the RRDS.
116. The Panel favours the detailed evidence of Ms Aston and the comprehensive legal submissions of Mr Cleary on this matter. The RRDS pre-dates the NPS-HPL and if Council had known how that document was to be expressed, we are sure that they would have ensured there was no room for the debate that has occurred here. As it stands now, we agree with the submitter that the areas must have been ‘identifiable in practice’ as the RRDS has been used to identify the areas in the Proposed District Plan. We agree with Ms Aston that a national policy statement should not be used to ‘wind back the clock’ when a ‘quite rigorous public and evidential process’ has been undertaken. Applying a strict legal interpretation in such circumstances is, in our view, unreasonable and not in accordance with the intent of the exemptions of the NPS-HPL.
117. Hence, we conclude that the provisions of the NPS-HPL do not apply to land located with the LLRZ Overlay because it has clearly been identified for future urban development over the next 10 years, being the life of a District Plan.

The Recommended Policy UFD-P3

118. As noted above, UFD-P3 was also subject to the question put to the s42A report authors in Minute 43 in relation to the policy context for such activities inside and outside the GCA. However, this policy was not restructured in the way UFD-P2 has been. The Wrap Up reply report did not include any reason why the policy had not been restructured, but we assume that was because of the s42A report author’s final position that the LLRZ is not urban. As we have concluded that it is, or is intended to be urban, we consider the policy needs further amendment to better align with the NPS-UD and the RPS.
119. As we have concluded that LLRZ is urban, there is an argument to be made that UFD-P3 is not needed (as UFD-P2 applies to urban areas) and that the ‘rural residential’ policies of the RPS do not apply to it. However, we do not have scope to remove UFD-P3 and we have taken the view that within the GCA, the land within LLRZ does fall under those policies because of the density provisions. With respect to outside GCA, that distinction is largely irrelevant as the policy direction is the same for urban and rural residential. This is a matter that Council should perhaps address via a plan change once the RPS has been reviewed.
120. Turning to the policy framework, we agree with the implication of Ms Mitten’s evidence that UFD-P3 conflates the two different policy suites and in our view, this has not been addressed by the Wrap Up reply report version of the UFD-P3. Policy 5.3.1 of RPS (which applies outside GCA), requires urban growth and rural residential development to “occur

⁴⁶ Paragraph 2.25

in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development". Inside GCA, Policy 6.3.9 states that it must only be provided in accordance with an adopted RRDS, subject to being "outside the greenfield priority areas for development, Future Development Areas, and existing urban areas" (clause 2) and 'where adjacent to or in close proximity to an existing urban or rural residential area', it must 'be able to be integrated into or consolidated with the existing settlement' (clause 5(k)).

121. Clause 2(c) of the recommended UFD-P3 prevents LLRZ from being on the direct edges of the district's main towns and this has been the subject of a number of submissions. Clause 5(k) of Policy 6.3.9 does not prevent this and while this restriction may not have been needed because such development has to be identified in the RRDS, we have accepted that the responsive planning provisions of the NPS-UD allow us to step outside the areas identified by that document. However, we can only do so if the development contributes to a well-functioning urban environment as assessed against the criteria of the NPS-UD and the RPS (through its other locational and design policy provisions).
122. Hence, we have recommended that UFD-P3 be broken into three parts that firstly provide for the identified LLRZ Overlay areas (clause 1) and then the requirements of the two different policy contexts of the RPS (inside and outside GCA), being clause 2 and 3, which also provide for the responsive planning provision of the RPS.
123. Clause 2(a) and (b) (which relate to inside GCA) reflect the requirements of the responsive planning provisions of the NPS-UD. The remaining clauses reflect the requirements of the RPS for the GCA. However, clause 2(c) does not need to refer the 'Future Development Strategy' as these areas are now identified in the PDP and new areas identified in a FDS prepared after this plan becomes operative will need to comply with the requirements of this policy. This clause also, along with clause (d), renders the need to prevent development on the 'direct edges' of these towns redundant, noting that the RPS does not require this in the GCA anyway.
124. Clause 3 reflects the locational and design requirements for these areas outside of the GCA. In terms of our recommended amendments:
 - a. Clause (a) has been amended from the original policy to ensure consistency with Policy 5.3.1 (1) of the RPS, while clause (b) has been included to address Policy 5.3.1 (4) and (5) of the RPS.
 - b. Clauses (d) (HPL) and (e) (reverse sensitivity) have been included in response to submissions and the requirements of the RPS and the NPS-HPL. As discussed in relation to UFD-P2 above, we agree with submitters that these issues must be addressed where identifying land for LLR development.
125. Overall, we consider the recommended amendments to UFD-P3 better reflect the requirements of both the RPS and the NPS-UD for this type of development.

