

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

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** the Proposed Waimakariri District Plan

**Between** **Various**

**Submitters**

**And** **Waimakariri District Council**

**Respondent**

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**Council Officer's Preliminary Response to written questions on Large Lot  
Residential Rezoning on behalf of Waimakariri District Council  
Date: 27 June 2024**

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## **INTRODUCTION:**

- 1 My full name is Mark Buckley. I am employed as a Principal Policy Planner for Waimakariri District Council. I am the Reporting Officer for LLRZ Rezoning topic and prepared the s42A Report.
- 2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42 report.
- 3 I note that as a result of considering and responding to the commissioners questions my preliminary responses in some instances result in recommendations that differ from the position reached as part of the original s42A.
- 4 I also note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.
- 5 As a result, I consider that the right of reply for Hearing Stream 12C will need to particularly consider the range of evidence provided. I have reached this position as I consider that there is considerable complexity in the overarching approach to LLRZ with the relevant statutory document hierarchy. In order to assist the panel, my approach to answering the primary questions is to first establish how the LLRZ interfaces with the relevant statutory and non-statutory documents prior to considering how the NPS-UD applies to the topic. An analysis of the direction of these relevant documents is set out in Appendix A, which provides the framework for my preliminary answers.
- 6 In undertaking my response to the preliminary questions, I have had the benefit of reviewing the Officers Report of Mr Willis in relation to Hearing Stream 12D.
- 7 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the

issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.

8 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.

9 The format of these responses in the table below follows the format of questions identified in within the Commissioner's minute.

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

#### **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

11 Appendix Q of my section 42A report sets out my qualifications and experience.

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

#### **Answers to questions posed by the Panel**

<b>Paragraph or Plan reference</b>	<b>Question</b>
Overarching	<p><b>In a number of places in your assessment, you have expressed your opinion that because an area was considered as part of the preparation of the Rural Residential Development Strategy (RRDS) that it does not meet the test under policy 8 of the National Policy Statement on Urban Development (NPS-UD).</b></p> <p><b>There are also a number of assessments that have not considered Objective 6 and Policy 8 and have rather focussed on the RRDS and the RPS.</b></p>

Paragraph or Plan reference	Question
	<p><b>You will need to clearly set out your rationale as to how that particular areas were or were not considered through the RRDS means that they can not now be considered for rezoning now, particularly considering Objective 6 and Policy 8 of the NPS-UD.</b></p> <p><b>The same applies in respect to your assessments of relevant Regional Policy Statement policies and the NPS-UD. You need to set out your understanding of the relevant weight the NPS-UD policies have in respect to the RPS policies. In particular, please consider how Policy 6.3.9 of the RPS should be reconciled with the provisions of the NPS-UD, including Policy 8.</b></p> <p><b>The Panel understands from evidence presented to date and caselaw and its own reading of Objective 6 and Policy 8 of the NPS-UD that the NPS-UD does provide for the consideration of plan changes (which would include submissions on the PDP) that would add significantly to development capacity and contribute to well-functioning urban environments even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release. We would expect any submission seeking an unanticipated or out of sequence rezoning would be assessed under Objective 6 and Policy 8 of the NPS-UD.</b></p> <p><b>We suggest that you obtain legal advice in responding to these questions.</b></p>
<p>To answer this question, I have firstly reviewed how LLRZ interfaces with the NPS-UD.</p> <p>I agree that the NPS-UD is a relevant document regardless of whether LLRZ and any Overlay is an urban environment. In determining its application, I have considered what is an urban environment, whether LLRZ is ‘urban’, and whether Objective 6 and Policy 8 would apply with respect to LLRZ rezoning requests.</p> <p><b><u>Urban Environment and the LLRZ</u></b></p> <p>The NPS-UD defines an urban environment as being is or intended to be predominantly urban in character and part of a housing and labour market of 10,000 people. It does not define urban in character, but leaves it up to interpretation of Council through Clause 1.3(1)(b), Objective 6, Policy 1, Policy 6 and Policy 8 as the decision maker with respect to</p>	

Paragraph or Plan reference	Question
	<p>urban environments. The interpretation of “<i>is, or is intended to be, predominantly urban in character</i>”, through Clause 1.3(1)(a)<sup>1</sup> and Policy 8 enables someone else other than Council to determine whether something is urban in character, but Council as the decision maker needs to assess the plan change. This difference in interpretation is reflected in the JWS dated 26 March 2024 on what constitutes an “<i>urban environment</i>”. Large Lot Residential Zones (LLRZ) are defined within the National Planning Standards (NPS), the Regional Policy Statement (RPS) and the Proposed Plan. Within the context of the NPS-HPL they are identified as being urban, but they are not identified as such within the NPS-UD.</p> <p>Large Lot Residential Zones are defined in the NPS as being areas for predominantly residential activities on large lots where landscape characteristics, physical limitations or other constraints that limit higher densities. The NPS does not state whether they are urban or defines what urban is.</p> <p>The RPS defines LLRZ as being residential development outside or on the fringes of urban areas primarily for low density residential activities, ancillary activities and associated infrastructure. The RPS does not define them as being urban or rural, but treats them as a separate class of land use.</p> <p>The Proposed Plan states that LLRZ provide residential living on large open lots located near but outside the established towns. LLRZ are of a size that can enable some rural activities, where these do not detract from the purpose, character and amenity of the zone.</p> <p>The notified version of the Proposed Plan originally defined an urban environment, using the definition from the NPS-UD, it also lists a series of towns, settlements and LLRZ areas. As set out in evidence presented at Hearing Stream 1, these areas were listed for the purpose of identifying areas where the urban flood assessment overlay applies (noting that the district is divided into urban and non-urban for flooding purposes). The consideration of residential development outside the main townships was discussed in para [152] of the S42A Urban Form and Development officer report through the recommended amendment of the term “<i>Urban Environment</i>” to “<i>Urban Centres</i>”. This change in the term and definition aligns with both the Regional and District Councils approach towards Rural Residential/LLRZ as not being considered as urban.</p> <p>With respect to the NPS-UD definition of “urban environment” and the interpretation of “urban in character”, I do not consider that LLRZ is predominantly urban in character. With properties having an average density of 5,000m<sup>2</sup>, no curb and channelling, street lights, businesses, and community services, which I consider form part of the character of an urban environment and are generally absent from LLRZ areas in the district. As detailed in para [46] of Mr Willis’s S42A Ohoka Rezoning officer report, the plain ordinary meaning of urban character “<i>must have as its main, strongest, or prevailing element the characteristics of a city or town</i>”, which I consider are absent from most LLRZ areas and which aligns with his interpretation.</p>

<sup>1</sup> Based on paragraph [78] where the High Court authority said in - Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society - that concludes clause 1.3(1)(a) and (b) of the NPS-UD are effectively alternatives (rather than being read conjunctively).

Paragraph or Plan reference	Question
	<p>A more detailed assessment of the definition of urban environment and relevant provisions is presented in Table 1 of Appendix A (attached). An assessment of the definition and the most relevant provisions for LLRZ is in Table 2, and how neighbouring Councils interpret and apply LLRZ in their district plans is in Table 3 of Appendix A.</p> <p><b>Objective 6 and Policy 8</b></p> <p>With respect to Objective 6 and Policy 8, in aligning with the recent High Court interpretation of Clause 1.3(1)(a) of the NPS-UD, if LLRZ are considered to be part of an “urban environment” by someone other than Council, consideration needs to be given as to whether the areas presently contain urban character or whether they are intended by the submitter to be urban in character and therefore considered by Council as contributing to a well-functioning urban environment.</p> <p>Direct consideration of Policy 8 was given for San Dona, Ashworths Road (Prosser) and Lehmans Road in the s42A report. Most other submissions within the Greater Christchurch Area were assessed as to whether they contribute towards a well-functioning urban environment. The assessments were undertaken on the basis that Policy 8 requires Council to consider plan changes “<i>that would add significant development capacity and contribute towards a well-functioning urban environment</i>” and that a Policy 8 assessment included an assessment as to whether the proposed rezoning would contribute towards a well-functioning urban environment.</p> <p>Those areas that were not considered as to whether they contributed towards a well-functioning urban environment did not contain sufficient information to determine whether they were intended to be urban in character or contributed towards a well-functioning urban environment.</p> <p>The Auckland Street Settlement Zone request in Ashley village was considered to contain some urban character, with higher housing density, some street lighting, although given its close proximity to Rangiora it does not contain community services when considered in the context of the village itself. The other areas not considered under Policy 8 were those in Oxford, as an assessment against the NPS-HPL meant they were excluded for rezoning.</p>
Overarching / Para 195	<p><b>In para 195, you state:</b></p> <p><b><i>The assessment criteria used in the RRDS was generally limited in scope and did not consider the wider impacts of potential rezoning of the areas.</i></b></p> <p><b>If this was the case, then how much weight should the Panel be giving the RRDS in considering submissions seeking rezoning and how does this support your opinion elsewhere that if a site(s) were not included in the RRDS they should not be rezoned? We suggest that you obtain legal advice in responding to this question.</b></p>

Paragraph or Plan reference	Question
	<p>The statement that I made was in relation to criteria to turn a LLRZ Overlay into a LLRZ. The RRDS did not look at site specific criteria, but looked at broad suitable locations for Rural Residential development. The RRDS recognises this in the following statements:</p> <p><i>“The Rural Residential Development Strategy site selection process involved determination of constraints at a relatively high level. Therefore, landowners interested in having their land rezoned will need to provide more detailed assessments to support their submission (or as part of a separate private plan change application) that demonstrate their land is suitable for rezoning for rural residential use. These investigations typically address flood hazard; stormwater, water and wastewater servicing; transportation; geotechnical; and soil contamination. Council has a regulatory role to review such investigations with a high level of scrutiny. District Plan Review decision makers (or in the case of a private plan change application, the decision makers assigned to that private plan change) will then decide, based on the evidence provided, whether the land should be rezoned for rural residential use.”</i></p> <p>Inside Greater Christchurch</p> <p>In my view, the RPS is clear in Policy 6.3.9 that Rural Residential Zoning (LLRZ densities) ‘can only be provided for’ in accordance with an adopted Rural Residential Development Strategy. Therefore, if the panel find that the RPS gives effect to the NPS-UD, then my view is that the RRDS would hold a high degree of weighting.</p> <p>Outside Greater Christchurch</p> <p>Sites identified for proposed rezoning by submitters inside the Greater Christchurch Area in my opinion cannot be considered for rezoning as the Proposed Plan has to give effect to the RPS<sup>2</sup>, unless the panel find that those rezonings do give effect to the relevant sections of the RPS (identified within the s42A). Those outside the Greater Christchurch Area are not subject to Policy 6.3.9, but are still required to be assessed against other provisions or the RPS and Proposed Plan.</p>
<p>Overarching / Para 92</p>	<p><b>You state:</b></p> <p><b><i>While recognising that some of the large land holdings have been rezoned RLZ and can for all intents and purposes subdivide down to 4ha, in my opinion it is important that large land parcels are retained in the eastern part of the district where the LUC Class 1 and 2 soils are located, thereby providing for land based primary production in accordance with the NPS-HPL.</i></b></p> <p><b>Can you please explain this statement further and in particular, how your approach is consistent with the NPS-HPL.</b></p>
	<p>My statement in paragraph 92 references the fact that HPL mapping has not yet been undertaken by the Regional Council, and that it may differ in the ultimate interpretation of areas that are currently considered HPL under the transitional definition of the NPS-HPL. This statement, in conjunction with paragraph 91 was intended to highlight to the</p>

<sup>2</sup> Section 75(3)(c) RMA

Paragraph or Plan reference	Question
	<p>panel that while I consider the application of the ‘avoid’ policies of the NPS-HPL do not apply to land that is proposed to be zoned RLZ based upon Clause 3.5(7), that the RLZ zone is, in my opinion, a rural zone in which productivity does occur.</p> <p>However, as noted previously I consider that the NPS-HPL requires that the RLZ is exempt from the framework in which highly productive land is currently required to be defined.</p>
Overarching	<p><b>Please clearly explain how the Council approached identifying sites subject the Large Lot Residential Zone Overlay within the Proposed District Plan, including under UFD-P3.</b></p> <p><b>Please also explain the intent of UFD-P3 in respect to large lot residential development on sites zoned LLZR and RLZ or GRUZ with the LLZR Overlay.</b></p> <p><b>What is the purpose of the LLZR Overlay? What assumptions could people with land subject to the LLZRO make in respect to that Overlay? In particular, could people with land subject to the Overlay assume that rezoning to allow development was anticipated?</b></p>
	<p>In order to answer this question, I have first set out my understanding of the difference between a large lot residential ‘zone’ and an ‘overlay’, before exploring UFD-P3.</p> <p><b>LLRO vs LLRZ</b></p> <p>The NPS states that <i>“An overlay spatially identifies distinctive values, risks or other factors that require management.”</i> For the context of LLRZ in the Proposed Plan, Overlays are used to identify areas where rezoning may occur where the sufficient information has been provided to demonstrate that rezoning is appropriate.</p> <p>LLRZ areas with the Proposed Plan that have an Overlay align with the growth direction areas identified within the RRDS. In converting the growth directions to specific properties, Council relied on consultation feedback from property owners located in the growth directions during consultation with the RRDS. Those that expressed a desire to develop their land were included in the Proposed Plan as a result of the consultation. No additional analysis of the suitability of the properties for development was undertaken between showing the growth directions in the RRDS and mapping them for the Proposed Plan. One assumption that may have been made is that land subject to an overlay was that rezoning was ‘anticipated’ in a policy sense (noting my comments below).</p> <p>Paragraph [149] of the S42A Urban Form and Development officer report provides an overview of the intent of UFD-P3(2) in the Proposed Plan.</p> <p><b>UFD – P3</b></p> <p>UFD-P3(1) identifies that potential future Large Lot Residential Zone should be located in the Overlay areas as identified in the RRDS, while UFD-P3(2) provides additional criteria for the location of new large lot residential development. Any rezoning of the properties will still need to meet the provisions of the Proposed Plan, which includes demonstrating that the property does not contain a constraint that limits its ability to be rezoned. Policy</p>



Paragraph or Plan reference	Question
	<p>5.3.1(1) of the RPS requires that rural residential development is limited, this is achieved through limiting it to those areas identified in the RRDS within the Greater Christchurch Area in RPS Policy 6.3.9.</p>
<p>Overarching</p>	<p><b>For some submissions that you have recommended rezoning for, you have assessed that they meet Objective 1 and Policy 1 of the NPS-UD as contributing to a well-functioning urban environment due to enabling a variety of houses, being located in close proximity to jobs, community services, natural open space and public or active transport, supporting a reduction in GHG emissions and being resilient to climate change.</b></p> <p><b>Please explain what criteria you have used to determine whether a rezoning request is consistent with Objective 1 and Policy 1. For example, what distance do you consider to be close to jobs, to be serviced by public or active transport; and what constitutes supporting reductions in greenhouse gas emissions etc? Further, please explain how your evaluation of these submissions as being consistent compares to that of Ms Manhire in those zoning requests she recommends be rejected for not being consistent with Objective 1 and Policy 1 of the NPS-UD in her s42A report for Hearing Stream 12A.</b></p>
	<p>While on the whole I no longer LLRZ as an urban environment, individual assessment as to whether they provide significant development capacity and whether they contribute towards a well-functioning urban environment was undertaken for those rezoning requests.</p> <p>The determination of whether a rezoning request contributed towards a well-functioning urban environment with respect to NPS-UD Objective 1 and Policy 1, consideration was given to a range of factors, some are detailed in assessments in the S42A LLRZ Rezoning officer report. In particular these include those listed in Policy 1(c), and those that meet RPS Policies in Chapter 5 and 6, which include:</p> <ul style="list-style-type: none"> <li>• occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;</li> <li>• have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;</li> <li>• adverse effects are avoided, remedied or mitigated, including natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;</li> <li>• economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal;</li> <li>• avoid development which connects directly onto a strategic or arterial road;</li> </ul>

