# Hearing Stream 7B

**Questions from the Hearing Panel**

Having read the Section 42A Report, the Hearing Panel has questions that they would appreciate being answered by the Section 42A Report author at the hearing, both verbally and written.

This is in the interests of running an efficient hearing.

Please note this list of questions is not exhaustive. The Panel members may well ask additional questions during the course of the hearing.

| Paragraph or Plan reference | Question |
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| Para 43 | **Section 6.5 provides recommendations only on PDP 325.240 and PDP 221.7. Please confirm these are the only two submissions not addressed under the PDP. That is, have all submissions discussed in paragraph 38 above now been considered?**<br><br>The s42A report on the PDP medium density submissions considered PDP 325.240 and PDP 221.7 as well, making recommendations on them in the context of the PDP. I considered that these were the only two submissions that may also need to be considered by the IHP. |
| Para 77 | **Since the s32 report, have any PDP District Wide matters been reconsidered as affecting the achievement of the MDRS density requirements?**<br><br>I have not reconsidered any of the PDP District Wide matters in the context of affecting the achievement of the MDRS requirements to date, as I consider my scope is limited to the IPI itself. I note for instance that there may be a need to wrap around on any officer recommendation in response to a PDP topic that might affect density, and that I could undertake this exercise as part of my Right of Reply in response to a Panel direction (as I consider I may lack scope myself). |
| Para 103 | **Please identify where these submissions have been addressed, in particular the boundary concerns.**<br><br>The submitters are:<br><br>Woolworths NZ (V1 30.1, V1 30.2, V1 30.3, V1 30.4), at Appendix B, pg 136<br><br>Supported building height increase in the neighbouring zones as per their PDP submission– in context of V1 sought rezoning of commercial land. |

| Paragraph or Plan reference | Question |
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| | Retirement Villages Association [V1 67.1-67.47], in particular, 67.46 at Appendix B, pg 234<br><br>Foodstuffs South Island Ltd and Foodstuffs (South Island) Properties Ltd [V1 39.3] , at Appendix B, pg 160<br><br>Some of the issue here appears to be the question of if urban non-residential zones, such the town centre zone, are in scope of the Variation. If they are in scope, then the relief makes more sense and can be more easily addressed.<br><br>If they are not within scope, which is my recommendation, then I have recommended that they are rejected.<br><br>**In addition, you state in the Table after para 110:**<br><br>***The Variation provisions ensure that the MDRS standards apply on the boundary of these zones, rather than the non-residential zone provisions.***<br><br>**Please elaborate on what you mean by this.**<br><br>The submitters are seeking consistency of rules in relation to zone boundaries. The TCZ, CMUZ, GIZ, LCZ, and NCZ provisions are not within scope of the Variation as the Variation did not include urban non-residential zones. However, Mr Willis made recommendations under the PDP on these in his various s42A reports.<br><br>In paragraph 402 of the s42A hearing report for stream 9 Commerical, Mr Willis recommended:<br><br>LCZ-BFS1:<br><br>Amend LCZ-BFS1 as follows:<br>The maximum height of any building, calculated as per the height calculation, shall be ~~10m~~ 12m above ground level. Activity status when compliance not achieved: ~~DIS~~ RDIS<br><br>In paragraph 408 and 252 Mr Willis recommended:<br><br>TCZ – ~~12~~ 15m, and ~~18~~ 21m (in residential height bonus area PRECT, centre of Rangiora)<br><br>NCZ-BFS1:<br><br>Amend NCZ-BFS1 as follows:<br>The maximum height of any building, calculated as per the height calculation, shall be ~~10m~~ 12m above ground level. Activity status when compliance not achieved: ~~DIS~~ RDIS |