7. UFD-P10 and Reverse Sensitivity

126. The following is a summary of the Panel’s recommended amendments to UFD–P10, beyond those recommended by the s42A report author.

Provision	Panel recommendations
UFD– P10	Amend the policy to make it clear that it applies to new development within residential zones. Replace to ‘avoid’ directive in clause 1 with ‘manage’. Delete reference to noise sensitive activities within airport noise contour. ⁴⁷

127. A number of submissions sought a range of changes to the UFD policies to address reverse sensitivity as follows:

- Amend UFD-P1, UFD-P2 and UFD-P3 to avoid reverse sensitivity effects on strategic infrastructure, and to refer to airport noise contours and constraints on Kaiapoi in UFD- P10.⁴⁸
- Oppose all provisions related to the Airport Noise Contour in the UFD-P10 and elsewhere in the plan.⁴⁹
- Amend UFD-P2 and P10 to avoid reverse sensitivity effects on primary production.⁵⁰
- Amend UFD-P10 to minimise/avoid reverse sensitivity effects on HPL.⁵¹
- Amend UFD-P2, P3 and P10 to address reverse sensitivity effects on Heavy Industrial zone⁵² and industrial production.⁵³
- Amend all policies to avoid adverse effects on the capacity and efficiency of infrastructure serving these areas.⁵⁴
- Restructure/minor wording changes to UFD-P10.⁵⁵
- Amend UFD-P10 to apply district wide.⁵⁶

128. However, the submissions we focus on here are those that relate to UFD-P10, as we have recommended the inclusion of a clause addressing reverse sensitivity in UFD-P2 and P3 that align with the requirements of the RPS. We have done so because we agree with submitters that the identification of ‘new’ development areas must take into account the potential for reverse sensitivity effects.

129. Whereas UFD-P2 and P3 apply to identifying new areas for development, the notified UFD-P10 applies to existing zones in Rangiora and Kaiapoi, a point made by the s42A

⁴⁷ Note this is from Hearing Stream 10A Airport recommendation report which recommends accepting Kainga Ora [325.17]

⁴⁸ Christchurch International Airport Ltd [254.21, 254.22, 254.23 and 254.24]

⁴⁹ Kāinga Ora [325.17]

⁵⁰ Fulton Hogan 41.16 and 41.17; Hort NZ[295.75]

⁵¹ Federated Farmers [414.67]; Environment Canterbury[316.15]

⁵² Daiken New Zealand Ltd [145.11 ,145.12,145.13]

⁵³ Ashley Industrial Services Ltd [48.2]

⁵⁴ MainPower [249.237 and 249.238 and 249.239, 249.240, 249.241, 249.242, 249.243, 249.244, 249.45]

⁵⁵ Transpower195.22; John and Coral Broughton [223.6]; Concept Services [230.3]; Rick Allaway and Lionel Larsen [236.8,236.8]; Waka Kotahi NZ [275.10]; Kāinga Ora [325.17]

⁵⁶ Ashley Industrial Services Ltd [48.2]; Woodend-Sefton Community Board [155.1]; NZ Pork [169.13]

report author in response to the submission and evidence of Fulton Hogan, who sought that the policy be amended to address reverse sensitivity more generally. However, we note that in assessing Fulton Hogan's submission, the report author tends to conflate the issue when he refers to policy 5.3.2(2) and policy 6.3.9 of the RPS. These policies focus on the location of development, hence the changes we recommend to UFD-P2 and P3 above. However, we do agree with the s42A report author that the focus of UFD-P10 should remain on development within existing zones although in our opinion the reference to 'new development areas' is not needed as once they are rezoned, the policy applies to them anyway. We have recommended a consequential amendment that adds the words 'within existing zones' to the title of the policy to make this clear.