Paragraph or Plan reference	Question
	<ul style="list-style-type: none"> <li>• avoid development and and/or fragmentation which forecloses the ability to make appropriate use of that land for primary production.</li> </ul> <p>With respect to the assessments made in the S42A LLRZ Rezoning officer report, these were made against rezoning request on LLRZ, which in my opinion are not considered to be an urban environment. Ms Manhire in Hearing Stream 12A was assessing residential development as part of a special purpose zone that contained specific provisions that catered for a housing density at less than that enabled under LLRZ provisions, and which focused on the architectural style of the built form in relation to the golf course and a set of specific design guidelines.</p>
Overarching	<p><b>Please set out your opinion on whether the NPS-UD requires that the Council needs to consider housing demand and capacity both throughout the urban environment as a whole as well as in different locations in the District itself. Please reference relevant policies and clauses of the NPS-UD as you respond to this request.</b></p>
	<p>I do not consider that Council needs to consider housing demand and capacity on a localised level. An assessment by Mr Yeoman is provided in the response to the question on paragraph [452].</p> <p>Clause 3.2(1) NPS-UD requires that every local authority must provide at least sufficient development capacity in its district to meet expected housing demand. This is done though looking at existing and new urban areas, for standalone and attached dwellings and in the short, medium and long term. Clause 3.2(2) states how sufficiency is determined, including being 'infrastructure ready'.</p> <p>I have further assessed whether LLRZ is urban in Appendix A and are of the opinion that it is not urban for the purpose of the NPS-UD and the RPS. In reading Policy 1(a)(i) 'meeting the needs in terms of type, price, and location', Council has achieved this through rezoning of future development areas, intensification and if required LLRZ upzoning of Residential 4B areas and new LLRZ and SETZ areas.</p> <p>In forming this view, I acknowledge that the panel has recently identified questions to other reporting officers and submitters on this matter, and that there is likely to be further evidential analysis of this matter.</p> <p>Clause 3.4 NPS-UD requires housing and business development to be plan-enabled. In the short term (3 years) this is as within the Operative Plan, in the medium term (7 years), within a Proposed Plan, and for the long term, does not have to be within a district plan, but must be identified for future urban use within a Future Development Strategy (for Tier 1 councils). Therefore, I consider that in the event that clause 3.4 NPS-UD does require Council to specifically provide for LLRZ demand, that LLRO areas would also be considered as providing capacity.</p>
Para 36	<p><b>You state:</b></p> <p><b><i>Some of the rezoning submissions have not included any or sufficient information for them to be considered for direct rezoning</i></b></p>

Paragraph or Plan reference	Question
	<p><i>to LLRZ. Where relevant these have been rezoned as LLRZO until such time that the relevant information has been provided.</i></p> <p><b>Can you please clarify exactly what you mean by these two sentences. Do you mean that you have recommended that they be rezoned?</b></p>
	<p>I have not recommended full rezoning where there is insufficient information to determine whether rezoning is appropriate. In those cases, where my recommendation was that there may be a more appropriate zone outcome, I have recommended that an Overlay be applied until such time that sufficient information has been supplied to determine the suitability of the property for the proposed rezoning land use.</p>
Para 51	<p><b>Can you please advise what the first stage of assessment of suitable areas for inclusion in the RRDS involved.</b></p>
	<p>Seven key criteria listed on page 10 of the RRDS details what criteria were used for the first stage of assessment in identification of new rural residential areas.</p>
Paras 55, 57, 64-71	<p><b>The Panel is confused by paragraph 55. You state, “I consider that the wording of Policy 6.3.9 is clear in that only those areas identified in the RRDS can be considered for rezoning to LLRZ.” But then you say that “Properties outside of the Greater Christchurch area can be considered for rezoning or have the overlay apply, as they are not subject to the RPS Chapter 6 provisions, and in particular Policy 6.3.9.” Should the first sentence above read “I consider that the wording of Policy 6.3.9 is clear in that only those areas identified in the RRDS <u>within the Greater Christchurch area</u> can be considered for rezoning to LLRZ.”?</b></p> <p><b>You also say “My interpretation is that this also includes the application of the LLRZ Overlay within the Greater Christchurch area, in that the District Council was potentially providing for those properties to be rezoned LLRZ in the future. “ We assume this is because of the RPS definition of rural residential activities discussed in paragraph 57, However, how do we align this with your discussion in paragraphs 64 to 73 where you consider LLRZ to be urban (also at para 79, where you say it is an urban residential zone). Is there some inconsistency within the RPS itself and is the RPS inconsistent with the NPS’s you refer to? If so, how do we reconcile this different definitions/approaches?</b></p>
	<p>Yes, the statement is correct, for those properties wanting to rezone within the Greater Christchurch Area Policy 6.3.9 is determinative and restricts LLRZ development to only those areas identified in the RRDS. Those properties outside the Greater Christchurch Area are not subject to the restricted provisions of Chapter 6 RPS. Any rezoning of land to LLRZ outside of the Greater Christchurch Area does however have to consider the provisions of Chapter 5 of the RPS, along with other relevant provisions, for example hazard policies in chapter 11.</p>

Paragraph or Plan reference	Question
	<p>Given I now no longer consider that the LLRZ is urban in the context of the NPS-UD, I do not consider that there is an inconsistency between the NPS-UD and the PDP.</p> <p>While not referenced in the referred paragraphs, I have considered the NPS-HPL in the context of potential 'inconsistency' and consider that while it defines LLRZ as 'urban', that it does so in the specific context of protection of HPL (in the context of areas already identified for other purposes) and does not extend to defining whether areas are 'urban' in character.</p>
Para 135	<p><b>The second sentence reads:</b>  <b><i>I do not agree with the assessment that the NPS-UD, and the conflating of the Greater Christchurch area with the Christchurch Tier 1 Urban Environment.</i></b></p> <p><b>Is there something missing from this sentence?</b></p>
<p><i>I do not agree with the assessment of Mr Allan that the <u>site is identified as urban in the NPS-UD, and the conflating of the Greater Christchurch area with the Christchurch Tier 1 Urban Environment does not assist with the interpretation.</u></i></p>	
Para 159	<p><b>Please explain why you do not agree with Mr Haimsworth's opinion, and what the relevance is of his assessment to the consideration of this submission.</b></p>
<p>In para [159] I state that I generally agree with Mr Haimsworth's investigation of the property in question. I now recognise that Mr Haimsworth has made direct reference to Section 3.2.4 of the Land Use Capability Survey Handbook with his reference to "severe physical limitation". With regards to the relevance of his assessment, I consider this is not 'relevant' given that the property is zoned RLZ and is not subject to the NPS-HPL.</p>	
Paras 160 and 161	<p><b>This submission seeks rezoning of land proposed to be zoned RLZ into LLRZ. We are not aware of any submissions that oppose the RLZ or seek that this land be rezoned to any other zone. You state:</b></p> <p><b><i>Given that the site does contain LUC Class 3 soils (constraints aside) and the land is used for dairy farming and better aligns with GRUZ-O1, there is an argument that GRUZ would be the more appropriate zoning than RLZ. If GRUZ is considered to be a more appropriate zoning, then consideration should also be given to NPS-HPL Objective 1. Bearing in mind the Proposed Plan is not operative, and all provisions, including zoning can be subject to appeal, it may be more appropriate to consider the site in light of the NPS-HPL.</i></b></p> <p><b>Please state your understanding of the scope of what we can recommend in response to this submission, and other submissions that seek to upzone land through the PDP. Please explain how Objective GRUZ-O1 is relevant to the consideration of this submission.</b></p>


Paragraph or Plan reference	Question
	<b>We suggest that you obtain legal advice in responding to this question.</b>
	<p>Submission points [224.1] and [224.2] arising from the submission Mark and Melissa Prosser seek to change the zoning from Rural Lifestyle Zone (<b>RLZ</b>) to Large Lot Residential Zone (<b>LLRZ</b>) for a block of land situated on the northern boundary of Mandeville.</p> <p>There is no scope in that submission to change the zoning of the land to General Rural Zone (<b>GRUZ</b>). Objective GRUZ-01 is not relevant to the assessment of that submission. However, there are general submissions, including from Kaiapoi-Tuahiwi Community Board [147.1] and Federated Farmers [414.189 and 414.199] that raise the issue of whether the RLZ is appropriate:</p> <p style="padding-left: 40px;">(a) The Kaiapoi-Tuahiwi Community Board opposes provisions to allow 4ha blocks in the eastern part of the District on “heavier and largely better soils, and not on the lighter western areas” It considers this is inequitable and that the RLZ 4ha minimum is “inefficient and wasteful of viable agricultural land.” It also opposes the subdivision of “good quality land” into “economic/unsustainable blocks” which would adversely affect pollution and rural amenity.</p> <p style="padding-left: 40px;">(b) Federated Farmers' submission address the issue indirectly, by seeking to add high class soil as a feature of the RLZ. This is because the RLZ contains many areas with high class soils where landholders can choose to undertake primary production, but these areas could subject to subdivision. Additionally, Federated Farms suggest providing more discrete mapping of the GRUZ and RLZ. Their submission notes that the RLZ covers most of the high-class soils and allows for 4ha lot size (where some areas for farming becomes too challenging or constrained).</p> <p>The above submissions may provide scope to change the zoning of the Prosser land from RLZ to GRUZ. The Panel would however need to be satisfied, on the evidence before it, that the GRUZ is the most appropriate zoning for the land. Consideration of the GRUZ objectives and policies will be relevant to consideration of the most appropriate zoning for the land.</p> <p>The wider property covers 114ha of flat land that has in the past and presently remains under agricultural use, containing farming infrastructure (travelling irrigator) which requires significant financial investment. Mr Ford in his evidence noted that the <i>“highest and best land use of the site is ‘irrigated dairy support’ as represented by heifer grazing”</i><sup>3</sup></p> <p>My assessment of the zoning provisions in Para [146] of the S42A LLRZ Rezoning officer report notes that the size of the area and present land use better aligns with GRUZ-01 of ‘Natural and physical resources and primary production activities which contribute to the District's rural productive economy dominate while fragmentation of land into small rural parcels is restricted’. In my opinion the site better meets the character of the General Rural Zone (GRUZ-P1) of primary production being ‘a dominance of open space and vegetation, including paddocks, trees, agriculture and natural elements over buildings, with a focus of open farmland areas and larger scale primary production activities’. Compared to RLZ-P1 being ‘a highly modified landscape strongly influenced by fine</p>

<sup>3</sup> Para [17] Stuart Ford Evidence

Paragraph or Plan reference	Question
	<p>grained patterns and processes of human induced activity, including a predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities’</p> <p>I note that Clause 3.4 of the NPS-HPL states that Regional Councils must map general rural zone or rural production zone land that is LUC Class 1 to 3 and forms large cohesive areas. I also note that under clause 3.5(7) that until Regional Councils have mapped HPL in their regions, that territorial authorities must apply the NPS-HPL but not if the land is identified for future urban development or has been zoned urban or rural lifestyle. The NPS-HPL could be read as not explicitly excluding RLZ from being considered by the Regional Council. However, I do note that Table 4 in the MfE Guidance document enables Regional Councils to have wider consideration of “equivalent” zones during mapping<sup>4</sup>.</p> <p><i>Determining whether a particular zone in the District Plan is “equivalent” to general rural or rural production zone in the National Planning Standards must be based on the purpose of the zone, not necessarily the name or title of the zone. This may involve considering the zone objectives, policies and rules (including subdivision site sizes) to determine what the ‘best fit’ National Plannings Standards zone is.</i></p> <p>My answer recognises that some land within the GRUZ that is 4ha in size or smaller and is LUC Class 1 to 3, could be mapped as HPL, while large farming units, such as 100ha, and are LUC Class 1 to 3 but are in the RLZ are in the interim until mapping has been completed are not considered as HPL.</p>
Paras 175 and 181	<p><b>Which private plan changes are you referring to and what did it/they involve?</b></p>
	<p>With regards to paragraph 175 I wish to correct my statement as the full area within Figure 7 was not included within a plan change. Private Plan Change P4 sought to rezone 10 hectares of land from Rural to Rural Residential (Residential 4A in the Operative Plan) at 490 No. 10 Road. It was declined in 2010. The environment court upheld the decision.</p> <p>With regards to paragraph 181, this area was indirectly assessed as part of Council Plan Change 32, which created a growth boundary around Mandeville North; however, I understand that this was in the context of a character assessment undertaken to define the existing boundaries of the Mandeville assessment, and not a specific rezoning of this land area (the scope of this plan was I understand not in relation to zoning).</p> <p>I acknowledge that these plan changes were undertaken under the Operative Plan objective and policy framework.</p>
Paras 192-201	<p><b>Please explain how this site was identified in the PDP as being RLZ with the LLRZO applying, but is now considered to be inconsistent with the NPS-UD and the RPS.</b></p> <p><b>Please provide an assessment of this requested rezoning and the ODP that accompanies it against the relevant criteria in the PDP, under UFD-P4 and SD-O6.</b></p>

<sup>4</sup> [NPS-Highly-Productive-Land-Guide-to-implementation \(2023\).pdf \(environment.govt.nz\)](#) at page 60

Paragraph or Plan reference	Question
	<p>As detailed in Appendix A, I no longer consider that rural residential/LLRZ is urban, but as per the RPS is its own zoning classification. In such a case the NPS-UD does not directly apply to the assessment. Para [194] assesses the rezoning request against the relevant provisions of the RPS. In assessment against other RPS policies, I do not consider that an area of land separated by an arterial road and collector road to being a connected and consolidated form of development or enabling active transport connections with the LLRZ area to the east.</p> <p>It is assumed that the reference to UFD-P4, (relevant to town centre zone zoning), is meant to refer to UFD-P3. In that case the property was identified in the RRDS, is located outside of the Greater Christchurch area and is subject to an assessment under the provisions of Chapter 5 of the RPS and the relevant provisions of the Proposed Plan. UFD-P3 does not provide for rezoning of land with an Overlay without meeting other provisions of the Proposed Plan.</p> <p>Policy SUB-P6 requires ODPs to show a number of components associated with the development. The ODP supplied for 1379, 1401, and 1419 Tram Road, does show the principal road, but does not show the following:</p> <ul style="list-style-type: none"> <li>• 2(b) Connections and integration with relevant infrastructure;</li> <li>• 2(b)(iv) Distribution of different residential densities;</li> <li>• 2(b)(v) Stormwater treatment, secondary flow paths, retention and drainage paths;</li> <li>• 2(e) provision of infrastructure;</li> <li>• 2(g) pedestrian and cycleways;</li> <li>• 2(h)(ii) connection to open spaces (noting that at the closest point the Swannanoa reserve is over 500m away); and</li> <li>• 2(h)(iii) Use of open space for stormwater management.</li> </ul> <p>These matters are required to be shown on an ODP to demonstrate that any development is integrated with existing infrastructure and identify to where additional infrastructure is required, show how it integrates with neighbouring developed areas and connectivity with any support services, such as schools, reserves, and identifies how the development addresses any constraints that might exist on the land, such as overlay flow paths, or flooding.</p> <p>The ODP for 1379, 1401 and 1419 Tram Road shows a preliminary road and nothing else. For 1275 Tram Road the ODP shows indicative road, naturalised water races, overland flow paths and an indicative pedestrian/cycling connect to the school.</p> <p>With respect to SD-O6, the proposed rezoning was not recommended to be rejected on the basis of avoiding subdivision where the natural hazard risk is unacceptable, but Mr Aramowicz stated that development of the site may contribute towards increasing flooding impacts downstream of the site.</p>