| Paragraph or Plan reference | Question |
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| | The notified PDP contained the following height limits for these zones:<br>MUZ: 15m<br><br>LFRZ – 10m (for Smith Street, Kaiapoi only)<br>all others 12m.<br><br>HIZ – 25m (except no boundaries with residential)<br>GIZ – 15m<br>LIZ – 15m<br><br>Thus I do not consider there is a boundary issue in respect of height as the adjacent zones all provide for the same or greater height.<br><br>There is a slight difference in recession plane angle origin heights, with the commercial zone provisions having their recession planes begin at 2.5m, versus 4m for the MDRS. As I understand it, on the basis of both my modelling exercise, and the evidence of Mr McIndoe, the recession plane origin height makes limited difference to the overall effect of shading *when the setbacks are close to the property boundary (2m in the case of the commercial zones, 1.5m in the case of the MDRS).*<br><br>Substantially larger setbacks would make a difference to spillover, but these are not part of the current planning framework, except in regard to how they may be part of a site master-plan approved under resource consent.<br><br>**Summary**<br><br>I do think an issue is emerging about the scope of the Variation. Most submitters, including those that have put evidence to this hearing, appear to assume that the urban non-residential scopes are part of the Variation. If the scope of the Variation includes urban non-residential zones, such as the town, neighbourhood, and local centre zones in consideration, then these boundary issues, the Policy 3(d) requirements, and the cl6 objectives and policies can be more easily achieved.<br><br>As it stands, the TCZ, LCZ, and NCZ provide for residential and mixed use developments which are consistent with objective 2:<br><br>a relevant residential zone provides for a variety of housing types and sizes that respond to—<br>(i)housing needs and demand; and<br>(ii)<br>the neighbourhood's planned urban built character, including 3-storey buildings. |

| Paragraph or Plan reference | Question |
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| | And policy 1:<br><br>enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments: |
| Para 105 | **Please complete your sentence.**<br><br>This should be a sub-heading, as follows:<br><br>*In support / requesting further enablement of intensification* |
| Para 120 | **Which submissions and assessment in paragraphs 110-118 are these amendments to the PDP proposed?**<br><br>Kiwirail [V1 51.5] seeking an additional MD18 "effects from qualifying matters road and rail setbacks".<br><br>WDC [417.13], Kainga Ora [80.9,80.10,80.11,80.12,80.49], Kainga Ora [80.9] to address activity status errors, where the IPI provisions are not consistent with the MDRS. |
| Para 120 Bullet point 2 | **MRZ-BFS3 already is RDIS as notified under V1 (according to your colour coding system in Appendix A). Do you mean to change MRZ-BFS4?**<br><br>Yes, this should be MRZ-BFS4. |
| Para 135 | **Please explain the difference between sub 80.19 Kainga Ora supporting the flood hazard qualifying matters and 80.57 Kainga Ora opposing the flood hazard qualifying matters.**<br><br>Both submission points oppose the flood hazard qualifying matters based on both the concept of the flood hazard qualifying matter as it reduces density, and the mapping itself. Submission 80.57 is on the matter of discretion RES-MD16 and it supports the matter of discretion as notified as it does not reference the mapping. |
| Para 136 | **Please explain how the natural character of freshwater setbacks will apply as a qualifying matter.**<br><br>This is a district-wide qualifying matter. The PDP NATC provisions place restrictions on structures within set distances of water bodies, as set out in NATC-SCHED1-4.<br><br>It would make a small building (GFA of 75m2 or less) an RDIS, and larger buildings a DIS. |

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| | Within the existing relevant residential zones of the district, there are few waterbodies which would result in this qualifying matter being applied. However, in new residential zones, such as rezoned FDAs, if the V1 MDRZ was to apply to them, there may be more areas affected. However, in practice as the areas around waterways are low points, potentially subject to flooding, or form natural blue-green access linkages through a site, these are unlikely to be built upon, and thus, the qualifying matter is unlikely to change the practically achievable density. |
| Para 151 | **You state:**<br><br>***I do not consider that a permitted activity rule provides sufficient protection for that historic heritage, so even if it were possible, as it may be possible in some cases to undertake intensification alongside historic heritage, controls are needed through the resource consent process to ensure sufficient consideration of the historic heritage element occurs. I note the non-complying rules for demolition or significant alteration of historic heritage that have immediate legal effect.***<br><br>**Would effects on historic heritage not be addressed through the provisions in the Historic Heritage Chapter, in addition to the medium density zone provisions?**<br><br>Yes, but as the MDRS overrides the historic heritage provisions, except where a qualifying matter exists, I consider that the district-wide historic heritage provisions would not apply automatically to relevant residential zones without being tested against s77K.<br><br>The s32 report treats it as a s77K matter, which makes it different to, for example, earthworks, that do not affect density.<br><br>Without the specific qualifying matter for heritage, the MDRS overrides the district wide heritage provisions, potentially enabling the demolition or alteration of heritage buildings as a permitted activity.<br><br>This, the qualifying matter is needed to ensure that the district-wide heritage provisions do apply. |
| Para 160 | **Do you think the qualifying matter should apply to both subdivision and land use activities or just subdivision?**<br><br>Appendix 1 has a map of the notified national grid subdivision corridor. Whilst most of the parcels within the qualifying matter area have already been laid out and built on, there is other land |