130. The submission of Ashley Industrial Services Ltd sought that UFD-P10 apply to residential zones across the district and that reference to 'industrial' activities be included in clause 2. The s42A report author recommended that this be accepted in part, but that was limited to including reference to 'industrial' within the policy. While the report author did recommend extending the policy to Woodend, Ravenswood, and Pegasus to reflect Map A (in response to submissions from Woodend-Sefton Community Board⁵⁷ and NZ Pork⁵⁸), he did not recommend its application to all residential zones in the district.
131. Mr Fletcher presented evidence on this at the hearing, highlighting the fact that reverse sensitivity is not just limited to the identified towns, or Map A towns as recommended by the s42A report author, but is an issue across the District. He requested that the policy's application is extended to all residential zones within the District. He also noted the policy's inconsistency with the SD provisions and the District's Future Development Strategy.
132. We favour the evidence of Mr Fletcher on this point and recommend that the application of the policy be expanded to all residential zones, not just those in GCA. Hence, we recommend that the submission of Ashley Industrial Services Ltd be accepted in full.
133. We would also comment here that Daiken New Zealand Ltd⁵⁹ sought the expansion of the policy to 'rural zones', but this was not recommended by the s42A report author. The report author's response did not appear to address this specific request, but we do agree that this particular policy should not be extend to 'rural zones' as this chapter is addressing urban form and development. We note that this issue is dealt with in SD-O4.
134. Turning now to clause 1 of the policy, this deals with reverse sensitivity in the context of infrastructure. There were several submissions on this clause but here we focus on the submission of Concept Services⁶⁰ who sought the deletion of 'avoid' and its replacement with 'manage'. The s42A report author recommended rejecting this submission on the basis that *"The infrastructure that is listed in the policy is critical, strategic and regionally significant, and is not easily moved or replaced without a significant cost or impact upon*

⁵⁷ 155.1

⁵⁸ 169.13

⁵⁹ 145.15

⁶⁰ 230.3

efficiency. The existing wording is consistent with Policies 5.3.7, 5.3.9, Objective 6.2.1, and Policy 6.3.5 of the RPS.”

135. While we acknowledge that some of these provisions do use the word ‘avoid’, the policy framework referred to largely controls the identification of areas for development, not development within them. As we have noted above, the identification of new developments areas must have regard to potential reverse sensitivity effects on infrastructure under the policies referred to by the report author, a point we have addressed in the context of UFD-P2 and 3. We do not understand his rationale for now requiring ‘avoidance’ within areas identified for development.
136. The submission of Concept Services states that the *“term ‘avoid’ is unnecessarily limiting given that such applications will require consultation with the relevant infrastructure operators, and with collaboration there is potential for workable solutions to be found to avoid adverse effects.”* Their submission seems to understand that the policy applies to existing zoned areas. The point they make by requesting ‘manage’ is that the policy must retain the option of being able to show that the activity will not have that effect, rather than just avoiding activities that might have that potential. We agree and recommend that their submission is accepted.
137. While we are not normally in favour of using the word ‘manage’ in a policy, unless it goes on to say ‘how’ it will be managed, in this case we note the zone provisions set out how this issue will be managed, a point acknowledged throughout the s42A report.⁶¹ However, we have structured the clause slightly differently to clarify what requires management.
138. For the same reasons as discussed above in relation to clause 1, we do not agree with the s42A report author’s recommendation to accept Fulton Hogan’s submission ‘in part’ by changing minimise to ‘avoid or mitigate’. The ‘avoid’ directive of the RPS policy will have been considered by the process involved in identifying the area as suitable for development. As a consequence, we recommend the use of ‘mitigate’ only, which is consistent with the final position of Fulton Hogan at the hearing. Mr Ensor discussed the lack of clarity around where UFD-P10 applied in his evidence. On the basis that UFD-P10 applied to ‘existing’ zones, he was comfortable with the use of ‘mitigate’.
139. We also agree with Fulton Hogan’s request to delete the detail of the methods to achieve this that are listed in the policy. That level of detail is not appropriate in an overarching policy such as this. Hence, we also therefore disagree with s42A report author’s recommendation to accept the submissions of Richard and Geoff Spark, John and Coral Broughton, and Rick Allaway and Lionel Larsen who sought the addition of ‘or other methods’ to this clause.
140. We also briefly comment on the submission of Kāinga Ora⁶² and Christchurch International Airport Ltd⁶³ on UFD-P10. Kāinga Ora sought the deletion of all reference to the

⁶¹ See, for example, paragraphs 116 and 125

⁶² 325.17

⁶³ 254.24

airport noise contour while Christchurch International Airport Ltd requested that the exception noted for development within the airport noise contour only apply to the existing Residential Zone in Kaiapoi, at a density of no more than 600m². In relation to Christchurch International Airport Ltd's submission, the s42A report author stated "*the proposed amendments are inconsistent with Policy 6.3.5 of the RPS which enables new development within the existing residential zoned urban area and residential greenfield area identified for Kaiapoi. The RPS policy does not constrain housing density but enables new development within residential zones in Kaiapoi.*" As noted in the report, this issue is dealt with by our recommendations on development under the airport contour in Hearing Stream 10A, which addresses Policy 6.3.5 of the RPS. Consequential amendments from that decision have been recommended to be made to UFD-P10, which removes reference to the airport contour. As we have discussed above, this policy only applies within existing residential zones so reference to the airport contour is not necessary in the policy. It is a matter that will be had regard to when rezoning requests are considered.