Paragraph or Plan reference	Question
Para 204	<p><b>Please confirm whether this site is in the Greater Christchurch Area or not. If it is not, then please update this assessment.</b></p>
<p>1275 Tram Road is inside the Greater Christchurch Area, Two Chain Road forms the boundary between being inside (clear) or outside (shaded) of the Greater Christchurch Area.</p> 	
Para 220	<p><b>Please set out your rationale for this assessment. What exactly is the proximity to jobs, public and active transport and how will a reduction in GHG emissions be supported. How do these compare to the other submissions you have assessed in this report?</b></p>
<p>As outlined in Appendix A, I no longer consider the NPS-UD as being relevant to LLRZ rezonings.</p> <p>For the proposed rezoning of Cones Road, I consider that the proposed rezoning better meets Policy 5.3.2(1) as being consolidated around existing urban area, and Policy 5.3.5(1) being serviced with three waters.</p>	
Paras 227 and 231	<p><b>You have set out that the Council's engineer has noted that the ODP lacks sufficient detail in respect of overland flow paths, stormwater reserves, and sizing of stormwater management</b></p>



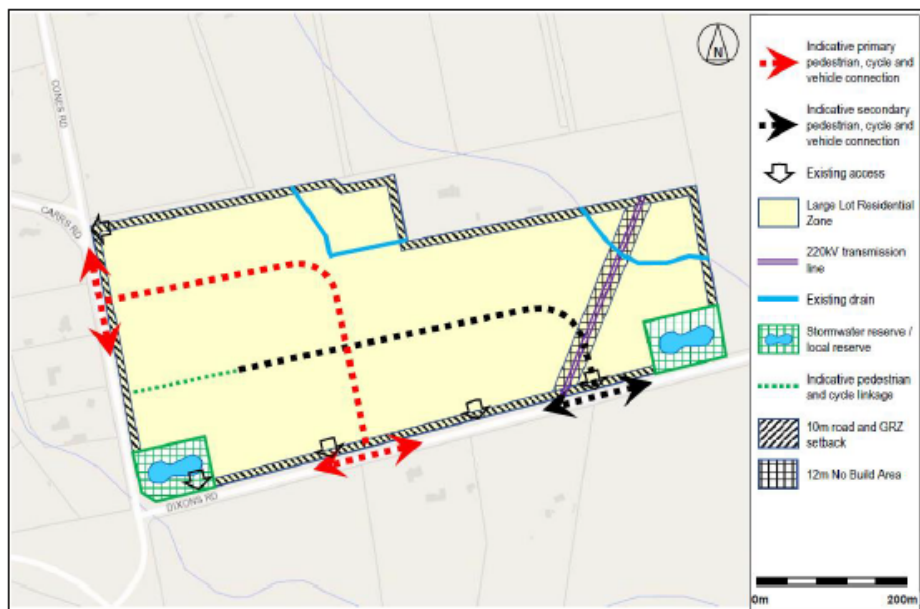
Paragraph or Plan reference	Question
	<p><b>areas. Later, you identify that the submitter will need to demonstrate there is an ability to retain stormwater to predevelopment levels within the property at the site. Is this a problem in respect to the requested rezoning, and what needs to be done to remedy it if it is a problem? If this information is not provided, what is your recommendation in respect of this submission?</b></p>
<p>A request for rezoning should be able to demonstrate that the proposed land use can occur on the site without there being extensive constraints on development and that it integrates with surrounding developed areas. While finer details regarding specific design of servicing and stormwater management can be done at resource consent stage, the layout of roading, location of parks and service corridors are required to show integration with surrounding developments and promoting sustainable development.</p> <p>The main issue that needs to be addressed during the proposed rezoning is that the overland flows in 90 Dixons Road need to be catered for in the stormwater management areas. The PDP report dated 29 September 2023 implies that the depression areas will be used for stormwater attenuation, this is not reflected in the stormwater management areas shown in the ODP and it is not clear how these integrate with the existing overland flow paths and stormwater infrastructure downstream of the site (shown below).</p> <p>If the information is not provided then the rezoning proposal is recommended to be rejected. I consider that these matters could be subject to conferencing following the hearing.</p>	

Paragraph or Plan reference	Question
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**Figure 4: Existing Depressions**

Overland flow paths and stormwater ponding.



**Figure 4: Proposed ODP**

ODP and stormwater management areas

Para 230	<p><b>What are resource consents RC225263 and RC225264 and how are they relevant to this assessment?</b></p>
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Paragraph or Plan reference	Question
	<p>Resource consents RC225263 and RC225264 are bundled subdivision and land use consents to subdivide 308 Cones Road Loburn (Lot 3 DP 386430) into 7 ‘rural residential’ allotments. The subdivision and land use consents cover part of the site looking to be rezoned. I consider that these are relevant to my assessment as they demonstrate a level of provided information that has been deemed sufficient to inform a more detailed resource consent process. I note that the consents have not yet been issued.</p>
<p>Para 237</p>	<p><b>Please explain your statement that “it will provide immediate additional development capacity of seven houses and a future potential development of 37 houses, should part of 90 Dixons Road be developed”?</b></p>
	<p>In reference to the question above, the seven houses was based on the fact that if my recommendation was accepted and the submitter continued with signalled development intentions by way of the resource consents, that 7 houses would be created in the short term. The additional 37 households was the identified lot yield for the remainder of the area covered by the rezoning.</p>
<p>Para 260</p>	<p><b>You state:</b></p> <p><b><i>“The ODP, as discussed below, however does not demonstrate a well-designed outcome, with issues around transport and stormwater management not being adequately addressed. “</i></b></p> <p><b>Is there no opportunity to address shortfalls in the ODP design through the subsequent subdivision process?</b></p>
	<p>While the finer grained detail of subdivision design can be undertaken at resource consent stage, ODPs are required to demonstrate integration with surrounding development. They demonstrate connectivity with existing road and active transport networks, integration with any existing network services, provide for stormwater and overland flow considerations, demonstrate that the development achieves a type and form that achieves a sustainable development.</p> <p>However, in this instance, the area is a relatively large area and contains a subdivision plan with up to 56 lots created. In forming this opinion, I consider the comments of Mr Aramowicz as follows:</p> <p><i>“The E2 report includes a concept scheme plan that identifies at least one of the SW attenuation areas will need to be located quite close to the existing dwelling on proposed Lot 16. This suggests to me that the ODP and the scheme plan do not make adequate provision for onsite stormwater management. While I agree that it will be possible to attenuate stormwater onsite, I recommend an ODP be provided which makes adequate provision for the location and areas of the basins that will be needed to avoid stormwater</i></p>

Paragraph or Plan reference	Question
	<p><i>runoff causing adverse effects to nearby and downstream properties. The size and location of the SWMAs shown on the ODP should be noted as indicative only”</i></p> <p>Based on the advice of Mr Aramowicz, I consider that an ODP for this area should include details of stormwater design to give effect to Policy 6.3.3(3)(f).</p>
Para 271	<p><b>You have raised concerns regarding servicing, traffic, stormwater disposal, hazards and planning assessment, and are of the view that there are significant issues with onsite wastewater and stormwater disposal. Were these matters that were traversed in the approved resource consents RC225343 and RC22545? What is the status of the resource consents? How does what was consented in the resource consents differ to what is sought through the rezoning?</b></p>
	<p>RC225344 and RC225345 (incorrectly referred to above) have been approved. RC225343 is a subdivision and is pending an s223 certificate. RC225345 is a bundled land use consent. RC245047 exists as a later variation to RC225344 to amend stormwater conditions. My opinion regarding stormwater was based on my prior experience in this area and an assessment of the original information provided as part of the earlier subdivision. I acknowledge that these consents form part of the existing environment and enable this subdivision activity. The consents enable a subdivision of up to seven lots. Rezoning would potentially enable 3 lots depending on the actual yield that could be achieved based on allotment sizes.</p>
Para 273	<p><b>Please explain why you say in para 272 that LLRZ Overlay would be more appropriate than RLZ as notified in the Proposed Plan but then say here that you cannot recommend its rezoning? Did the RCs consider water and wastewater servicing that may provide for rezoning to LLRZO? Please explain why the provision of an ODP relevant to rezoning to apply the LLRZO?</b></p>
	<p>The property is 1.34ha in size and is zoned RLZ. Given its size, the property could potentially be subdivided into two lots, meeting the 5,000m<sup>2</sup> average lot size. The resource consent enables the property to subdivide into seven lots.</p> <p>The property is not presently serviced with water or wastewater or is connected to a stormwater system. While water has been required as part of the resource consent, there is no connection into a wastewater or stormwater system being proposed.</p>

Paragraph or Plan reference	Question
	<p>An ODP is not required for the application of an Overlay, although I note that the submitter requested that the site be rezoned, and did not request an Overlay.</p>
<p>Para 281</p>	<p><b>Please explain how you define “close enough” in respect to your assessment of proximity to jobs, community services and public transport.</b></p>
	<p>Policy 6.3.9(5)(k) notes that ‘where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement;’ implying that close enough is being able to integrate with or consolidate with existing settlements. The explanation for Policy 5.3.1 states “Within the wider region it is important that areas zoned for rural residential development are located close to existing towns and villages so as to ensure efficient utility servicing and patterns of transport”</p> <p>In my opinion for the purpose of the S42A LLRZ Rezoning ‘close enough’ is where areas can be efficiently serviced and coordinates with transport corridors and are close to existing towns and villages. In the context of this rezoning request, the area is to the immediate north of Rangiora enabling any development to have ready access to services in the town.</p> <p>I have also considered that if Policy 1 NPS-UD applied the policy direction of Policy 1(c) is similar to Policy 6.3.9(5)(k) in seeking integrated environments. While as noted I do not consider the LLRZ Zone is urban, there is a degree of consistency between the NPS-UD and RPS outcomes.</p>
<p>Para 285</p>	<p><b>Please explain whether the areas of LLZRO are contained within the RRDS. Having looked at the RRDS, it seems to indicate rural residential development occurring across this area of land.</b></p> <p><b>Also, you state:</b></p> <p><i>While LLRZ can be developed in those areas already identified in the RRDS, outside of that process the RPS and Proposed Plan does not generally support large scale rezoning of land from RLZ to LLRZ.</i></p> <p><b>Please explain your answer in terms of both the RPS and the PDP. In doing so, please explain how your answer is consistent with UFD-P3.</b></p>

Paragraph or Plan reference	Question
	<p>The LLRZO areas identified in the Proposed Plan are generally reflective of the maps in the RRDS (below). While the RRDS generally show growth directions and not specific parcels, the application of the growth directions in the Proposed Plan was refined through community consultation during the RRDS process. As stated in Part 2 of the RRDS for each growth direction, and in Section 2.6 of the S32 Rural Zones Officer Report, the properties identified in the Overlays were directly informed by support from the underlying landowners.</p> <p>RPS Policy 6.3.9 directs that Rural Residential Development can only occur where it is identified in a RRDS within the Greater Christchurch Area. This is reflected in UFD-P3(1) recognising that the location of future LLRZ development is informed by the Overlays. The rezoning of the Overlays still has to meet a number of criteria before they can be rezoned.</p> <p>While the properties shown with an Overlay in the Proposed Plan reflect the RRDS growth directions, they were originally intended to be vague as not to overly constrain any potential development opportunities in the future, noting that 101 Dixons Road could be considered as an outlier.</p> <div data-bbox="375 974 1401 1417" data-label="Image"> </div> <p>The new Overlay area proposed in the S42A LLRZ Rezoning's officer report could potentially meet the criteria in the RPS (Policies 5.3.1 and 6.3.9), and meet UFD-P3(2) in the Proposed Plan. No ODP or any detailed assessment of the wider area has been undertaken in line with the criteria used in the RRDS to identify potential growth directions.</p>
Para 291	<p><b>Is it a requirement of the RPS or the PDP that an ODP is required in order for the LLRZ Overlay to be applied to land? If so, please set out exactly which provisions you are relying on to require an ODP for the Overlay to be applied. Please also set out the criteria in the PDP for the LLZR Overlay to be applied to land.</b></p>

Paragraph or Plan reference	Question
	<p>I acknowledge that an ODP is not required for the application of an Overlay to a property. LLRZ-P5 requires that for any Large Lot Residential Zone Overlay that a ODP developed in accordance with SUB-P6 and is incorporated into the District Plan. It does not require an ODP in order to have the Overlay applied to the property.</p>
<p>Para 301, 308 - 309</p>	<p><b>Would subdivision plans not show more detail than an ODP? If so, why would an ODP now be needed? Why do all developments/ODPs need to identify land for community facilities, parks etc if they are adequately catered for in adjoining areas? Further, is it appropriate to address matters through conditions in the rezoning as suggested in para 309? Are these things not just standard matters addressed by the subdivision process?</b></p>
	<p>Yes, a subdivision plan would generally show more detail than an ODP. I consider that an ODP is appropriate prior to a resource consent process to demonstrate integration with surrounding land use and infrastructure, and because without an ODP, there is no assessment pathway to address wider integration issues within the Proposed Plan.</p> <p>I acknowledge that the ODP may in fact replicate some of the details that are shown on a subdivision plan. I would agree that this ODP does not need to identify community facilities where these are not required, but may need to show active transport connections (for example connecting the cul-de-sac to Lower Sefton Road).</p> <p>With regards to paragraph 309, I agree that proposed water and wastewater reticulation and upgrades to the road network are standard matters addressed by subdivision. However, Policy 6.3.3(3)(a) requires an ODP to include <i>“Principal through roads, connections with surrounding road networks, relevant infrastructure services and areas for possible future development;”</i> and 6.3.3(3)(f) <i>“Land required for stormwater treatment, retention and drainage paths;”</i>, this information is required <i>“for integrating urban development with infrastructure, making the best use of existing infrastructure, and identifying and providing for the additional infrastructure required to meet the needs of incoming residents and businesses.”</i><sup>5</sup></p>
<p>Paras 306 and 313</p>	<p><b>You quote Mr Binder in para 306 as stating that there is no funded public transport available for Ashely Village. You then conclude in para 313 that the site is in close proximity to the public transport park and ride facility.</b></p>

Paragraph or Plan reference	Question
	<p><b>How do you reconcile the statement in bullet point 3 of para 313 with Mr Binder’s statement “Relative to the other submissions in this tranche, I consider that Ashley township is “better served” with regards to active modes but do not consider it “well served,” certainly not as urban environments should be in the context of the NPS-UD.</b></p>
	<p>Mr Binder noted that there was no funded public transport that goes into Ashley village. However, the Park and Ride facility is located on the north side of Rangiora on River Road and is 3.5km from the centre of Ashley Village, similar distance to parts of Rangiora and Kaiapoi to the facilities.</p> <p>With respect Mr Binds comment regarding “active modes” he is referring to the bike path located to the south of the village along the edge of the Ashley/Rakahuri River and the cycle lane on Fawcetts Road.</p> <p>Bullet point 3 in Para 313 refers to the fact that a Park and Ride facility is a similar distance from Ashley Village as they are from parts of Rangiora and Kaiapoi, unlike other parts of the district, such as Mandeville. Ohoka, Ashley Village, can be considered as being close to community services.</p> <p>In the context of LLRZ Overlay rezonings, those areas that are near existing town centres are able to better integrate with community services, infrastructure and transport networks.</p>
Para 308	<p><b>In light of your generally positive evaluation, is an alternative that the LLZR Overlay is applied to the site, particularly in the absence of an ODP?</b></p>
	<p>Yes, the subdivision plan showed some of the detail, but did not address all of the issues as required by SUB-P6. It is proposed that a Settlement Zone Overlay be applied until a complete overlay has been provided and those conditions in para [309] have been addressed.</p>
Para 310	<p><b>You have recommended that the submission be accepted in part. Exactly what is your recommendation to the Panel? If it is a rezoning to SETZ as indicated in your para 313, then what do you mean in para 309 that the following conditions need to be addressed in the rezoning? When do these conditions need to be met?</b></p>