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| | affected by the qualifying matter proposed for rezoning which will be subdivided if development proceeds.<br><br>SUB-R6 as amended by V1 requires the building platform to be secured to the new title by way of a consent notice. The PDP version of SUB-R6 is/was essentially the same, except it applied the national grid yard distance of (12m for 220kV or 350kV, 10m for 66kV). The national grid subdivision corridor distance is 32m for 66kV lines, 37m for 220kV lines, and 39m for 350kV lines).<br><br>The V1 version of SUB-R6 applies both the national grid subdivision corridor setbacks, as well as the national grid yard setbacks.<br><br>If surrounding land is upzoned, then theoretically, some larger sections could build up to 3 units (as a permitted activity under the MDRS) near transmission lines without requiring subdivision (on existing parcels), however I consider that this would be unlikely to occur as these are far from services at present.<br><br>4 or more unit developments are available under the RDIS rule, and I note that the matters of discretion for this rule do not explicitly cover the transmission corridor.<br><br>So yes, in reconsidering the matter, I agree that the qualifying matter should cover both subdivision and land use matters and that the PDP is amended accordingly.<br><br>This raises a contingent issue of how to apply qualifying matters to areas of land that are rezoned, and if so, what qualifying matter to apply. I consider that if areas of land are upzoned under V1, and the characteristics are the same as areas proposed for qualifying matters, then qualifying matters should also be tested on these areas. I note that this matter is similar to the questions that have been asked of me for my Right of Reply on Hearing Stream 12E in respect of considering rezoning applications under V1 criteria, and I will address this matter there, in suggesting if any qualifying matters should apply to areas rezoned. |
| Para 162 | **It would be helpful for the Panel if Mr Mclennan can send a memorandum to the Panel to confirm this, so it can be placed on the record for the Panel's deliberations on the E&I Chapter submissions.**<br><br>Mr MacLennan has provided a memorandum |
| Para 163 | **Have you assessed these submissions and if so, where in your report?** |

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| | I have listed these at para 120 |
| Para 165 | **Bullet point 4 is incomplete**<br><br>Bullet point 4 is not incomplete. It references the changes I have recommended to the airport noise qualifying matter to remove urban non-residential zones from it. |
| Para 172 | **You state:**<br><br>***Mr Yeoman's memorandum in Appendix G considers that as all demand within the District is for one and two storey buildings, with three-storeys not currently being feasible, and unlikely to be feasible in the medium to long term a qualifying matter limiting permitted activity building height to 8m or two-storeys will not have any effect on commercially feasible or realisable development capacity[7]. Thus, in the context of s77J(3)(b) and (c) there is no impact by limiting height to 8 metres or two storeys, as three storey development is not currently occurring nor is likely to occur. There are no ascertainable costs associated with this.***<br><br>**Is the converse not true though? If there is no demand for three storey development, what is the economic harm of enabling three-storey development to occur? Our understanding of the height standard is that it permits not requires a maximum height of 12m.**<br><br>**Could it also be the case that the apparent lack of demand for 3 storey units is due to the current (operative plan) regulatory rules framework (which Var 1 is seeking to address)?**<br><br>The Operative District Plan enables three (or more) storey developments in the District's residential 1,2, and 6 zones under an RDIS framework, referred to as Comprehensive Residential Developments (CRD). This is enabling of 4 or more units, including of three-storeys or more.<br><br>My understanding is that an RDIS activity status for these typologies is relatively permissive in the context of more recent operative district plans across New Zealand.<br><br>Most infill in the District is occurring under the CRD provisions. This pattern has continued following the RMAEHA and implementation of the MDRS and I understand that almost all infill developments remain for 4 or more units at two-storeys. |