8. Consequential Amendments

141. The recommended restructuring of some of the provisions of the UFD chapter brings into the PDP the reference to the Greater Christchurch Area. We are conscious of the fact that some members of the public using the PDP may not be aware of what the Greater Christchurch Area is. Hence, we have recommended that a definition of the GCA that mirrors the definition in the RPS as follows:

'Greater Christchurch Area' means that part of the Waimakariri District that is located within the boundary of 'Greater Christchurch' as shown on Map A of the Canterbury Regional Policy Statement 2013, July 2021 edition'.⁶⁴

9. Conclusion

142. For the reasons summarised above, we recommend the adoption of a set of changes to the PDP provisions relating to UFD-Urban Form and Development chapter. Our recommended amendments are shown in Appendix 2.
143. In terms of the further evaluation required under s32AA of the Act, we consider that the changes we have recommended are more efficient and effective in achieving the objectives of the PDP and will ensure that the PDP better achieves the statutory requirements, national and regional direction, and our recommended Strategic Directions. We also consider the changes will improve the useability of the plan.

⁶⁴ Consequential amendment from Environment Canterbury [316.8]

Appendix 1: Submitter attendance and tabled evidence for Urban Form and Development-Hearing Stream 1

Attendee	Speaker	Submitter No.
Council Reporting Officer	<ul style="list-style-type: none"> • Mark Buckley 	
Kainga Ora	<ul style="list-style-type: none"> • Brendon Liggett • Philip Osborne • Clare Dale • Bal Matheson 	325 & FS 88
NZ Pork	<ul style="list-style-type: none"> • Penelope Cairns • Ian Barugh • Andrew Hodgson 	169 FS 49
Ravenswood	<ul style="list-style-type: none"> • Sarah Everleigh 	347
Richard & Geoff Spark	<ul style="list-style-type: none"> • Ivan Thomson 	183 FS 37
Miranda Hales	<ul style="list-style-type: none"> • Ivan Thomson 	246
Dave Cowley	<ul style="list-style-type: none"> • Ivan Thomson 	FS 41
Transpower	<ul style="list-style-type: none"> • Rebecca Eng • Ainsley McLeod 	195 FS 92
Momentum Land Limited	<ul style="list-style-type: none"> • Chris Fowler 	FS 63
Ara Poutama Aotearoa Department of Corrections	<ul style="list-style-type: none"> • Maurice Dale • Andrea Millar 	52
Ashley Industrial Services	<ul style="list-style-type: none"> • Ken Fletcher • Aaron Fisher 	48
Ken Fletcher	<ul style="list-style-type: none"> • Ken Fletcher 	99
Chorus, Spark, One NZ Group and Forty South, and Connexa Ltd ¹	<ul style="list-style-type: none"> • Graeme McCarrison (Spark) • Andrew Kantor (Chorus) • Colin Clune (One NZGroup and Forty South), • Fiona Matthews (Connexa Ltd) 	62 FS 105
Canterbury Regional Council	<ul style="list-style-type: none"> • Jo Mitten • Lucy de Latour 	316 FS 105
<ul style="list-style-type: none"> • Damian and Sarah Elley, • JP Bailey Family Trust, • Kim Manson and Neihana Kuru, • Ross Fraser, • Louise Marriot 	<ul style="list-style-type: none"> • L N R Delacy 	FS 28, FS 29, FS 30, FS 31, FS 32, and FS 33
Andy Carr	<ul style="list-style-type: none"> • Andy Carr • Samantha Kealey 	21 FS 158
Phillip and Michelle Driver	<ul style="list-style-type: none"> • Philip and Michelle Driver 	FS 51
Malcolm Hanrahan	<ul style="list-style-type: none"> • Malcom Hanrahan 	307
Ohoka Residents Association	<ul style="list-style-type: none"> • David Nixon 	25 FS 84
Horticulture New Zealand	<ul style="list-style-type: none"> • Sarah Cameron • Andrew Hodgson • Helen Atkins 	295 FS 47
Federated Farmers	<ul style="list-style-type: none"> • Lionel Jume • Karl Dean 	414 FS 83
Fulton Hogan	<ul style="list-style-type: none"> • Timothy Ensor 	41 FS 118