Paragraph or Plan reference	Question
	<p>My recommendation is that the rezoning submission is rejected until the conditions in para [309] have been addressed.</p>
<p>Para 321</p>	<p><b>Please explain the relevance of consistency with the PC17 consent order to the Panel considering submissions on the PDP. What was the timing of PC17 and are there now new planning documents that the Panel must consider in evaluating the submission?</b></p>
	<p>Paragraph 321 references the consent order as this was informed by specific assessment of the character of the area. I acknowledge that this was an assessment of the operative plan and there are other relevant documents to consider (noting my overarching comments).</p> <p>In acknowledging the above, I note that no further evidence was received in respect of the establishment of smaller lots at the time of writing my report, and on this basis my recommendation preferred the notified version of provisions that would apply to the site.</p>
<p>Paras 370 – 373</p>	<p><b>Please confirm your understanding of Mr Harris’s submission and whether he is seeking rezoning of his land. We have reviewed his submission and we are unclear as to where he seeks rezoning, rather than changes to the subdivision standards. Further, in your assessment you refer to a “proposed subdivision” and recommend that the subdivision is rejected. How is a proposed subdivision relevant to a proposed plan process and our recommendations?</b></p>
	<p>My understanding is that Mr Harris is seeking rezoning of his land, despite his reference to ‘subdivision’ in the submission. He has subsequently confirmed this with Council.</p> <p>The reference to ‘proposed subdivision’ should read ‘proposed rezoning’.</p>
<p>Para 378</p>	<p><b>What do you mean by “that the rezoning submission is identified in a RRDS (Policy 6.3.9)”?</b></p>
	<p>This should read <u>‘that the area proposed for rezoning is not identified in the RRDS’</u>.</p>

Paragraph or Plan reference	Question
Para 383	<p><b>The Panel has reviewed the submission [37.1] which from our reading is specific to 3025 Oxford Road. Please clarify why you have also included 3065 Oxford Road.</b></p>
<p>I had included the assessment of 3065 Oxford on the basis that in order to assess integration across the two properties in line with SUB-O1. The original intent in the RRDS was that the Overlay area would provide some integration with the LLRZ areas to the north and west of the Overlay. Aside from this, there was no submission seeking rezoning and no scope to include the area in the assessment.</p> <p>My assessment of the rezoning submission does not change as a result of not including 3025 Oxford Road in the assessment, as it was not the major determining factor in rejecting the rezoning request.</p>	
Para 384	<p><b>You state that the submitter is seeking rezoning from RLZ with a LLRZ Overlay to LLRZ. Our reading of the planning map is the site is proposed to be zoned GRUZ, with the LLZRO applying to the northern part of the site adjacent to Oxford Road. Please confirm the proposed zoning in the PDP.</b></p>
<p>I acknowledge the site is in fact zoned GRUZ. Despite the zoning mistake, my assessment of the rezoning request and subsequent conclusions have not changed.</p>	
Para 391	<p><b>Please explain how you reconcile your position with the location of the LLRZ which is immediately adjacent to the north of the wastewater treatment plant.</b></p>
<p>Development in and around wastewater treatment plants could lead to reverse sensitivity issues. Council has not included setbacks for wastewater treatment facilities in their district plans but instead relies on Objective EI-O3 and Policies UDF-P10 and EI-P6(1) to ensure the operation of existing infrastructure is not compromised.</p>	
Para 392	<p><b>Please set out what part of Mr Tapp’s submission you are relying on to make this recommendation. The Panel cannot see the scope for your recommendation to remove the LLRZO from 3025 Oxford Road.</b></p>
<p>Mr Tapp sought to rezone 3025 Oxford Road, and has not sought it to have the Overlay removed. On the basis that Mr Tapp did not request that the Overlay is removed, there is no scope within his submission to remove the Overlay.</p>	

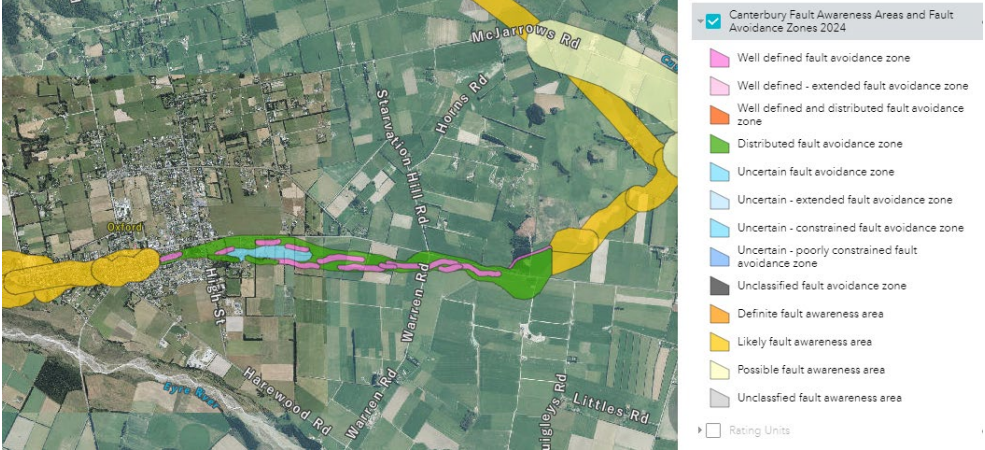
Paragraph or Plan reference	Question
Para 392, 393	<p><b>Figure 39 shows that the fault is located on that part of the site proposed to be subject to the LLZRO in the PDP. The submission seeks that the LLRZO be applied to that part of Lot 3 that is to the south of the fault line, out of the fault avoidance zone, in the area identified as being “no known deformation”.</b></p> <p><b>The Panel also notes the final conclusion in the GNS report which states:</b></p> <p><b><i>“the central and southern parts of Lots 2 and 3 DP 51992, which are proposed to retain rural land-use zoning (General Rural Zone) are on ground classed as having ‘no ground deformation hazard’. Instead, if the zoning proposal was amended to place the northern parts of Lots 2 and 3, encompassing the fault avoidance zones, in General Rural Zone, and create a LLR zone on the central to southern parts of the lots, there would be no active fault hazard to consider for building in the revised LLR zone’.</i></b></p> <p><b>Please advise if this changes your recommendation.</b></p> <p><b>Please also provide a more detailed assessment of the requested rezoning under clause 3.6 of the NPS-HPL.</b></p>
<p>For the purpose of NPS-HPL, LLRZ is identified as being urban in section 1.3. Clause 3.6 states that Council may allow rezoning of HPL only if:</p> <p><i>(a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and</i></p> <p><i>(b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and</i></p> <p><i>(c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.</i></p>	

Paragraph or Plan reference	Question
	<p>In (a) above as stated in Appendix A LLRZ is not considered to be urban in the context of the NPS-UD and RPS, and the rezoning of the site is not required to provide sufficient development capacity, as stated in the evidence of Mr Yeoman<sup>6</sup>.</p> <p>For (b) there is an option of moving the Overlay to the central and southern part of the site, but this is still within the same LUC Land Class. Moving the Overlay to the central and southern part of the site while deleting the northern part would only address the fault hazard risk. It should be noted that the central and southern part of the site also contains HPL land. Mr Yeoman notes that the NPS-UD does not require a fine-grained detail analysis for a specific location or section size, but that it just has to be provided in the district.</p> <p>For (c) I do not have any information that assesses the environmental, social, cultural and economic benefits of rezoning compared to the loss of HPL for land-based primary production.</p> <p>Separate to Clause 3.6, I am now of the opinion that moving the LLRZ Overlay to the central and southern part of the site is acceptable on the following basis:</p> <ul style="list-style-type: none"> <li>• the RRDS is considered a strategic planning document for the purpose of the NPS-HPL<sup>7</sup>;</li> <li>• for the purpose of the NPS-HPL, LLRZ is identified as urban and exempt from the application of Policy 7<sup>8</sup>;</li> <li>• moving the Overlay will better align with RPS Objective 11.2.1 and Proposed Plan NH-O1(3) of avoid natural hazard risk;</li> <li>• the northern part of the site has now been mapped by ECan as a fault avoidance zone (below);</li> <li>• any future development of the site would still need to consider reverse sensitivity effects associated with the Oxford WWTP.</li> </ul> <p>On balance, I consider the relocation of the LLRZ Overlay to the central and southern part of the property would not result in any greater loss of HPL outside of that which is already considered through the NPS-HPL.</p>

<sup>6</sup> Para [2.28] Mr Yeoman evidence Appendix J

<sup>7</sup> Para [20(c)(ii)] of Buddle Findlay legal opinion Appendix M S42A LLRZ Rezoning Officer report.

<sup>8</sup> Section 1.3 Urban definition in NPS-HPL

Paragraph or Plan reference	Question
	
Para 401	<p><b>Please provide a more detailed assessment of the requested rezoning under the NPS-HPL, and clause 3.6 in particular.</b></p>
Please see answer above	
Para 408	<p><b>Please explain more clearly how you consider the ECan submission provides you with the scope to make this recommendation. We suggest you seek legal advice in replying to this question</b></p>
<p>In reconsidering the ECan submission [316.50] requested that the Natural Hazards Chapter be amended to recognise <i>“that development of land for most residential, industrial or commercial purposes is not sustainable in high hazard areas. Therefore, further development within areas of high hazard shall be limited to low-intensity land uses that will not result in loss of life or serious injuries or significant damage”</i></p> <p>In considering the natural hazard risk, I note that the Overlay part of the property is now identified as being a fault avoidance zone in the ECan fault awareness and fault avoidance zone layer in Canterbury maps. In applying NH-O1(2) requires that new subdivision, and use and development is avoided in the Ashley Fault Avoidance Overlay, noting that the Starvation Hill Fault Avoidance Overlay will now be required to be included in the Proposed Plan maps.</p> <p>It is noted that the RPS does not define ‘high hazard’ for the purpose of fault lines<sup>9</sup>. I note that Dr Barrell does not conclude that the Starvation Hill fault is high hazard, and does suggest that dwellings <i>“might”</i> be appropriate, although this was in the original context of the area being a fault avoidance zone. Subsequent to this it has now been identified as a fault avoidance zone, which means that under the MfE guidelines that timber framed houses &gt;300m<sup>2</sup> are non-complying, but below that size they may be permitted. Given that the MfE guidelines only refer to a single building, it could be assumed that densities</p>	

<sup>9</sup> Definition on page 170 of RPS

Paragraph or Plan reference	Question
	<p>greater than a single building associated with LLRZ development may present an increased risk to property and people.</p> <p>As a result of the above assessment, I do not consider that the ECan submission provides clear scope to make this recommendation. I will address further in my right of reply following consideration of any additional evidence on this matter.</p>
<p>Para 415</p>	<p><b>You state:</b>  <i>“However, I do note that the loss of primary production, versatile soils and HPL were not part of the consideration for identification of the proposed development areas, and given the provisions of the Proposed Plan and the NPS-HPL. “</i></p> <p><b>This does not appear to be consistent with the factors listed in para 52, which includes ‘versatile soils and drainage’ and ‘intensive farms and irrigation areas’. The RPS addresses ‘versatile soils’ so you would expect them to have been considered.</b></p> <p><b>Can you please reconcile these two statements and also advise what is meant by ‘and given the provisions of the Proposed Plan and the NPS-HPL’ in this sentence.</b></p>
	<p>Page 15 of the RRDS notes that the assessment of soils for the Oxford sites states:</p> <p><i>Versatile soils to north and northwest should be protected for productive rural activities</i></p> <p>This has been identified as a constraint on the development on the site, which aligns with RPS Policy 5.3.2(1)(c) and Policy 5.3.12(1)(a) and (b). However, it appears that it was not considered significant enough to protect.</p> <p>Policy 5 of the NPS-HPL requires that urban rezoning of HPL is avoided, except where provided for in the NPS.</p>
<p>Para 429</p>	<p><b>We have reviewed the legal advice. We request the legal advisors provide updated advice that addresses the wording of UFD-P3, which states the new LLR development is located in the Future LLRZO, signalling that it is identified for urban development.</b></p> <p><b>Also, if the NPS-HPL did not apply (or we did not agree with the legal advice regarding the application of it in these circumstances), what would be your recommendation?</b></p>

Paragraph or Plan reference	Question
	<p>In reconsidering the application of the NPS-HPL and Overlays, while I recognise that LLRZ is not considered to be urban in the context of the NPS-UD, but the NPS-HPL clearly identifies LLRZ as urban for the context of assessment of its objective and policies.</p> <p>As stated in my response to Question on [393] and [393] above, I consider that the RRDS is a statutory planning document in line with Clause 1.3 interpretation of <i>“Identified for future urban development”</i>, although the RRDS states that Rural Residential is not urban: <i>“A rural residential development area shall not be regarded as in transition to full urban development”</i></p> <p>This interpretation results in an inconsistency within the NPS-HPL whereby LLRZ is recorded as being urban, while the RRDS has LLRZ as not urban in line with the RPS. Given the NPS-HPL is a higher order document, and that RRDS was developed prior to the NPS-HPL, and does not give effect to the higher order document, I prefer approach of the NPS-HPL when considering the policies of the NPS-HPL and the application of urban.</p> <p>On the basis that the LLRZ Overlay identifies areas for future urban development, then 25 Ashley Gorge Road is not subject to the avoid aspect of Policy 7. The proposed rezoning meets the exemption requirements under Clause 3.5(7)(b)(i) as having been identified for future urban development and is exempt from being considered as HPL. However, the NPS-HPL definition of <i>“Identified for future urban development”</i> notes that the strategic planning document should be at a level of detail that makes boundaries of the area identifiable in practice. The RRDS did not identify specific boundaries, but deliberately used ‘growth directions’ as insufficient information was available to identify specific properties. On the basis that boundaries of properties are not evident in the RRDS it can be assumed that it doesn’t meet the definition of having been <i>“Identified for future urban development”</i>.</p> <p>With respect to UFD-P3, the policy does not imply that LLRZ is urban in the context of the Proposed Plan. The UFD objectives and policies give effect to the NPS-UD and the RPS, of which only the RPS has specific policies associated with rural residential. In the case of 25 Ashley Gorge Rd proposed rezoning, the Chapter 5 provisions apply.</p> <p>Should the Hearings Panel not agree with the assessment and consider that the rezoning of 25 Ashley Gorge Road to LLRZ is suitable, then the following considerations are relevant:</p> <p>When assessed against the RPS, the proposed rezoning meets the intent of Policy 5.3.1, in that it <i>“occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development”</i> in being attached to an existing area of LLRZ on the edge of Oxford, and <i>“maintain and enhance the sense of identity and character of the region’s urban areas”</i> by enabling larger sections on the edge of Oxford.</p> <p>Policy 5.3.1(1) also provides for limited rural residential development; it can be considered that this aligns with the identification of proposed rural residential areas as part of the RRDS process. This is reflected in Policy 6.3.9 that restricts new rural residential development to those areas identified within the RRDS. On this basis I consider that the proposed rezoning of 25 Ashley Gorge Road meets the requirements of</p>

