

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Speaking Notes on the Large Lot Residential Rezonings on
behalf of Waimakariri District Council**

Date: 24 June 2024

APPLICATION OF URBAN ENVIRONMENT

1 My speaking notes cover five parts of the S42A LLRZ Rezoning Officer Report. These respond to key matters arising from preliminary questions from the hearing panel, principally these are:

- Summary of rezoning requests;
- LLRZ within the context of the urban environment;
- Application of the NPS-UD in decision making;
- Well-function Urban Environments; and
- Servicing availability.

SUMMARY OF LLRZ REZONING REQUESTS

2 There are five main areas in the district where LLRZ rezoning requests are clustered. These include Mandeville/Swannanoa; areas around Rangiora, Oxford, Ashley, and Woodend. These comprise either rezoning requests for LLRZ Overlay land or new land that was either not considered or was considered and subsequently rejected as part of the RRDS process.

3 Overall, there are 97 submissions that directly request the rezoning of land to LLRZ or in some cases either an overlay or a SETZ. Council through its memorandum dated 12 December 2023, sets out information requirements to assist submitters who have made rezoning requests by providing information that may be useful for their evidence and / or submission to the Hearings Panel in support of their rezoning request. The memorandum also provides a preliminary, general/non-specific, non-exhaustive list of matters that submitters may wish to address as part of their evidence and / or submission to the Hearings Panel in support of a rezone request.

4 In 2019 Council undertook an assessment of Rural Residential development in the district with the intent of providing for future growth of this type of residential development. The RRDS undertook a preliminary assessment of a number of areas and identified growth directions for potential future Rural Residential development. The assessments were based on preliminary information and signalled that any potential rezoning requests would need to provide site specific information before being considered for rezoning.

LLRZ WITHIN THE CONTEXT OF THE URBAN ENVIRONMENT

- 5 One of the themes that I had identified from the panels preliminary questions was the degree to which the NPS-UD is relevant to decision making.
- 6 Urban Environment is defined in the NPS-UD as being part of a labour market of 10,000 or more people and being urban in character. In my opinion the LLRZ areas within the Greater Christchurch Area are part of a housing and labour market of 10,000 people. This was agreed by all participants in the planning joint witness statement dated 26 March 2024¹.
- 7 While the NPS-UD defines an urban environment, it does not do this on the basis of zones or overlays, but on the basis of character and being part of a housing and labour market. On this basis then the determination of what an urban environment is for the purposes of the NPS-UD is dependent upon whether it is, or is intended to be, "*predominantly urban in character*". Appendix A of my Response to Preliminary Questions details my assessment of "predominantly urban in character". As part of my S42A LLRZ Rezoning officer report I have assessed the character of some of the areas to determine whether they are urban in character, Figures 1 and 2 of Council Officer's Preliminary Response to written question on Large Lot Residential Rezoning demonstrate this.
- 8 While LLRZ may have relatively higher densities of residential development than Rural Lifestyle Zones, it does not necessarily mean in my view that they are urban in character. Proposed Plan Objective LLRZ-O1 states that LLRZ has a predominance of open space over built form, in an environment with generally low levels of noise, traffic, outdoor lighting, odour and dust, and providing opportunities for agricultural activities.
- 9 With respect to the NPS-UD definition of "*urban environment*" and the interpretation of "*predominantly urban in character*", I do not consider that LLRZ are "*predominantly*" urban in character. With properties having an average density of 5,000m², no stormwater curb and channelling or in most cases any stormwater control, street lights, footpaths, businesses, and community services.
- 10 I consider these attributes that form part of the character of an urban environment, are generally absent from General Rural Zone, Rural Lifestyle Zone and 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*

¹ Para [26]

characteristics of a city or town", which I consider are absent from most LLRZ areas and which aligns with his interpretation.

APPLICATION OF THE NPS-UD IN DECISION MAKING

- 11 Objective 3 of the NPS-UD directs planning decisions to improve housing affordability by supporting competitive land and development markets and implies that an urban environment is an area near a centre zone or other area with employment opportunities, are well serviced by existing or planned public transport, and there is a high demand for housing relative to other areas within the urban environment. In the context of LLRZ rezoning requests, my view is that consideration needs to be given to their location near existing urban centres, whether there are employment opportunities, and whether they form part of an urban environment.
- 12 Objective 6 refers to urban development that affect urban environments and are integrated with infrastructure planning and funding decisions, strategic over the medium and long term, and responsive to proposals that would supply significant development capacity. For LLRZ rezoning, consideration was given to integration with infrastructure and strategic over the medium and long term, and responsive to proposals that would supply significant development capacity. As these are inclusive, assessments considered first off whether there was sufficient infrastructure capacity available or whether Council had plans to upgrade infrastructure in the LTP. With respect to whether the LLRZ rezoning requests are strategic over medium and long term, consideration needs to be given to the wider outcomes sought for urban development as detailed in the Greater Christchurch Spatial Plan.
- 13 Objective 8 states that urban environments support the reduction in greenhouse gas emissions, and are resilient to the current and future effects of climate change. No specific evidence was provided with any of the rezoning submissions to whether they support the reduction in greenhouse gas emissions or are resilient to climate change. Noting that planning assessments provided some preliminary statement on greenhouse gas emissions as an assessment of the NPS-UD, but no detailed analysis of greenhouse gas emissions associated with the rezoning request.

WELL-FUNCTIONING URBAN ENVIRONMENT

- 14 NPS-UD Policy 1(c) seeks that development have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. In my opinion the intent of Policy 1(c) is to encourage development

in areas in or near to existing urban areas². Small rural communities do not generally provide good accessibility to jobs, often lack community services, public transport, and lack comprehensive passive transport infrastructure.

- 15 Should LLRZ be considered an urban environment under the NPS-UD, then I consider that most rural LLRZ areas, such as Mandeville and Swannanoa, cannot be considered well-functioning urban environments, particularly under policy 1(c). I have assessed policy 1 when considering rezoning requests in the S42A LLRZ Rezoning officer report, as well as the matters addressed in the RPS.
- 16 Policy 8 requires that Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. While some of the proposed LLRZ rezoning submissions would add to significant development capacity for LLRZ properties, they cannot be considered as well-functioning urban environments.

SERVICING AVAILABILITY

- 17 As stated in the S42A LLRZ Rezoning officer report, there are a number of servicing constraints associated with LLRZ areas within the district. Some of these areas have significant wastewater constraints where no additional capacity exists within the reticulation network. Mr Aramowicz has provided evidence identifying where these constraints exist. His conclusion is that for these areas, there is generally insufficient information to determine how servicing could be economically provided given the capacity constraints.
- 18 Some areas also have existing development constraints associated with natural hazards. Mr Aramowicz has provided an assessment of these constraints where they exist, noting that in some areas there is insufficient information regarding whether these hazards can be mitigated, and therefore whether rezoning outcomes sought by submissions are appropriate.

² Noting that Objective 3 includes areas in or near to centre zone, or other area with many employment opportunities, and well-serviced by existing or planned public transport.