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| | I provided the building and resource consent data in my memorandum on hearing 12D.<br><br>I have also sought further information from Council consent planners in respect of the typologies discussed and those approved:<br><br>They state:<br><br>*"I can confirm we have not received any resource consent application as part of a CRD within a residential zone or MDRS within the medium Density residential zone for three storeys.*<br><br>*We (the Council) have granted three retirement villages granted for the following levels within a residential zone.*<br><br>• *Ryman located on Charles Upham Drive, Rangiora – **3 storeys** (RC245671)*<br><br>• *Retirement home in Silverstream – **4 Storeys** (RC195361)*<br><br>• *Summerset Retirement Home – **3 Storeys** (RC205377)*<br><br>• *Retirement village at Beachgrove – **4-6 storeys** (RC225391)*<br><br>*Additionally, an apartment block on High Street (Business 1 Zone/ Town Centre Zone) granted for retail on bottom floor and apartment blocks on the two above floors. **Three storeys in total."***<br><br>This indicated a lack of demand for these three storey units in residential zones, apart fom retirement villages (which are for more than 3 units).<br><br>Whilst a pathway is available under the operative RDIS rules, none have been applied for, and none declined in the relevant residential zones.<br><br>It also indicates that an RDIS activity status is not a barrier. I note that the RDIS activity status meets the NPSUD definition of "plan-enabled" in terms of assessing development capacity.<br><br>I note that the proposed qualifying matter would result in an RDIS status for three storey buildings and consideration of site placement of the building to ensure sunlight access to neighbouring properties which are essentially the same provisions as the operative district plan.<br><br>I also note the other zones – NCZ, LCZ, TCZ, MUZ, which enable apartment living alongside commercial activities, one of which has been granted.<br><br>In response to the question on "economic harm", I consider that on the basis of the memorandum provided by Mr Yeoman that notes that lack of both current and likely future demand for this typology |

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| | in the District, that the economic component of the sunlight and shading matter is not a major consideration |
| Para 176 | **Please explain exactly what circumstances have changed since the Council notified a 12m height under MRZ-BFS4 and you now recommending an 8m height limit? If no circumstances have changed, is it appropriate that the 12m height limit would continue to apply to those areas the Council had recommended be subject to a 12m height limit before the RM Enabling Housing Supply Amendment Act introduced the MDRS? Please also explain how this amendment would give effect to Policy 3(d) of the NPS-UD.**<br><br>The PDP MRZ applied to a smaller area of the residential zones of the district – within 800m of the town centres. The general residential zone provisions of 8m height or two storeys applied outside of this area. The changed circumstance resulting from the RMAEHA is the application of the MDRS over all of the relevant residential zones in the district, which picks up the general residential zone areas. Thus, Variation 1 applies 3 storeys to a substantially larger area, which I consider is a circumstance change.<br><br>Submitters have raised these concerns in the context of Variation 1, which was not a matter they could have anticipated through the PDP, as they were not zoned for 3-storeys at that time. Nor could they have anticipated up to three units at 3-storeys at that time.<br><br>My understanding is that qualifying matters would need to be consistent with the MDRS Objectives and Policies as set out in cl 6, sch 3A, RMA. The clause 6 list does not include NPSUD policy 3(d).<br><br>However, in recommending to introduce a qualifying matter for sunlight and shading which limits height to two-storeys, NPSUD policy 3(d) can be considered.<br><br>The PDP neighbourhood centre zones, local centre zones, town centre zones, all enable heights of 12m or greater. These are outside of scope of Variation 1.<br><br>However, NPSUD policy 3(d) does not require three storeys – it requires these zones to have building heights commensurate with the level of commercial activity and commercial services. This may mean three storeys – it may also mean less, or more. However, the PDP provisions as notified enable three stories, and in response to submissions, Mr Willis recommends more height in the town centre zones of Kaiapoi and Rangiora.<br><br>I also note that NPSUD policy 3d does not appear to anticipate mixed use development in these zones (or at least it doesn't |