Paragraph or Plan reference	Question
	<p>the RPS and the Proposed Plan, including servicing, transport and planning requirements, the property, including 650 Bay Road, can be rezoned to LLRZ.</p>
<p>Para 431</p>	<p><b>You state:</b></p> <p><i>I consider that at 1.6ha rezoning of the property can be considered in line with clause 3.6(2)(c) in that the land could be considered as having a relatively lower productive capacity.</i></p> <p><b>What do you mean by this statement and advise of your expertise to make it, noting that Mr Ford did not consider this property in his assessment? Do you have a conclusion after making that statement?</b></p>
	<p>The property is 1.6ha in size, Mr Gordon on page 15 of his report noted that “...<i>some crops, and in particular covered crops, are economically viable when grown on smaller land parcels (2ha – 10ha)</i>” Excluding the house and yard area, only 1.2ha of land would be available for any production. The low production potential for the site is reflected in the returns per hectare as shown in the table below. While Mr Gordon’s report does not specifically address rural production on the property, I rely on the contents of the report to inform my opinion.</p> <p>The property presently has a split zone, with half of the site zoned LLRZ and the other GRUZ. This is based on the original RES 4A zoning from the Operative Plan, and was not amended to extend the LLRZ to the eastern property boundary. My recommendation is that the remaining part of the site and be rezoned from GRUZ to LLRZ.</p>



Paragraph or Plan reference	Question																																	
	<table border="1" data-bbox="395 353 1086 909"> <thead> <tr> <th colspan="3" data-bbox="395 353 1086 421">SUMMARY OF RETURNS OF DIFFERENT LAND USES UNDER IRRIGATION</th> </tr> </thead> <tbody> <tr> <td data-bbox="395 421 647 488" rowspan="2"><b>Dairy</b></td> <td data-bbox="647 421 767 454">Average</td> <td data-bbox="767 421 1086 454">\$2,380/ha</td> </tr> <tr> <td data-bbox="647 454 767 488">Range</td> <td data-bbox="767 454 1086 488">\$2,000-\$6,000/ha</td> </tr> <tr> <td data-bbox="395 488 647 555" rowspan="2"><b>Sheep, Beef &amp; Dairy Support</b></td> <td data-bbox="647 488 767 521">Average</td> <td data-bbox="767 488 1086 521">\$700-\$900/ha</td> </tr> <tr> <td data-bbox="647 521 767 555">Range</td> <td data-bbox="767 521 1086 555">\$100-1,000/ha</td> </tr> <tr> <td data-bbox="395 555 647 622" rowspan="2"><b>Arable and Processed Crops</b></td> <td data-bbox="647 555 767 589">Average</td> <td data-bbox="767 555 1086 589">\$2,000/ha</td> </tr> <tr> <td data-bbox="647 589 767 622">Range</td> <td data-bbox="767 589 1086 622">\$1,000-\$2,500/ha</td> </tr> <tr> <td data-bbox="395 622 647 723" rowspan="2"><b>Viticulture</b></td> <td data-bbox="647 622 767 678">Average</td> <td data-bbox="767 622 1086 678">Depends on region &amp; variety.</td> </tr> <tr> <td data-bbox="647 678 767 723">Range</td> <td data-bbox="767 678 1086 723">\$4,000-\$10,000/ha</td> </tr> <tr> <td data-bbox="395 723 647 824" rowspan="2"><b>Kiwifruit</b></td> <td data-bbox="647 723 767 779">Average</td> <td data-bbox="767 723 1086 779">Depends on variety split but \$900/ha</td> </tr> <tr> <td data-bbox="647 779 767 824">Range</td> <td data-bbox="767 779 1086 824">Wide range</td> </tr> <tr> <td data-bbox="395 824 647 902" rowspan="2"><b>Pipfruit</b></td> <td data-bbox="647 824 767 857">Average</td> <td data-bbox="767 824 1086 857">\$4,400/ha</td> </tr> <tr> <td data-bbox="647 857 767 902">Range</td> <td data-bbox="767 857 1086 902">Depends on variety split.</td> </tr> </tbody> </table> <p data-bbox="1098 898 1126 920" style="text-align: right;">10</p>	SUMMARY OF RETURNS OF DIFFERENT LAND USES UNDER IRRIGATION			<b>Dairy</b>	Average	\$2,380/ha	Range	\$2,000-\$6,000/ha	<b>Sheep, Beef &amp; Dairy Support</b>	Average	\$700-\$900/ha	Range	\$100-1,000/ha	<b>Arable and Processed Crops</b>	Average	\$2,000/ha	Range	\$1,000-\$2,500/ha	<b>Viticulture</b>	Average	Depends on region & variety.	Range	\$4,000-\$10,000/ha	<b>Kiwifruit</b>	Average	Depends on variety split but \$900/ha	Range	Wide range	<b>Pipfruit</b>	Average	\$4,400/ha	Range	Depends on variety split.
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Para 434	<p data-bbox="639 999 1422 1133"><b>Please explain how you consider that you have scope under the Federated Farmers submission on UFD-P3 to recommend the removal of the LLRZ Overlay from 25 Ashley Gorge Road.</b></p>																																	
	<p data-bbox="376 1178 1422 1279">Across a number of the Federated Farmers submission points, they opposed the loss of LUC Classes 1 to 3 land. This is reflected in their submission on UFD-P2 and UFD-P3 requesting that “<i>avoid where practicable any development on LUC 1-3 soils</i>”.</p> <p data-bbox="376 1323 1461 1424">However, as detailed in my answers above, I consider that the property should be rezoned to LLRZ, given that it is considered to having been identified for future urban development in the RRDS when using the interpretation for urban in the NPS-HPL.</p>																																	
Para 442	<p data-bbox="639 1464 767 1498"><b>You state:</b></p> <p data-bbox="639 1520 1445 1588"><b><i>Given that there is no planning or engineering information that is specific to rezoning the site to LLRZ...</i></b></p> <p data-bbox="639 1615 1437 1749"><b>Please explain this statement, in light of the initial evidence provided by Ms Edmonds (planner) and Mr Hopkins (engineer) in support of the submission.</b></p>																																	

<sup>10</sup> Clothier B et al, 2017. Futures for New Zealand’s arable and horticultural industries in relation to their land area, productivity, profitability, greenhouse gas emissions and mitigations. Crop and Food Research.

Paragraph or Plan reference	Question
	<p align="center"><b>Please provide an evaluation of the requested rezoning under Objective 6 and Policy 8 of the NPS-UD.</b></p>
	<p>I acknowledge that there is some planning and engineering information was provided as supplementary information. The engineering evidence was not submitted to Council until early May, after the date stated in the Hearing Panel Minute 18, and that engineering evidence was to be reviewed by the Council Engineers.</p> <p>In assessing the Planning evidence of Ms Edmonds with respect of the LLRZ component of the supplemental information I do not agree with the assessment that RLZ is a “<i>lower-density integrated residential-style development is deemed more appropriate for the site</i>” I also do not agree that the proposed rezoning provides an integrated residential community, as the site is separated from the existing residential areas by the stormwater management area at 90 Parsonage Road.</p> <p>I generally agree with the approach taken in the assessment that those properties that may bound the proposed bypass would be larger and may contain more green space<sup>11</sup>. Although I note that Council received a number of rezoning requests for most of the land between Woodend and the proposed bypass and a more integrated approach towards land use across the entire area could produce a better planning outcome.</p> <p>No assessment was provided against RPS Policy 6.3.9. The proposed rezoning area is not identified in the RRDS, so is inconsistent with the policy. I do not agree with the assessment against the provisions of the NPS-UD as stated in Appendix A I do not consider LLRZ as being urban.</p> <p>I note that Waka Kotahi had concerns associated with the development and wanted an integrated traffic assessment to address possible impacts. No traffic assessment was provided as part of the rezoning request, but the planning assessment stated that it would be part of a broader resource consent process. Deferring it to the resource consent process does not enable an assessment against Policy 6.3.5(5) as part of the rezoning request.</p> <p>It is noted in the planning evidence that a cultural advice report was received from Te Ngāi Tūāhuriri Rūnanga. I am unaware whether this report has been provided to Council.</p> <p>Subsequent analysis of the engineering evidence was undertaken with the rezoning request to GRZ and MDRZ for the site. The assessment is as follows:</p> <ol style="list-style-type: none"> <li>1. The application site is in the northeast part of Woodend. The ground surface appears to have a slight fall from the north down to the southwest.</li> </ol> <p><b>Natural hazards &amp; Geotechnical matters</b></p>

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<sup>11</sup> Para 80 of Ms Edmonds evidence

Paragraph or Plan reference	Question
	<p>2. No geotechnical testing was carried out on the site to inform the submitter's submission, however, based on previous work by another consultant there is a TC2 risk of liquefaction, but no risk of lateral spreading, near the WDC wastewater pump station further west of the site.</p> <p>3. The Localised Flooding Hazard 200yr and Breakout Flooding Hazard 200yr scenarios both indicate the site has only a very low flood hazard.</p> <p>4. In summary, there are no known significant risk from natural hazards or other geotechnical matters that would prevent the proposed land use.</p>
	<p><b>Stormwater</b></p> <p>5. The ODP identifies the location of a SWMA at the southwest part of the site where the topographic survey indicate ground levels are lowest. The area allowed for the SWMA has not been confirmed and therefore should be seen as indicative only. This should be noted on the ODP.</p> <p>6. In summary, there are no known significant stormwater constraints that would prevent the proposed land use.</p>
	<p><b>Wastewater</b></p> <p>7. There is capacity within the existing WDC pump station on Parsonage Rd to accept the discharge from a future development of the site, however it is likely a small pump station will need to be provided at the site to convey wastewater from a future subdivision to the existing pump station.</p> <p>8. In summary, there are no known significant wastewater constraints that would prevent the proposed land use.</p>
	<p><b>Potable water</b></p> <p>9. Submitter suggests 180mm dia water main to be extended from McQuillan Ave to site to provide sufficient supply for firefighting/potable water. 50yr growth forecast assumed growth area WDG18 would be developed in yrs. 31-50.</p> <p>10. In summary, there are no known significant water supply constraints that would prevent the proposed land use.</p>
	<p><b>Summary</b></p> <p>11. There are no significant constraints that relate to natural hazards, geotechnical conditions, or the ability to provide stormwater, wastewater and potable water services to the site that would prevent the proposed GRZ/MDRZ land use.</p>

Paragraph or Plan reference	Question
	<p>It is noted that in Para [12] of Ms Edmonds evidence refers to evidence of Mr Su (Geotechnical), which was not submitted with the supplementary information.</p>
<p>Para 452</p>	<p><b>In response to Ms Hampton economic assessment that there is a shortfall in LLRZ development capacity for Woodend, you state that “...Council is not required to provide development capacity at a specific location or for a specific property size.” You make similar comments at para 459.</b></p> <p><b>There appear to be several provisions in the NPS-UD that would suggest otherwise. For example, Objective 3(c), Policy 1(a)(i), Policy 2, clause 3.2. clause 3.24 and clause 3.25.</b></p> <p><b>Can you please reassess your position in light of these and other provisions of the NPS-UD.</b></p>
	<p>As discussed in Appendix A, I do not consider that LLRZ is an urban environment and is not subject to the provisions of the NPS-UD.</p> <p>Mr Yeoman has provided some additional comment in response to this question. He states:</p> <p><i>“In my opinion, the sufficiency assessment in the NPS-UD does not require councils to consider residential demand for individual zones, or even individual locations in the urban area (see Policy 2, 3.2, or 3.27). These assessments are framed using higher order geographies, mostly in terms of Urban Environment – i.e. is there sufficient capacity in the urban area to meet the demand? However, Policy 1 requires decisions that contribute to urban environments to provide a “variety of homes”. But there is nothing that says that you should assess sufficiency of demand or capacity for each individual zone.”</i></p>
<p>Para 465</p>	<p><b>Please confirm whether there was a further submission from NZTA opposing this submission. Has there been any contact made with NZTA to advise of their position on the requested rezoning?</b></p>
	<p>There was no further submission from Waka Kotahi NZTA opposing the Crichton Developments submission, or any other proposed rezoning submission for those properties to the east of Woodend. No contact has been made with Waka Kothai NZTA.</p>

Paragraph or Plan reference	Question
	<p>Waka Kotahi were asked for their comment with respect to the Crighton Development submission [299]. The following initial thoughts were received by Council<sup>12</sup>:</p> <ol style="list-style-type: none"> <li>1. <i>Infrastructure connections, in particular local road connections, need to be carefully designed so as to not impact on the future uptake of the Woodend Bypass designation, including potential overbridges and offramps. Stormwater needs to be neutral and not impact on the designation corridor.</i></li> <li>2. <i>The land underlying the designation should be excluded from any rezoning as it is not appropriate for development, particularly given the likely uptake of this designation in the near future. From a property point of view any rezoning can also have a costly land value implication that will result at acquisition stage if it is upzoned.</i></li> <li>3. <i>Noise/reverse sensitivity is a key concern that needs to be addressed in any provisions to ensure the responsibility and BPO mitigation costs land on the developer(s) and future noise effects are understood by future landowners. Our designation NOR was lodged in 2013 and includes noise mitigation based on the corridor at that time, but subsequent development is a reverse sensitivity issue now that the designation is in place.</i></li> </ol>
Para 466	<p><b>Please provide an evaluation of the requested rezoning under Objective 6 and Policy 8 of the NPS-UD</b></p> <p><b>After considering how Policy 6.3.9 of the RPS should be reconciled with the provisions of the NPS-UD, including Policy 8, in response to our question above, has your position changed in relation to this proposals consistency with Policy 6.3.9?</b></p>
	<p>Appendix A identifies that LLRZ is not urban, so no assessment under the provisions of the NPS-UD is required.</p> <p>Should the Hearing Panel still consider that NPS-UD Objective 6 and Policy 8 is relevant, my assessment of the proposed rezoning is that while it can be integrated with infrastructure funding (bearing in mind that Council is not proposing any upgrades to the infrastructure within the LTP) as there is capacity within the network that would most likely be funded by development contributions. I do not agree that the proposed rezoning would provide significant development capacity. An assessment of the need for additional significant development capacity shows that sufficient capacity will be provided through the future development areas and intensification, and that no additional rezoning is required to meet demand.</p> <p>On the basis that LLRZ areas are not urban, and that additional rezoning is not required to meet significant development capacity, an assessment against Policy 8 is not required.</p>

<sup>12</sup> Email received from Bill Harrington (Principal Planner) dated 21 June 2024