¹ Noting that Connexa Ltd was not part of the original submission

MainPower	<ul style="list-style-type: none"> • Mark Appleman • Melanie Foote • Jo Appleyard 	249 FS 58
Rolleston Industrial Development Ltd	<ul style="list-style-type: none"> • Jo Appleyard 	160, 326, 237, 212
Christchurch International Airport Ltd	<ul style="list-style-type: none"> • Darryl Millar • Felicity Hayman • Geoff Page • Natalie Hampson • Jo Appleyard 	254, FS 80
Tabled Evidence		
Kainga Ora	<ul style="list-style-type: none"> • C E Kirman 	325 & FS 88
Transpower	<ul style="list-style-type: none"> • Rebecca Eng • Ainsley McLeod 	195 FS 92
Momentum Land Limited	<ul style="list-style-type: none"> • Chris Fowler 	FS 63
Ara Poutama Aotearoa Department of Corrections	<ul style="list-style-type: none"> • Maurice Dale • Andrea Millar 	52
Ken Fletcher	<ul style="list-style-type: none"> • Ken Fletcher 	99
ECan	<ul style="list-style-type: none"> • Jo Mitten • Lucy de Latour 	316 FS 105
Woolworths New Zealand Ltd	<ul style="list-style-type: none"> • Kay Knight 	282
Daiken New Zealand Ltd	<ul style="list-style-type: none"> • Stephanie Styles 	145
Waka Kotahi NZTA	<ul style="list-style-type: none"> • Claudia Kirkbride 	275 FS110
KiwiRail Holdings Ltd	<ul style="list-style-type: none"> • Sheena McGuire 	373

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

UFD - Āhuratanga auaha ā tāone - Urban Form and Development

Introduction

The Urban Form and Development objectives and policies are informed by the WDDS, which is a document that addresses a range of matters related to growth and development, for both urban and rural environments. The objectives and policies also give effect to higher order documents as required by the RMA, in particular the NPSUD and the RPS.

Interpretation and application of this chapter

For the purpose of District Plan development, including plan changes and resource consents, the objectives and policies in this chapter ~~must be given effect to through more detailed provisions contained in the District Plan~~ provide direction for the assessment of new development proposals.¹

Objectives				
UFD-O1	Feasible development capacity for residential activities			
	<u>At least Ss²</u> ufficient feasible development capacity for residential activity <u>is provided at all times³</u> to meet specified housing bottom lines and a changing demographic profile of the District as follows:			
	Term	Short to Medium Term (2018-2028)	Long Term (2028-2048)	30 Year Time frame (2018-2048)
	Housing Bottom Lines (Development Capacity)	<u>6,300</u> <u>5,600</u> Residential Units	<u>7,100</u> <u>7,650</u> Residential Units	<u>13,400</u> <u>13,250⁴</u> Residential Units
UFD-O2	Feasible development capacity for commercial activities and industrial activities			
	<u>At least Ss⁵</u> ufficient feasible development capacity <u>is provided at all times⁶</u> to meet commercial and industrial development demand.			
Policies				
UFD-P1	Density of residential development			
	In relation to the density of residential development:			
	<ol style="list-style-type: none"> provide for intensification in urban <u>environments areas⁷</u> through provision for minor residential units, retirement villages, papakāinga or suitable up-zoning of Residential Zones where it is consistent with the anticipated built form and purpose of the zone; locate any Medium Density Residential Zone so it: 			

¹ Forest and Bird [192.33]

² R & G Spark [183.2], J & C Broughton [223.3], R Allaway and L Larsen [236.3], Dalkeith Holdings Ltd [242.3], M Hales [246.4].

³ Kainga Ora [325.7]

⁴ J & C Broughton [223.3], Dalkeith Holdings Ltd [242.3], M Hales [246.4].

⁵ R & G Spark [183.3], R Allaway and L Larsen [236.4], Dalkeith Holdings Ltd [242.4], Miranda Hales [246.5].

⁶ Kainga Ora [325.8]

⁷ A Carr [158.5], Ravenswood Developments Ltd [347.4] and Environment Canterbury [316.8].