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| | explicitly require it as a test) – such as apartments above commercial areas in three or more storey buildings – which I consider are enabled by the PDP (outside of the scope of V1) in these zones. |
| Paras 183 - 190 | **Please obtain and provide the Panel with legal advice as to whether the Council has scope to introduce a new Qualifying Matter that was not included in Variation 1 as notified? The evaluation you have undertaken relates to the inclusion of QMs to modify the MDRS when the IPI itself is notified, which must be set out in the s32 evaluation accompanying the IPI. The legal advice should also address whether your evaluation meets the relevant tests to be considered a site-specific matter across those parts of the District to which the MDRS apply.**<br><br>This legal advice has been provided attached to these questions.<br><br>**In respect of the second bullet point para 193, please provide an assessment against the national significance of urban development and the objectives and relevant policies of the NPS-UD.**<br><br>I presume this means in relation to the clause 3.33 requirements in respect of qualifying matters under the NPSUD itself, prior to the Enabling Housing Amendment Act, which introduced additional tests. For instance, s77J has a more prescriptive version of the NPSUD test, but which does not include the wording "national significance of urban development and objectives of the National Policy Statement on Urban Development"<br><br>S77L(b) replicates the NPSUD wording.<br><br>I tested both of these in my s42A recommendations<br><br>**How does your recommendation align with the recommendations of the IHP in respect of PC14 to the Christchurch City District Plan?**<br><br>My understanding of the PC14 Panel decision in respect of the proposed sunlight and shading qualifying matter as recommended by the s42A officers for Christchurch City Council is that the commissioners were not satisfied with the evidential basis on which it was recommended. For instance, it did not undertake a site-specific test in respect of every metre of land in a relevant residential zones in Christchurch (or down to the best available resolution).<br><br>They also did not model the underlying sunlight environment that would occur naturally, for instance, taking into account the effects |

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| | of hill-shading from the Port Hills. The additional report from the PC14 Commissioners notes that the s42A reports focused primarily on noon shading, or generally, that the differences in the sunlight environment that occur throughout the day may not have received sufficient detail.<br><br>The evidence put forward here takes a different approach, starting with understanding the sunlight environment that already exists in the district, based on terrain and the permitted activity built form. This takes into account shading at every angle (using 18 degree viewshafts), and at every hour of the day.<br><br>**Have you also considered that the MDRS are enabling and do not require anyone to build up to their maximums? That is, the inclusion of the MDRS does not require people to build right up to their limits, and if the market does not exist within the MDZs for the type of development enabled by the MDRS, it most likely won't happen.**<br><br>Yes, I am aware that as this type of development is not assumed to be feasible in the relevant residential zones of the district (outside of retirement villages), it is unlikely to occur.<br><br>However I am conscious of the definition of effect in s3f RMA, which includes those potential effects of low probability but which have a high potential impact.<br><br>However, my concern is about the potential effect on neighbours in case it did occur. Under a permitted activity framework, the situation exists where a property owner may build to the maximum, simply because they can, thus shading out their neighbours. This is not as part of a wider development proposal – noting that most developments are for 4 or more units, whereby sunlight and shading effects can be considered through the RDIS activity status. |
| Para 219 and 224 | **The IHP is unclear as to whether you have addressed the submitter's point in respect of the change anticipated in the MDRS.**<br><br>I do not consider that the request from this submission is in scope of the MDRS or Variation, as most, if not all, retirement villages are for developments of 4 or more units. This is not a matter within scope of the Variation or MDRS. |
| Para 227 | **Please advise where the RMA enables the MDRS objectives and policies to be amended as you recommend, and if it does allow** |

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| | **amendment, what the relevant criteria are for such an amendment to occur. Please also consider whether this amendment is necessary given RESZ-P15. You may wish to seek legal advice in responding to this question.**<br><br>S77G(5) requires the cl6 objectives and policies to be implemented in an IPI.<br><br>S77G(6) also enables the matters in Schedule 3A (which include the cl6 objectives and policies) to be less enabling of development when implementing qualifying matters under s77I. This could include amending an objective or policy to reflect the qualifying matter, or as I have recommended in response to Transpower, to simply acknowledge the existence of qualifying matters.<br><br>If the cl6 objectives and policies cannot be amended to reflect the content of that qualifying matter, then the situation arises where a qualifying matter, will be inconsistent with the objectives and policies. S77I has set out the types of matters that can be considered for qualifying matters, provided that the relevant tests are satisfied.<br><br>Whilst I think that the general intent of the compulsory objectives and policies must be implemented, I consider that minor changes to them in order for them to make grammatical sense in the context of any particular IPI implementation are still possible, I also note that s32AA still provides for changes to objectives and policies, or any other provisions.<br><br>Cl 6(2)(b) Policy 2 states to ”apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga)”.<br><br>RESZ-P15 implements this, which as this is an overarching policy across all residential zones, would mean that the MRZ objectives and policies can include qualifying matters without needing the Transpower relief inserted into the objectives and policies – although an advice note explaining qualifying matters would still assist in terms of plan implementation.<br><br>In summary, the issue here may have occurred because RESZ-P15 does not sit alongside the MRZ provisions – it is elsewhere in the PDP. |
| Para 235 | **Do you mean no changes recommended except for changing the activity status to RDIS as per your paragraph 120?** |