Paragraph or Plan reference	Question
Para 490	<p align="center"><b>Why have you only assessed one of the options sought?</b></p>
<p>As noted by the panel the submitter has sought LLRZ and GRZ outcomes for the site. The GRZ/ MDRS proposed submission point is intended to be considered with Hearing Stream 12E. I acknowledge that my report should have identified this.</p>	
Para 495	<p><b>How do you compare your position that this rezoning at Waikuku is consistent with Objective 1 of the NPS-UD with Ms Manhire’s position that the rezoning at Pegasus which are closer to Woodend/Ravenswood are not consistent with that same Objective?</b></p>
<p>As detailed in Appendix A, LLRZ is not considered to be urban, and the provisions of the NPS-UD are not relevant to the assessment. The proposed LLRZ Overlay rezoning of Gressons Road is consistent with RPS Policy 6.3.9 and does not need to consider NPS-UD Objective 1.</p>	
Para 506	<p><b>You state</b></p> <p align="center"><i><b>The proposed rezoning of the LLZRO parcel on Gressons Road is accepted given the need for an updated ODP that shows some common reserves and provision for water and wastewater.</b></i></p> <p><b>Can you confirm what you mean by this? Are you seeking that the submitter provides an updated ODP? What is your recommendation if they do not submit one? And if they do, what is the process for an updated ODP being assessed in order for us to make a recommendation?</b></p>
<p>It is expected that an updated ODP will be provided that addresses the shortfall in the present ODP, requiring common reserves, and plan showing the layout of the water and wastewater mains during the hearing.</p> <p>Should an updated ODP not be provided, I would recommend that the submission to rezone the Gressons Road property be rejected.</p> <p>Upon receipt of an updated ODP, the S42A LLRZ Rezoning Officer will be able to provide a recommendation in the right of reply report after the conclusion of the hearing.</p>	
Para 515	<p><b>Which objectives of the PDP are you referring to?</b></p>
<p>The property is proposed to be zoned RLZ in the Proposed Plan, with RLZ-O1 stating: <i>RLZ-O1 Purpose of the Rural Lifestyle Zone</i></p>	

Paragraph or Plan reference	Question
	<p><i>Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.</i></p> <p>While the LLRZ Objective says:</p> <p><i>LLRZ-O1 Purpose, character and amenity values of Large Lot Residential Zone</i></p> <p><i>A high quality, low density residential zone with a character distinct to other Residential Zones such that the predominant character:</i></p> <ol style="list-style-type: none"> <li><i>1. is of low density detached residential units set on generous sites;</i></li> <li><i>2. has a predominance of open space over built form;</i></li> <li><i>3. is an environment with generally low levels of noise, traffic, outdoor lighting, odour and dust; and</i></li> <li><i>4. provides opportunities for agriculture activities where these do not detract from maintaining a quality residential environment, but provides limited opportunities for other activities.</i></li> </ol> <p>As described in para [513] the property is small, does not contain any rural production activities and has a major constraint with the LUC classification and flooding. The character and land use of the site does not meet Objective RLZ-O1 but better aligns with LLRZ-O1, being a low-density residential environment, rather than primary production activities being the dominant character.</p>
<p><b>Paras 517 and 523</b></p>	<p><b>You consider these sites more aligned with LLRZ but do not recommend their rezoning due to a lack of technical information and an ODP. Has Council’s engineers been asked to assess infrastructure capacity for these sites?</b></p>
	<p>The properties are presently serviced with a municipal water supply. They are not presently serviced with a wastewater or stormwater connection. Jennifer McSloy, a Council Engineer, responded with the following assessment regarding wastewater and water supply reticulation:</p> <p><i>The short answer to whether they could connect to the wastewater is yes, it’ll just depend on what upgrades are needed and how much that will cost. If they are proposing to go to LLRZ then they will most probably be pressure sewer and I would expect the impact will be relatively minor over and above the costs to connect the Lees Road properties.</i></p> <p><i>If they were proposing GRZ, then there would need to be quite a bit of extra work done and there may be consideration needed around water supply as well.</i></p>

**ADDITIONAL COMMENTS**

13 The Hearing Stream S42A LLTZ Rezoning Officer received feedback from a resident who owns land within the East Mandeville extension area (sections 5.3.7 and 5.3.8 of the S42A report). A property owner wanted to let Council know that the property owners at Nos 53, 55, 57, 59 and 89 Whites Road and 785 Tram Road do not support the rezoning of the East Mandeville area to LLRZ. This equates to close to 25% of the properties in question.

**Date:** 27 May 2024

A handwritten signature in black ink, appearing to read 'Mr Kelly', written over a dotted line.

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## APPENDIX A – LLRZ AND URBAN ASSESSMENT

## APPENDIX B – MISSED SUBMISSION

### SUBMISSION [32.1]

- 15 Peter and Lizzy Anderson [32.1] have requested to rezone 1 Tupelo Place, Swannanoa from RLZ and LLRZ. The property is located on the north western intersection of Tupelo Place and Tram Road, Swannanoa. It comprises 4.75ha of flat land and presently has a single dwelling located in the north western corner of the site (Figure 1). The submission has stated that an additional 7 or 8 allotments could be provided as part of the rezoning, as well as keeping the existing dwelling. The area has the large lot residential zone overlay.
- 16 The assessment of the submission is presented in three parts, a planning assessment, services, and natural hazards assessment. The planning assessment was undertaken by the S42A LLRZ Rezoning reporting Officer, and the engineering and natural hazards assessment by Councils Engineer Mr Aramowicz.



Figure 1. Location of 1 Tupelo Place Swannanoa (Property in blue).

**1. PLANNING ASSESSMENT:**

17 A planning assessment was undertaken by Ms Laura Dance from Eliot Sinclair as part of the submission from Peter and Lizzy Anderson [32.1]. The planning assessment assessed the proposed rezoning of 1 Tupelo Place against the provisions of the Resource Management Act, National Policy Statements, National Environmental Standards, Canterbury Regional Policy Statement, and the Proposed District Plan. My assessment of the planning components of the submission addresses those provisions that are relevant to the rezoning request.

**2. NPS-UD**

18 An assessment of the National Policy Statement on Urban Development (NPS-UD) was undertaken by Ms Dance<sup>13</sup>. Ms Dance noted that the proposed rezoning meets Policies 1 and 2 by enabling a well-functioning urban environment to provide housing supply and choice. She states that it is consistent with the objectives because it will:

- Achieve a well-functioning urban environment for people and communities to provide for their needs and will provide consolidated growth with transport links to Rangiora and Kaiapoi.
- Enable a supply of rural residential land for development, thus improving housing capacity and housing choice and contributing to the housing market and improving housing affordability and supply.
- Create an integrated and strategic development that will provide for short to medium term growth.

19 While I agree that the proposed rezoning will provide some housing supply and housing choice, I do not agree that it meets the objectives and policies of the NPS-UD. Apart from education facilities, a fire station and a sports reserve, I do not consider that Swannanoa contains any community services. Even taking into account Mandeville, there are no medical, dental, community or elderly support services, public transport (including community shuttles), or Council facilities, such as swimming pool or library.

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<sup>13</sup> Section 6.2 paras [58] to [66]

- 20 I also do not agree that 5,000m<sup>2</sup> sections located in a semi-rural community that comprises 30 dwellings (Swannanoa), provides for consolidated growth, given that there unlikely to be any jobs<sup>14</sup> and no transport links (noting that Policy 1 refers to public and active transport<sup>15</sup>). The proposed rezoning does not support a reduction in greenhouse gas emissions, as shown in Appendix G of the Hearing Stream 12D Section 42A Ohka Rezoning officer report, the average vehicle trip length for Mandeville is 17km. When compared to other urban areas<sup>16</sup> in the district is almost three times that for Rangiora and almost twice that of Kaiapoi.
- 21 While the addition of seven allotments<sup>17</sup> will contribute towards housing capacity and choice, and I do not consider that seven additional allotments is significant<sup>18</sup> when assessed against the projected demand of 90 dwellings across the short term in the district<sup>19</sup>.
- 22 In providing development capacity the NPS-UD requires ‘sufficient development capacity’ to be infrastructure ready (Clause 3.2(2)(b)). Council’s Engineer Mr Aramowicz states that there is insufficient capacity within the wastewater network for development in the proposed rezoning, meaning that it fails to comply with being ‘infrastructure ready’ in the short term, and no additional funding for infrastructure has been identified in the medium term<sup>20</sup>.
- 23 I do not consider that the proposed rezoning and subsequent development is either integrated or strategic. The services report states that the internal roading would be either a cul-de-sac or right of way<sup>21</sup>, neither of which integrates into the rest of the LLRZ Overlay

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<sup>14</sup> The school and preschool are the only employers in the Swannanoa area.

<sup>15</sup> Noting that Tram Road is an arterial road and Two Chain Road is a collector road in the Proposed Plan

<sup>16</sup> Oxford aside, information only available for the urban areas within Greater Christchurch area.

<sup>17</sup> No provision was made for roading in the original estimate.

<sup>18</sup> Oxford dictionary meaning of ‘important or large enough to have effect or be noticed’

<sup>19</sup> 8% of short-term demand, and 2% of short-medium term demand.

<sup>20</sup> 2024/34 Long Term Plan.

<sup>21</sup> Section 8 of Infrastructure Servicing Report (Eliot Sinclair)

area<sup>22</sup>. While water supply is available, any proposed development would not be able to connect into the existing Mandeville wastewater network, this would result in part of the Swannanoa LLRZ being on septic tanks and not integrated with the wastewater network.

- 24 The above assessment aside, I do not agree that Rural Lifestyle and the associated Large Lot Residential is predominantly urban in character. Large Lot Residential Zone provides for residential living opportunities on large lots outside established townships, and also provides for agricultural activities. While Swannanoa can be considered as part of a housing and labour market of at least 10,000 people, it is not urban in character, and is not subject to the provisions of the NPS-UD.

### **3. REGIONAL POLICY STATEMENT**

- 25 The planning assessment of the Canterbury Regional Policy Statement<sup>23</sup>, concludes that the rezoning of the site is consistent with the relevant objectives and policies of Chapters 5 and 6 of the RPS.
- 26 The assessment of Objective 5.2.1 by Ms Dance states that the proposed rezoning will achieve a consolidated and well-designed future development and will enable people and communities to provide for their wellbeing by maintaining the rural environment and environmental values, and providing housing choice. I do not agree with the assessment, as the proposed rezoning is not consolidated or well designed, as it is separated from the rest of Swannanoa by an arterial road and not connected, and the use of right of ways, no wider roading connections, and septic tanks cannot be considered as well designed<sup>24</sup>.
- 27 The assessment of Objective 6.2.1 by Ms Dance states that the proposal will maintain rural character, maintain ground and surface water quantity and quality, and is not in a high-risk natural hazard area or will

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<sup>22</sup> Noting that there is no indication of the location of the road beyond an access point onto Tupelo Place.

<sup>23</sup> Section 6.4 of Section 32AA Planning Assessment report.

<sup>24</sup> Right of ways do not enable access for waste collection services and reduced access for emergency service vehicles, typically fire trucks.

increase natural hazard risk. Of these I agree that the proposed rezoning is not in a high-risk natural hazard area and the increase natural hazard risk, I do not agree with the other assessments. Within the RPS rural residential is defined as a residential development for low density residential activities, the Proposed Plan also notes that the LLRZ is residential in character, although with low density and open spaces. There is no evidence to support that should septic tanks be used that they will not adversely affect groundwater quality, in fact studies have shown that they do adversely affect groundwater quality<sup>25</sup>.

- 28 Ms Dance has noted that the District Council has considered LLRZ to be urban, and does not impact upon other development areas and key activity centres, and is therefore consistent with Objective 6.2.2. I agree that LLRZ is urban within the context of the Proposed Plan. Although the Objective is aimed at consolidation and intensification of urban areas and avoiding unplanned expansion of urban areas. 6.2.2(6) does note that rural residential development does need to be managed outside of existing urban and priority areas, which has been done through the development of the District's Rural Residential Development Strategy (2019).
- 29 In general, I agree with Ms Dance's assessment of Policy 6.3.9, although given the capacity constraint in the Mandeville Wastewater Network, the development will be inconsistent with clause 6.3.9(3) where all subdivision and development must be located so that it can be economically provided with a reticulated sewer<sup>26</sup>. Without a municipal wastewater connect the proposed rezoning is inconsistent with the policy.

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<sup>25</sup> Pang L. et al. 2006. Modelling the impact of clustered septic tank systems on groundwater quality. *Vadose Zone Journal*, Vol 5, pp. 599-609.  
Sinton, L.W., 1982. A groundwater quality survey of an unsewered semi-rural area. *New Zealand Journal of Marine and Freshwater Research*. Vol. 16, pp. 317-326.  
Close M. E. et al, 1989. Field evaluation of fluorescent whitening agents and sodium tripolyphosphate as indicators of septic tank contamination in domestic wells. *New Zealand Journal of Marine and Freshwater Research*, Vol. 23, No. 4, pp. 563-568.

<sup>26</sup> My emphasis

#### 4. PROPOSED PLAN

- 30 Contrary to the Section 32AA assessment, I do not consider that the proposed rezoning meets SD-O2(9) as there is no capacity within the Mandeville Wastewater Network.
- 31 I agree with the assessment of Policy UFD-P3, as the area was identified within the RRDS.
- 32 I do not agree with the assessment that the proposed rezoning meets Objective SUB-O1. The proposed ODP does not show any integration with the adjoining site to the north, or supports a consolidated urban development. I do however agree that it does support resilience to climate change and risk from natural hazards, as assessed in Appendix D of the submission.
- 33 I do not agree with the assessment that the proposed rezoning meets Objective SUB-O2, as it does not demonstrate that it is part of an efficient, sustainable and well-connected transport system for vehicular and active transport modes. The ODP does not show any pedestrian link to the footpath on the south side of Tram Road, or any active transport linkages into the rest of the LLRZ Overlay area to the north, and the pedestrian link shown on the ODP is assumed to be part of the 1.3ha site being retained by the present landowners, and therefore may not have public access<sup>27</sup>.
- 34 I do not agree that the ODP and proposed design meet any of the Subdivision policies. The ODP does not show any details as to the design and amenity of the subdivision, allotment layout and size, sustainable design, integration and connectivity. It states that the pedestrian link location may be varied and appears to be on private land, this cannot be considered as providing good connectivity to the neighbouring park or the adjoining land to the north. The ODP does not meet Policy 6.3 3 RPS or Policy SUB-P6 of the Proposed Plan.

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<sup>27</sup> Unless an easement is placed on the title, but it is not clear how the rest of the site connects into the walkway.

35 No assessment has been made against the rural provisions of the Proposed Plan. The property does have rural production potential as it has a water race and comprises LUC Class 2 soils, and exclusion of the house, grounds and driveway leaves 3.5ha of potential productive land. The present land use is consistent with RURZ-O1(1) comprising '*...a predominant character of small rural sites with a pattern of built form of residential units and structures at more regular intervals at a low density compared to urban environments*' I do not consider that the proposed rezoning achieves RESZ-O1 through greater housing supply and housing choice, as an additional seven does not in themselves significantly add to housing supply, or has demonstrated as being responsive to community and district needs.

## 5. **OUTLINE DEVELOPMENT PLAN**

36 An outline development plan (ODP) was provided with application (Figure 2). I do not agree that the ODP meets the criteria listed in Policy 6.3.3 of the RPS or Policy SUB-P6 of the Proposed Plan. The ODP does not show any roads within the area, or where services are to be provided, stormwater management areas (associated with roading network), connections to public spaces<sup>28</sup>, and the distribution of different residential densities.

37 Given that the proposed rezoning forms part of a wider area identified with the LLRZ Overlay, there is no connections shown with the rest of the neighbouring sites. This is partly due to the submitter wanting to retain their existing property of 1.3ha, which forms a barrier to enabling any connections with 27 Tupelo Place.

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<sup>28</sup> Noting that it shows a pedestrian link, but that the location may vary.





Figure 2. Proposed 1 Tupelo Place ODP.

**6. SERVICING:**

38 Information was sent through the Council’s Engineer (Mr Aramowicz) regarding the servicing of the proposed rezoning area.

**WATER**

39 Mr Aramowicz’s assessment of the servicing report for water supply stated that:

*“Agree with the assessment provided, and there would be capacity in the Mandeville-Fernside scheme for an addition 7-8 units at this location.”*

40 On this basis, I agree that there is not issue associated with the provision of drinking water for the proposed rezoning.