	<p>a. supports, and has ready access to, existing <u>or planned</u>⁸ Commercial and Mixed Use Zones, <u>schools, educational facilities</u>⁹, <u>existing or planned</u>¹⁰ public transport and open space;</p> <p>b. supports well connected walkable communities;</p> <p>c. avoids or mitigates natural hazard risk in any high hazard area within <u>existing</u>¹¹ urban areas; and</p> <p>d. located away from <u>does not immediately adjoin</u>¹² any Heavy Industrial Zone.</p>
<p>(a) UFD-P2</p>	<p>Identification/location of new Residential Development Areas¹³</p> <p><u>In relation to the identification/location of residential development areas:</u></p> <p>1. residential development in the new Residential Development Areas at Kaiapoi, North East Rangiora, South East Rangiora and West Rangiora is located to implement the urban form identified in the Future Development Strategy;</p> <p>2. for new Residential Development Areas, other than those identified by (1) above, avoid residential development unless located so that they:</p> <p>a. occur in a form that concentrates, or are integrated with attached to¹⁴, an existing urban environment centres¹⁵ and promotes a coordinated pattern of development;</p> <p>b. occur in a manner that makes use of existing and planned transport and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required;</p> <p>c. have good accessibility for all people between to¹⁶ housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;</p> <p>d. concentrate higher density residential housing in locations focusing on activity nodes such as key activity centres, schools, public transport routes and open space;</p> <p>e. take into account the need to provide for intensification of residential development while maintaining appropriate levels of amenity values on surrounding sites and streetscapes;</p> <p>f. are informed through the development of an ODP;</p> <p>g. supports reductions in greenhouse gas emissions; and</p> <p>h. are resilient to natural hazards and the likely current and future effects of climate change as identified in SD-O6.</p> <p><u>UFD-2A- Within Greater Christchurch</u></p> <p><u>Within Greater Christchurch, new residential areas shall contribute to well-functioning urban environments and be in accordance with the following:</u></p> <p>1. <u>residential development is located within existing urban areas or in areas mapped as 'development areas' in the District Plan and is developed in accordance with an ODP.</u></p>

⁸ Kainga Ora [325.9].

⁹ Ministry of Education [277.12].

¹⁰ Kainga Ora [325.9].

¹¹ Kainga Ora [325.9].

¹² Kainga Ora [325.9].

¹³ Environment Canterbury [316.8] and Christchurch City Council [360.9]

¹⁴ Kainga Ora [325.10].

¹⁵ A Carr [158.5], Ravenswood Developments Ltd [347.4] and Environment Canterbury [316.8].

¹⁶ Kainga Ora [325.10].

2. In circumstances other than provided for by (1) above, residential development shall provide significant development capacity in accordance with the NPSUD 2020, and
 - a) be integrated with infrastructure planning and funding decisions by occurring in a manner that makes use of existing and planned transport upgrades, including public transport, and three waters infrastructure, or where such infrastructure is not available or planned, upgrades, funds and builds infrastructure as required;
 - b) occur in an area that is well connected along transport corridors which has good accessibility for all people to housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;
 - c) concentrate higher density residential housing in locations that focus on activity nodes including key activity centres, schools, public transport routes and open space;
 - d) take into account the need to provide for intensification of residential development while maintaining appropriate levels of amenity on surrounding sites and streetscapes;
 - e) support reductions in greenhouse gas emissions;
 - f) be resilient to natural hazards and the likely current and future effects of climate change as identified in SD-O6;
 - g) avoid highly productive land, except as provided for under the NPS-HPL;
 - h) avoid or mitigate reverse sensitivity effects on primary production activities, industrial activities and strategic infrastructure; and
 - i) be informed through the development of an ODP.

UFD-2B – Outside Greater Christchurch

Outside of Greater Christchurch, new residential areas shall contribute to well-functioning urban environments and urban areas and be in accordance with the following:

1. It is located within existing urban areas, and development areas identified in district plan and is developed in accordance with an ODP.
2. In circumstances other than provided for by (1) above, it shall:
 - a) occur in a form that concentrates, or integrates with, existing urban areas and promotes a coordinated pattern of development, or
 - b) provide significant development capacity in an urban environment in accordance with the NPSUD 2020, and
 - c) avoid highly productive land except as provided for under the NPS-HPL;

	<ul style="list-style-type: none"> d) <u>avoid or mitigate adverse reverse sensitivity effects on primary production activities, industrial activities and strategic infrastructure;</u> e) <u>be integrated with infrastructure planning and funding decisions by occurring in a manner that makes use of planned transport upgrades, including public transport, and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required;</u> f) <u>occur in an area that is well connected along transport corridors which have good accessibility for all people to housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;</u> g) <u>take into account anticipated amenity values on surrounding sites and streetscapes;</u> h) <u>support reductions in greenhouse gas emissions; and</u> i) <u>be informed through the development of an ODP.</u>
<p>UFD-P3</p>	<p>Identification/location and extension of Large Lot Residential Zone areas¹⁷</p> <p>In relation to the identification/location of Large Lot Residential Zone areas:</p> <ul style="list-style-type: none"> 1. new Large Lot Residential development is located in the Future Large Lot Residential Zone Overlay which adjoins an existing Large Lot Residential Zone as identified in the RRDS and is informed through the development of an ODP; 2. new Large Lot Residential development, other than addressed by (1) above, is located so that it: <ul style="list-style-type: none"> a. occurs in a form that is attached to an existing Large Lot Residential Zone or Small Settlement Zone and promotes a coordinated pattern of development; b. is not located within an identified Development Area of the District's main towns of Rangiora, Kaiapoi and Woodend identified in the Future Development Strategy; c. is not on the direct edges of the District's main towns of Rangiora, Kaiapoi and Woodend, nor on the direct edges of these towns' identified new development areas as identified in the Future Development Strategy; d. occurs in a manner that makes use of existing and planned transport infrastructure and the wastewater system, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required, to an acceptable standard; and e. is informed through the development of an ODP. <p><u>In relation to the identification/location of Large Lot Residential Zones:</u></p> <ul style="list-style-type: none"> 1. <u>New Large Lot Residential development shall be located in the Large Lot Residential Zone Overlay and be informed through the development of an ODP;</u> 2. <u>Other than is provided for in (1) above, new Large Lot Residential development in the Greater Christchurch Area shall:</u> <ul style="list-style-type: none"> a) <u>contribute to a well-functioning urban environment;</u> b) <u>add significant development capacity;</u>

¹⁷ Environment Canterbury [316.9]; Rolleston Industrial Developments Ltd [160.3]; Rainer and Ursula Hack [201.3]; Rick Allaway and Lionel Larsen [236.6]; Mark and Melissa Prosser [224.2] CA & GJ McKeever [111.3]; John Stevenson [162.2]; Chloe Chai and Mark McKitterick [256.3]; Keith Godwin [418.3]; Kainga Ora [325.10].

	<ul style="list-style-type: none"> c) <u>not be located within an identified Development Area of the District's main towns of Rangiora, Kaiapoi and Woodend;</u> d) <u>be integrated with any existing urban or rural residential area that is adjacent or in close proximity;</u> e) <u>occur in a manner that makes use of existing and planned transport infrastructure and the wastewater system, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required, to an acceptable standard;</u> f) <u>avoid highly productive land;</u> g) <u>avoid or mitigate adverse reverse sensitivity effects on primary production activities, industrial activities and strategic infrastructure; and</u> h) <u>be informed through the development of an ODP.</u> <p>3. <u>Other than is provided for in (1) above, new Large Lot Residential development outside the Greater Christchurch Area shall:</u></p> <ul style="list-style-type: none"> a) <u>occur in a form that concentrates, or integrates with, existing urban areas and promotes a coordinated pattern of development;</u> b) <u>maintain and enhance amenity values and the sense of identity and character of existing urban areas;</u> c) <u>occur in a manner that makes use of existing and planned transport infrastructure and the wastewater system, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required, to an acceptable standard;</u> d) <u>avoid highly productive land;</u> e) <u>avoid or mitigate adverse reverse sensitivity effects on primary production activities, industrial activities and strategic infrastructure; and</u> f) <u>be informed through the development of an ODP.</u>
<p>UFD-P4</p>	<p>Identification/location and extension of Town Centre Zones¹⁸ Provide for the extension of existing Town Centres and locate and develop new commercial activities to implement the urban form identified in the Future Development Strategy and DDS or Town Centre Plans¹⁹.</p>
<p>UFD-P5</p>	<p>Identification/location and extension of Industrial Zones Provide for the extension of existing Industrial Zones and locate and develop new industrial activities to implement the urban form identified in the Future Development Strategy and DDS or WDDS²⁰.</p>
<p>UFD-P6</p>	<p>Mechanism to release Residential Development Areas The release of land within the identified new development areas of Kaiapoi, West Rangiora²¹, North East Rangiora and South East Rangiora occurs in an efficient and timely manner via a certification process to enable residential activity to meet short to medium term feasible development capacity and achievement of housing bottom lines. ²²</p>

¹⁸ Environment Canterbury [316.8 and 316.9]

¹⁹ Kainga Ora [325.11].