**WASTEWATER**

41 For wastewater the servicing report submission stated that:

*The existing dwelling has its own septic tank and disposal field. This would remain in place when the subdivision is completed.*<sup>29</sup>

*WDC are currently undertaking wastewater modelling to determine whether the existing pressure pipe will have capacity to accommodate any additional load. If the modelling indicates that the existing pipe does not have capacity, WDC have indicated that there is capacity at the Mandeville pump station to accept the wastewater discharge from the subdivision. However, as this would require installation of a pipe approximately 3 kilometres in length, it is unlikely to be an economic option for a subdivision of this size.*

*“The alternative is for each allotment to have its own septic tank and on-site disposal system. The systems would be installed when each house is constructed on the individual allotments. ECan Consents will need to be obtained by individual property owners for the discharge of the treated effluent to ground.”*

42 Councils Engineer Mr Aramowicz has assessed the information provided and confirms that there is no additional capacity within the wastewater network for any additional connections from Swannanoa. This is reflected in the report in Appendix E in the S42A Hearing Stream 12C Rezoning Large Lot Residential Zone officer report, which states that outside of converting the Rural Residential 4A and 4B to LLRZ, there is no additional capacity for new developments within the wastewater network.

43 Mr Aramowicz in his assessment stated:

*“ESP comment WDC were undertaking wastewater modelling for the area. This modelling has now been completed, and has confirmed there is no spare capacity in the area to accept any additional connections on the scheme that aren’t already in an LLRZ as shown in the Proposed Plan.”*

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<sup>29</sup> Section 7 of Infrastructure report

*“ESP identifies the options available for the site. If on site sewer is the chosen solution, the subdivision applicant will need to check it is either a permitted activity, or could be consented under CLWRP.”*

- 44 It should be noted that on-site wastewater disposal in urban areas is inconsistent with the following provisions of the RPS and Proposed Plan:

#### **REGIONAL POLICY STATEMENT**

*Objective 6.2.1(6) Maintaining or improves the quantity and quality of water in groundwater aquifers...;*

*Policy 6.3.5(2)(e) ensure new development does not occur until provision for appropriate infrastructure is in place; and*

*Policy 6.3.9(3) All subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system, and appropriate stormwater treatment and disposal.*

#### **PROPOSED PLAN**

*EI-P2(1)(a) ensure land use and development is coordinated with, and to the extent considered reasonably practicable, connected to and adequately serviced by energy and infrastructure, if available, including electricity, water supply, wastewater system and stormwater infrastructure;*

*SUB-P8(2)(a) wastewater disposal that will maintain public health and minimise adverse effects on the environment, while discouraging small-scale standalone community facilities.*

*SUB-P8(4) where a reticulated wastewater system is not available, ensure that onsite treatment systems will be installed.*

- 45 The RPS policies are more directive than the Proposed Plan provisions with respect to on-site wastewater disposal. While the District Council recognises that wastewater facilities may not necessarily be available, wastewater facilities should be utilised in areas where there is potential for adverse environmental effects. Bearing in mind that there are 29

groundwater bores within 5km of the site, no assessment of the potential environmental effects has been undertaken<sup>30</sup>.

## **STORMWATER**

- 46 It is noted that on-site infiltration testing would be required at subdivision stage to confirm disposal to ground is viable. There is no formal Council stormwater drainage system in this area. The assessment also refers to vesting assets with the Council, but this would need to be assessed at time of subdivision – if the infrastructure only services individual properties, this may be more appropriate in private ownership.
- 47 Given that no actual investigations have been completed to assess the viability and sizing of any stormwater disposal system and where it is located, it is difficult to assess what the effects will be. Stormwater management areas should be identified in the ODP in accordance with RPS Policy 6.3.3(3)(f) and Proposed Plan Policy SUB-P6(2)(b)(v).

## **NATURAL HAZARDS**

### **FLOODING**

- 48 It is noted that it is generally not affected by flooding associated with the 200-year flooding event.

### **GROUNDWATER RESURGENCE**

Council Engineers stated that:

*Groundwater is mentioned in the application as likely to be 8 to 10 metres below ground level, based on a geotech Desktop Assessment. I note for the rezoning submission directly to the south (1275 Tram Road) we flagged groundwater resurgence as a potential constraint to be considered for development planning / stormwater infrastructure. The All-Flooding Hazard 200-year flood mapping does show the main flood channels are south of Tram Road in this area (and the groundwater resurgence has generally been reported within these flood paths). 1 Tupelo Road could therefore be located outside of the resurgence area. Further*

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<sup>30</sup> The nearest is 120m away

*detailed assessment would need to be undertaken on the risk of resurgence here, and possible mitigation measures as a result, but based on information available there should not be issues related to resurgence that would prevent rezoning. It is something that would need to be considered in subdivision design.*

## **7. CONCLUSION**

49 I recommend that the rezoning submission for 1 Tupelo Place, Swannanoa de rejected on the following grounds:

- The ODP is insufficient and does not meet the criteria in RPS Policy 6.3.3 and Proposed Plan Policy SUB-P6;
- There is insufficient capacity within the Mandeville Wastewater Network for any additional development and the supplementary evidence did not present sufficient information that this constraint could be overcome;
- Is inconsistent with RPS Policy 6.3.9(3) as all subdivision and development must be located so that it can be economically provided with a reticulated sewer and water supply integrated with a publicly owned system;
- The proposed rezoning does not meet RPS Objective 5.2.1 and Policy 6.3.9(k) by achieving a consolidated, well designed and sustainable growth location;
- The proposed rezoning does not integrate into the rest of the LLRZ Overlay area, with no connections into the surrounding properties to the north or the footpath on the other side of the road.

## Appendix A

### LLRZ Rezoning – Clarification of Approach Taken in Dealing with Large Lot Residential Rezoning

#### Is LLRZ Urban?

This appendix assesses whether LLRZ can be considered an ‘urban environment’ when assessed against the relevant planning documents. Tables 1 and 2 summarise what is considered as an ‘urban environment’ and what is LLRZ in the context of planning documents and their supporting objectives and policies. Table 3 provides a summary of how LLRZ is being interpreted by other councils with respect to policy direction.

For the purpose of this appendix the terms Rural Residential, Large Lot Residential and Residential 4A and 4B are used interchangeably dependent upon the context in which they are used. They are all considered to represent those properties covered by Large Lot Residential Zone (LLRZ) in the Proposed Plan. As a brief summary, Residential 4A and 4B zones are the equivalent operative plan zones, and rural residential is used in the CRPS as the equivalent zone used as the basis for the proposed plan zonings.

The assessment below on rezonings differentiates those that are identified in the Proposed Plan as Overlays from those that were not identified in the RRDS.

#### NPS-UD

The NPS-UD applies to (clause 1.3):

*(a) all local authorities that have all or part of an urban environment within their district or region (ie, tier 1, 2 and 3 local authorities); and*

*(b) planning decisions by any local authority that affect an urban environment.*

Waimakariri District is a tier 1 local authority so clause 1.3(a) is met<sup>1</sup>. The question then becomes whether there is a planning decision that affects an "urban environment".

On the basis of the High Court interpretation from the referenced case, the Council is a tier 1 Council, and the NPS-UD will apply (irrespective of whether there is a planning decision affecting an urban environment).

The NPS-UD defines “urban environment” as:

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

*(a) is, or is intended to be, predominantly urban in character; and is, or*

*(b) is intended to be, part of a housing and labour market of at least 10,000 people.*

With respect to (a) being the determination of whether something is, or is intended to be, predominantly urban in character, I agree with the assessment undertaken by Mr Willis in Section 3.4 of the Hearing Stream 12D S42A Ohoka officer report. In particular, Mr Willis states:

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<sup>1</sup> NZHC [2023] 948 *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society* - that concludes clause 1.3(1)(a) and (b) of the NPS-UD are effectively alternatives (rather than being read conjunctively).

*"In terms of plain ordinary meaning: "predominant" means constituting the main or strongest element; prevailing; while "urban character" means characteristic of a city or town. Accordingly, to be "predominantly urban in character", the relevant areas of land must have as its main, strongest, or prevailing element the characteristics of a city or town. The determination of whether an area is "predominantly urban in character" is ultimately a matter of application of substantive judgement and expertise, having regard to particular facts and circumstances applying to that area. The exercise of such judgement could potentially be informed by input provided by a landscape architect or expert on urban character."*

The NPS-UD defines an "urban environment" as being is or intended to be predominantly urban in character and part of a housing and labour market of 10,000 people. It does not define 'urban in character', but leaves it up to interpretation of Council through Clause 1.3(1)(b), Objective 6, Policy 1, Policy 6 and Policy 8 as the decision maker with respect to urban environments. The interpretation of "is, or is intended to be, predominantly urban in character", through Clause 1.3(1)(a)<sup>2</sup> and Policy 8 enables someone else other than Council to determine whether something is urban in character, but Council as the decision maker needs to assess the plan change. This difference in interpretation is reflected in the JWS dated 26 March 2024 on what constitutes an "urban environment".

I have detailed what I consider to be required in determining what is 'urban in character' in the context of LLRZ rezonings in my response to the Hearing Panel's first overarching question on the application of the NPS-UD.

With respect to (b) above I am of the opinion that all of the LLRZ areas within the Greater Christchurch Area (as defined by Map A RPS) could be considered as part of a labour and housing market of at least 10,000 people.

On this basis the main determining factor of whether LLRZ areas can be considered as "urban environments' rests with determination of character of existing areas and proposed rezonings. In my opinion this is a difficult aspect to achieve, as LLRZ by its nature is residential living in a semi-rural environment. They are not at a density that enables community services and associated infrastructure investment, i.e. stormwater curb and channel or street lighting, due in part to their low density (see figures 1 and 2).

Objective 3 of the NPS-UD implies that an urban environment is an area near a centre zone or other area with employment opportunities, and are well serviced by existing or planned public transport. Objective 6 refers to urban development that affect urban environments are integrated with infrastructure planning and funding decisions, and Objective 8 states that urban environments support the reduction in greenhouse gas emissions, and resilient to the current and future effects of climate change.

### **National Planning Standards**

Large Lot Residential Zones are defined in the NPS as being areas for predominantly residential activities on large lots where landscape characteristics, physical limitations or other constraints that limit higher densities. The NPS does not state whether they are "urban" or defines what "urban" is. It does state that they are 'residential' environments, however the term 'residential' is also used in the description of rural lifestyle environments, which are considered to be rural environments.

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<sup>2</sup> Based on paragraph [78] where the High Court authority said in - Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society - that concludes clause 1.3(1)(a) and (b) of the NPS-UD are effectively alternatives (rather than being read conjunctively).

With respect to the NPS-UD definition of “urban environment” and the interpretation of “urban in character”, I do not consider that LLRZ is predominantly urban in character. With properties having an average density of 5,000m<sup>2</sup>, no curb and channelling, street lights, businesses, and community services, which I consider form part of the character of an urban environment and are generally absent from LLRZ areas in the district. As detailed in para [46] of Mr Willis’s S42A Ohoka Rezoning officer report, the plain ordinary meaning of urban character “*must have as its main, strongest, or prevailing element the characteristics of a city or town*”, which I consider are absent from most LLRZ areas and which aligns with his interpretation.

## **NPS-HPL**

The NPS-HPL has a definition for urban in Section 1.3 of the document:

*urban, as a description of a zone, means any of the following zones:*

- (a) low density residential, general residential, medium density residential, **large lot residential**, and high density residential:*
- (b) settlement, neighbourhood centre, local centre, town centre, metropolitan centre, and city centre:*
- (c) commercial, large format retail, and mixed use:*
- (d) light industrial, heavy industrial, and general industrial:*
- (e) any special purpose zone, other than a Māori Purpose zone:*
- (f) any open space zone, other than a Natural Open Space zone:*
- (g) sport and active recreation.*

I consider that this definition is used for the purpose of applying the NPS-HPL objectives and policies only and is not applicable to other Acts and National Policy Statements outside the NPS-HPL unless stated otherwise. This is evident in clauses 1.3(2) and (3) which acknowledge that terms used in the NPS-HPL and are defined in the RMA and The NPS-UD have the same meaning as those documents.

The application of the term “urban” in the context of the NPS-HPL has been applied to the LLRZ Overlay rezoning requests within the General Rural Zone.

## **Spatial Plan**

Urban areas are identified in the plan as comprising the existing towns/cities, settlement zones and the sports field south of Kaiapoi. None of the Large Lot Residential areas in Mandeville, Swannanoa, and Ohoka are identified in the map. In addition to this Direction 5.4 is explicit in requiring urban growth to be in locations that do not comprise primary production. The Spatial Plan identifies the effects associated with the interaction between urban growth and primary production and rural communities. The Overarching Direction and Directions in the spatial plan clearly identify urban growth as being within Christchurch and the existing townships (Rangiora and Kaiapoi for Waimakariri) and directs this through intensification and growth in future urban areas.

The Spatial Plan identifies the broad locations for urban growth having the following as a minimum:



1. Be adjacent to, near, or within a Significant Urban Centre, Major Town or a Locally Important Urban Centre in Greater Christchurch;
2. Be accessible to either Mass Rapid Transport, Core Public Transport Routes or New / Enhanced Public Transport Routes;
3. Protect, restore and enhance the natural environment, historic heritage, and sites and areas of significance to Māori;
4. Be free from significant risks arising from natural hazards and the effects of climate change; and
5. Be cognisant of the landscape and visual context, integrate with natural features and align with good urban design principles.

### **Regional Policy Statement**

The RPS defines LLRZ as being residential development outside or on the fringes of urban areas primarily for low density residential activities, ancillary activities and associated infrastructure. The RPS does not define them as being urban or rural, but treats them as a separate class of land use.

The RPS in chapters 5 and 6, identifies Rural Residential as being low density residential outside of urban areas. RPS provisions do not align it with either urban or rural, and in Policy 6.3.5(7) does not consider rural residential as being a transition to urban. The definition used within the RPS recognises that Rural Residential is a low-density residential development that is neither urban nor rural, but is located in rural areas.

*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.*<sup>3</sup>

In the Rural Residential definition, it clearly differentiates rural residential development from urban areas.

With regards to the definition of urban for those areas outside of the Greater Christchurch Area, Policy 5.3.1 implies that 'urban growth' is not the same as 'Rural Residential development' and links urban areas with provision of recreation and community facilities, and business opportunities, being consolidated and integrated with infrastructure. In the explanation the RPS states:

*Rural residential development is typified by clusters of small allotments usually in the size range of up to 2.0 hectares zoned principally for residential activity. Rural-residential development will need to be well planned and coordinated in order to minimise adverse effects on such matters as: rural character and resources; rural infrastructure including the road network; and not foreclose development options in the vicinity of urban areas.*<sup>4</sup>

Within the Greater Christchurch Area Rural Residential activities are defined as:

*means residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.*

Noting that the RPS also has a definition for Urban Activities as:

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<sup>3</sup> As applied to wider Region in Chapter 5

<sup>4</sup> Page 50 second paragraph under Principal reasons and explanation.

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.

In contrast to the statement in Para [64] of the Hearing Stream 12C S42A LLRZ Rezoning officer report, I no longer consider Rural Residential as being urban, but in the context of the RPS consider it as its own land use category. On this basis the RPS does not define land use as binary, but separates urban, rural residential and rural into separate land use categories.

### **Proposed Plan**

The Proposed Plan states that LLRZ provide residential living on large open lots located near but outside the established towns. LLRZ are of a size that can enable some rural activities, where these do not detract from the purpose, character and amenity of the zone.

The Proposed Plan originally defined an urban environment, using the definition from the NPS-UD, it also lists a series of towns, settlements and LLRZ areas. These were listed for the purpose of identifying areas where the urban flood assessment overlay applies (noting that the district is divided into urban and non-urban for flooding purposes). The consideration of residential development outside the main townships was discussed in para [152] of the S42A Urban Form and Development officer report through the amendment of the term “*Urban Environment*” to “*Urban Centres*”. This change in the term and definition aligns with both the Regional and District Councils approach towards Rural Residential/LLRZ as not being considered as urban.

While the Proposed Plan has the LLRZ chapter within the Residential Zones section in accordance with the NPS, the Proposed Plan does not state that it is an urban environment. Objective LLRZ-O1 states that it is a low-density residential zone with a predominant character that has a sense of openness and provides opportunities for agricultural activities.

It should be noted that the definition in the Proposed Plan for Urban Environment included references to a series of small towns, these were initially included for the purpose of identification of the urban flood layer and associated planning provisions<sup>5</sup>. It should not be inferred that LLRZ are urban.

### **Rural Residential Development Strategy**

The RRDS identifies rural residential development as *the subdivision and use of land to cater for the needs of those wishing to live within a rural or semi-rural setting, therefore enabling living choices for the people of Waimakariri District*. Page 7 of the RRDS lists a series of characteristics which were considered to reflect Residential 4A and 4B in the district.

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<sup>5</sup> Section 5.0 of S32 Natural Hazards report

The RRDS identifies growth directions for new LLRZ development. The growth directions were deliberately vague as insufficient information was available during process to fully determine whether an area was suitable for rezoning. However, it is noted that the purpose of the RRDS was not to enable rezoning of land but signal general directions and areas where Council considered that it might be appropriate to rezone during a review of the District Plan.

## Conclusion

Based upon a review of the overlying matters, I am now of the opinion that LLRZ is not urban and that form their own land use category which aligns with the RPS. However, as detailed above the NPS-UD is still relevant when considering LLRZ rezoning requests. For the purpose of Objective 6 and Policy 8 Council is still required to be responsive to proposals that would supply significant development capacity, although for the purpose of LLRZ consideration would need to be given on a site-by-site basis as to whether the rezoning area would become urban in character and whether it would contribute towards a well-functioning urban environment.

In my opinion, LLRZ areas that do not adjoin existing towns are unlikely to support employment opportunities and are not serviced by public transport. While most of the LLRZ areas are serviced, there are some which are not presently serviced and other LLRZ areas do not presently have any infrastructure planning or funding support. Where LLRZ areas are not attached to existing towns, they are more likely to generate higher greenhouse gas emissions associated with transport<sup>6</sup>.

I do acknowledge that where LLRZ adjoins existing urban areas, such as the proposed Doncaster rezoning, Kaiapoi lakes, and those properties to the immediate north of the GRZ zone in Oxford on High Street, could be considered as having aspects of urban character (curb and channel stormwater, street lights, and at higher densities than one dwelling per 2,500m<sup>2</sup>), as well as being near centres with employment opportunities and public transport<sup>7</sup>, that they contain some components of urban character.

With regards to Table 3 below, I consider that the term 'residential' is used consistently to describe similar environments within other considered plans; however, there is less clarity in terms of how the term 'urban' applies to these environments, with descriptors ranging from 'peri-urban' to 'semi-rural'. This leads me to consider that the specifics of the individual environments are important considerations in determining where they would fall within this spectrum.

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<sup>6</sup> Figure 2 in Appendix G of Hearing Stream 12D Ohoka Rezoning shows that Mandeville and Ohoka have the longest daily average trip length, which results in higher GHG emissions.

<sup>7</sup> Oxford does not presently have a public transport system, but is serviced with a transport service via the Oxford Community Trust.

## Urban Environment

Table 1. Defining Urban Environment within the context of Waimakariri.

Document	Definition	Policy direction
NPS-UD Urban environment	<p><i>means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:</i></p> <p><i>(a) is, or is intended to be, predominantly urban in character; and is, or</i></p> <p><i>(b) is intended to be, part of a housing and labour market of at least 10,000 people</i></p>	<p>Policy direction directs readers towards a well-functioning urban environment.</p> <p><i>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</i></p> <p><i>(a) have or enable a variety of homes that:</i></p> <p><i>(i) meet the needs, in terms of type, price, and location, of different households; and</i></p> <p><i>(ii) enable Māori to express their cultural traditions and norms; and</i></p> <p><i>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</i></p> <p><i>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</i></p> <p><i>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</i></p> <p><i>(e) support reductions in greenhouse gas emissions; and</i></p> <p><i>(f) are resilient to the likely current and future effects of climate change.</i></p>
NPS-HPL Urban	<p>Urban is defined on the basis of zones, meaning any of the following zones:</p> <p><i>(a) low density residential, general residential, medium density residential, large lot residential, and high density residential:</i></p> <p><i>(b) settlement, neighbourhood centre, local centre, town centre, metropolitan centre, and city centre:</i></p> <p><i>(c) commercial, large format retail, and mixed use:</i></p> <p><i>(d) light industrial, heavy industrial, and general industrial:</i></p>	<p>Objective: <i>Highly productive land is protected for use in land-based primary production, both now and for future generations.</i></p> <p><i>Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.</i></p> <p><i>Clause 3.5(7)(b)(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;</i></p> <p><i>Clause 3.6 Restricting urban rezoning of HPL</i></p> <p><i>(1) Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:</i></p> <p><i>(a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and</i></p>

	<p>(e) any special purpose zone, other than a Māori Purpose zone:</p> <p>(f) any open space zone, other than a Natural Open Space zone:</p> <p>(g) sport and active recreation.</p>	<p>(b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and</p> <p>(c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.</p>
Spatial Plan Urban Form	<p>The urban form is the physical shape and land use patterns of towns and cities. It refers to housing types, street types, how they sit in the environment and their layout. It includes the location, density and design of homes, workplaces, schools, parks and other community facilities, as well as the transport networks that connect them.</p>	<p>The overarching directions of spatial plan for growth states: Focus growth through targeted intensification in urban and town centres and along public transport corridors. With the directions stating: 4.2 Ensure at least sufficient development capacity is provided or planned for to meet demand 4.3 Focus, and incentivise, intensification of housing to areas that support the desired pattern of growth 4.4 Provide housing choice and affordability 4.5 Deliver thriving neighbourhoods with quality developments, quality housing and supporting infrastructure 5.4 Urban growth occurs in locations that do not compromise the ability of primary production activities to expand or change, including adapting to a lower emissions economy</p>
RPS Urban (in the Wider Region) Note this definition applies to Chapter 5 – Land use and infrastructure	<p>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.</p>	<p>Objective 5.2.3 Transport network (Wider Region) A safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport, which: 1. supports a consolidated and sustainable urban form; Policy 5.3.1 Regional growth (Wider Region) To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that: 1. ensure that any a. urban growth; and</p>

		<p><i>b. limited rural residential development occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;</i></p> <p><i>2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;</i></p> <p><i>3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;</i></p> <p><i>4. maintain and enhance the sense of identity and character of the region’s urban areas; and</i></p> <p><i>5. encourage high quality urban design, including the maintenance and enhancement of amenity values.</i></p>
<p>RPS Urban activities</p>	<p><i>means activities of a size, function, intensity or character typical of those in urban areas and includes:</i></p> <ul style="list-style-type: none"> <li><i>• Residential units (<b>except rural residential activities</b>)<sup>8</sup> at a density of more than one household unit per 4 ha of site area;</i></li> <li><i>• Business activities, except those that fall within the definition of rural activities;</i></li> <li><i>• Sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location);</i></li> <li><i>• Any other land use that is to be located within the existing urban area or new Greenfield Priority Area or Future Development Area.</i></li> </ul>	<p><i>Objective 5.2.1(1) achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region’s growth; and</i></p> <p><i>Policy 5.3.1 To provide, as the primary focus for meeting the wider region’s growth needs, sustainable development patterns that:</i></p> <p><i>1. ensure that any</i></p> <p><i>a. urban growth; and</i></p> <p><i>b. limited rural residential development occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;</i></p> <p><i>2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;</i></p> <p><i>Objective 6.2.1(3) avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;</i></p> <p><i>Objective 6.2.2 The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:</i></p>

<sup>8</sup> My emphasis

		<i>(2) providing higher density living environments including mixed use developments and a greater range of housing types, particularly in and around the Central City, in and around Key Activity Centres, and larger neighbourhood centres, and in greenfield priority areas, Future Development Areas and brownfield sites;</i>
PDP Urban Centres	<i>The area encompassing the townships of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus.</i>	The inclusion of urban centres is for Objective SD-O2(1), SD-O2(7), UFD-P1(1), UFD-P2(2)(a) and UFD-P8(3).
PDP Urban Environment	<p>Notified version:  <i>means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:</i></p> <p><i>a. is, or is intended to be, predominantly urban in character; and</i></p> <p><i>b. is, or is intended to be, part of a housing and labour market of at least 10,000 people.</i></p> <p><i>For Waimakariri District, the urban environment described in (a) and (b) 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).<sup>9</sup></i></p>	<p>SD-O2 urban development is consolidated and integrated with the <u>urban centres</u>, recognises character, amenity values and is attractive and functional to residents, businesses and visitors.</p> <p>Utilises Council’s reticulated wastewater system, water supply and stormwater infrastructure, focusing new residential areas within existing towns and identified development areas in Rangiora and Kaiapoi, supports a hierarchy of urban centres, with the District’s main centres in Rangiora, Kaiapoi, Oxford and Woodend, provides opportunities for business activities to establish and prosper within a network of business and industrial areas, and provides people with access to a network of spaces.</p> <p>Noting that SD-O2(9) identifies LLR development separately to the other urban development characteristics listed in the Objective.</p>

<sup>9</sup> Noting that no character assessment was undertaken to determine that all of those areas listed contained urban character. The purpose for them being listed was to identify areas where the urban flood assessment overlay had been used.

Table 2. Defining Large Lot Residential

Document	Definition	Policy direction
NPS	<i>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.</i>	No policy direction
Spatial Plan	Large lot residential is not directly referred to in the Spatial Plan.	Directions: 4.3 Focus, and incentivise, intensification of housing to areas that support the desired pattern of growth; 4.5 Deliver thriving neighbourhoods with quality developments, quality housing and supporting infrastructure; 5.4 Urban growth occurs in locations that do not compromise the ability of primary production activities to expand or change, including adapting to a lower emissions economy.
RPS Wider Region	<i>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.</i>	Policy 5.3.1(1) <i>To provide, as the primary focus for meeting the wider region’s growth needs, sustainable development patterns that:</i> 1. <i>ensure that any</i> <i>a. urban growth; and</i> <i>b. limited rural residential development</i> <i>occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;</i> Policy 5.3.2 (1) <i>To enable development including regionally significant infrastructure which: (b) options for accommodating the consolidated growth and development of existing urban areas;</i> Section 5.1.2 identifies rural residential separately from urban and rural areas: <i>Changing the form and structure of established urban, rural-residential and rural areas can be difficult and expensive.</i>



RPS Greater Christchurch Area	Rural Residential Activities means residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.	Objective 6.2.2(6) requires <i>Managing rural residential development outside of existing urban and priority areas</i> ; Policy 6.3.9(5)(k) where <i>the location and design of any proposed rural residential development shall: where adjacent to or in close proximity to an existing urban or rural residential area, be able to be integrated into or consolidated with the existing settlement; and</i> Policy 6.3.5(7) <i>A rural residential development area shall not be regarded as in transition to full urban development.</i>
PDP	<i>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.</i>	LLRZ-O1 Purpose, character and amenity values of Large Lot Residential Zone <i>A high quality, low density residential zone with a character distinct to other Residential Zones such that the predominant character:</i> <ol style="list-style-type: none"> <li><i>1. is of low density detached residential units set on generous sites;</i></li> <li><i>2. has a predominance of open space over built form;</i></li> <li><i>3. is an environment with generally low levels of noise, traffic, outdoor lighting, odour and dust; and</i></li> <li><i>4. provides opportunities for agriculture activities where these do not detract from maintaining a quality residential environment, but provides limited opportunities for other activities.</i></li> </ol>

Table 3. LLRZ Application

Council	Zone description / statement / purpose (summary)	My interpretation of where an analysis might fall <sup>10</sup>	
		Urban	Rural
Kaikoura DC	Pre-National Planning Standards District Plan (10 years to review). No LLRZ (General Residential and Settlement only).	✓	
Hurunui DC	Pre-National Planning Standards District Plan (10 years to review). No LLRZ. Closest is Residential 3 (minimum lot size 2000m2).	✓	
Selwyn DC	LLRZ overview: “The Large Lot Residential Zone is typically located on the fringe of townships and provides a transition to the surrounding rural area.” LLRZ-O1: “The Large Lot Residential Zone provides for residential activity on large site, in a manner compatible with the retention of an open and spacious peri-urban character at the rural interface.”	✓	
Christchurch CC	Pre-National Planning Standards District Plan (7 years to review). No LLRZ. Residential Large Lot Zone. Policy 14.2.1.1 Housing distribution and density states zone “covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hillslopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula.”		✓
Ashburton DC	Pre-National Planning Standards District Plan. Due for review 2024. No LLRZ. Equivalent zone assessed as Residential D Low Density. Provides for “very low-density residential opportunities” adjoining towns “as an alternative to the suburban living areas typical of the District.”	✓	
Timaru DC	Proposed Plan has no LLRZ, General Residential and Medium Density Residential only. Rural Lifestyle Zone has minimum lot sizes ranging from 5000m2 in most areas, otherwise ranges from 2ha to 10ha depending on circumstances.		✓
Mackenzie DC	Pre-National Planning Standards District Plan (10 years to review). Currently under review in stages. LLRZ is “predominantly residential” and the density in the LLRZ “is the lowest of all the residential zones”.	✓	
Waimate DC	Pre-National Planning Standards District Plan. Due for review 2024. No LLRZ. Residential 2 and 3 Zones have been created “to provide for spacious living environments on the edge of Waimate...with larger minimum densities (3000m2 for Residential 2 and 5000m2 for Residential 3) to provide for lifestyle residential development in a semi-rural environment.”		✓
Waitaki DC	Pre-National Planning Standards District Plan. Due for review 2024. In Draft District Plan, no LLRZ, General Residential and Medium Density Residential only, Rural Lifestyle Zone to provide for “low density rural living located near established urban areas”.		✓
New Plymouth DC	Began before Waimakariri DPR. Now have Appeals version. No LLRZ. Have General Residential, Medium Density Residential and Low-Density Residential zones. Low Density Residential Zone to “provide for, and maintain the	✓	

<sup>10</sup> I note that my review of these plans was limited to the description of the zone and not an analysis of the objective and policy direction.

Council	Zone description / statement / purpose (summary)	My interpretation of where an analysis might fall <sup>10</sup>	
		Urban	Rural
	residential character” of small settlements and is characterised by “lower suburban densities”. By contrast, Rural Lifestyle Zone “generally located on the fringe of urban settlements and is peri-urban in nature” and provides for “rural lifestyle living”. “General residential living at urban densities” not provided for or anticipated in RLZ. Low Density Residential Zone assessed as closest to LLRZ and as urban.		



Figure 1 Large Lot Residential immediately adjacent to Oxford and contains character attributes that could be considered as being part of an urban environment (curb and channelling and street lights).



Figure 2 A small Large Lot Residential Zone cluster surrounded by rural (GRUZ) cannot be considered as an urban environment on a character basis.