²⁰ Kainga Ora [325.12].

²¹ Richard and Geoff Spark [183.4].

²² Richard and Geoff Spark [183.4], Forest and Bird [192.38], Dalkeith Holdings Ltd [242.5]

<p>UFD-P76²³</p>	<p>Mechanism to provide additional Commercial and Mixed Use Zones²⁴ If proposed, ensure <u>any new commercial growth and activities plan change to create new, or expanded existing Commercial and Mixed Use Zones:</u></p> <ol style="list-style-type: none"> 1. improve commercial self-sufficiency within the town and the Waimakariri District; 2. are commensurate to the population growth forecast for the town subject to the plan change; 3. consider and address any adverse effects that might undermine other town centres and local centres in the District; and 4. address any development capacity shortfall as identified in the Future Development Strategy or WDDS. 5. is are informed through the development of an ODP.
<p>UFD-P87²⁵</p>	<p>Mechanism to provide additional Industrial Zones²⁶ If proposed, <u>ensure industrial growth and activities any plan change to create new, or expanded existing Industrial Zones:</u></p> <ol style="list-style-type: none"> 1. manages adverse effects at the interface between Industrial Zones and arterial roads, Rural Zones, Residential Zones and Open Space and Recreation Zones, through methods such as building setbacks and landscaping; 2. provides for development of greenfield areas in a manner aligned with the delivery of infrastructure, including upgrades to infrastructure, to avoid adverse effects on the capacity and efficiency of infrastructure serving these areas; and 3. locates new Industrial Zones in locations adjacent to existing urban <u>areas environments</u>²⁷ where it can be efficiently serviced by infrastructure. 4. is informed through the development of an ODP.
<p>UFD-P98²⁸</p>	<p>Unique purpose and character of the Special Purpose Zone (Kāinga Nohoanga) Support a mix of development on Māori Land within the Special Purpose Zone (Kāinga Nohoanga) that:</p> <ol style="list-style-type: none"> 1. enables Te Ngāi Tūāhuriri Rūnanga to fully occupy and use land in accordance with the principles and purposes for which the land was originally set aside; 2. will occur over generations and take place in different parts of the zone, and occur at different times; and 3. connects to reticulated infrastructure where available, but recognises that as public reticulated infrastructure is not available to all parts of the zone, alternative forms of onsite independent individual and communal infrastructure will be required.
<p>UFD-P409²⁹</p>	<p>Managing reverse sensitivity effects from new development <u>within Residential Zones</u>³⁰ Within <u>all Residential Zones: and new development areas in Rangiora and Kaiapoi</u>³¹:</p> <ol style="list-style-type: none"> 1. <u>avoid manage</u>³² residential activity <u>and development so that has the potential to it will not be impacted by, or</u>³³ <u>will not</u> limit the efficient, <u>and</u> effective <u>and safe</u>³⁴ operation <u>maintenance, repair, development</u>³⁵ and upgrade of critical infrastructure,

²³ RMA Schedule 1 Clause 16(2)

²⁴ Environment Canterbury [316.12]

²⁵ RMA Schedule 1 Clause 16(2)

²⁶ Environment Canterbury [316.13]

²⁷ A Carr [158.5], Ravenswood Developments Ltd [347.4] and Environment Canterbury [316.8].

²⁸ RMA Schedule 1 Clause 16(2)

²⁹ RMA Schedule 1 Clause 16(2)

³⁰ Ashley Industrial Services Ltd [48.2]; Woodend-Sefton Community Board [155.1] and NZ Pork [169.13]

³¹ Ashley Industrial Services Ltd [48.2]; Woodend-Sefton Community Board [155.1] and NZ Pork [169.13]

³² Concept Services [230.3]

³³ Transpower [195.22].

³⁴ Waka Kotahi [275.10].

³⁵ Transpower [195.22] and MainPower [249.245].

	<p>strategic infrastructure, and regionally significant infrastructure including avoiding noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone,³⁶</p> <p>2. minimise <u>mitigate</u> reverse sensitivity effects on <u>industrial activities and</u> primary production from activities within new development areas through setbacks and screening,³⁷ without compromising the efficient delivery of new development area.</p>
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³⁶ Kainga Ora [325.17].

³⁷ Fulton Hogan [41.17] and Daiken New Zealand Ltd [145.15].