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| | Para 120 was for changes to MRZ-BFS4, which I addressed in response to a question above. |
| MRZ-BFS3 | **You have recommended changing the activity status to RDIS. What are the matters of discretion that would then apply to this standard?**<br><br>The RDIS activity status is as notified in the Variation. As notified, there are no matters of discretion proposed, most likely a carryover from the DIS activity status in the PDP version.<br><br>I would recommend the following matters of discretion are added to the provision.<br><br>RES-MD2 – Residential design principles<br><br>RES-MD17 – Building coverage<br><br>My response to the submitters on MRZ-BFS1 to MRZ-BFS3 in para 235 would then change to reflect this recommendation above, noting the matter of discretion. My recommendation to accept these submissions would not change. |
| MRZ-BFS4 | **You have recommended changing the activity status to RDIS. What are the matters of discretion that would then apply to this standard?**<br><br>The DIS activity status was as notified in the Variation, so the correction of this error does lead to the need to apply matters of discretion to it. RES-MD5 – Impact on neighbouring property would be the most appropriate matter of discretion to apply to it. |
| V139.3 in Appendix B | **Please explain what "probably reject" means and identify where you have addressed this point in your assessment.**<br><br>Para 103 – as one of the "boundary matter" submissions. This submission is the only one of those three submission that requests a change to Variation 1 to expressly ensure that activities on the boundary of residential and commercial zones do not cause reverse sensitivity on the commercial zone (and vice versa).<br><br>"Probably reject" reflects that at the time of writing, I had not finalised my recommendation in respect of the boundary matters.<br><br>My assumption is that the most enabling provision would apply on a zone boundary, but this is not clear within the PDP.<br><br>I consider that the best place to put any policy covering matters on a zone boundary interface is in SD-O3(5) – multizone policy. |

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| | The recommendation would then become accept in part for V1 39.3, Woolworths NZ (V1 30.1, V1 30.2, V1 30.3, V1 30.4) Retirement Villages Association [V1 67.1-67.47]<br><br>A change such as this requires a s32AA evaluation, on which I consider that the proposed change clarifies what would be the existing approach to plan interpretation in respect of the most enabling standards applying on a zone boundary.<br><br>I note also that this change in respect of some zones, for instance the TCZ and GRZ boundary at Oxford, is outside of the scope of V1. |
| Appendix E | **In preparing your sunlight and shading assessment, did you also consider the s32 evaluation and regulatory impact assessment and any other supporting documentation that accompanied the Resource Management Enabling Housing Supply and Other Matters Amendment Act?**<br><br>Yes, I discussed it at para 11. The MfE regulatory impact statement relied on the Icarus model, that did not assess actual sunlight losses or gains from proposed three storey developments. Instead, this model applied a market "cost" to shading impacts, rather than working out the actual change in terms of energy/light (see Figure 56, MfE, https://environment.govt.nz/assets/publications/Cost-benefit-analysis-of-proposed-MDRS-Jan-22.pdf for a summary of it).<br><br>However, MfE's approach to modelling sunlight and shading is broadly consistent with the approach I have used – except with the following differences:<br><br>• MfE modelling, at least that published in their cost-benefit analysis (January 2022) used shadow price elasticity to work out shading cost for properties shaded which was based on Auckland and Wellington housing and the authors acknowledges that "Conceivably Christchurch and Tauranga, which are flatter areas with differing house characteristics and prices, might possess different shadow price elasticities."[1].<br><br>• Mfe modelling used a restricted sample of properties – to within 50 metres of identified new developments, and a stratified example of 100 targeted developments for each tier 1 city (pg 109) and Figure 69 on pg 155. |

[1] Sense Partners (2022) Cost-Benefit Analysis of proposed Medium Density Residential Standards, Appendix D Introducing Icarus, page 147.

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| | • It did not include any sample developments from the Waimakariri District.<br><br>• MfE state that increases in sunlight and shading provide a 2.4% increase in property prices for every additional hour of sunlight received. MfE did not state the converse, with what the losses might be for every additional hour of shading, but they have stated that the costs (modelled across all Tier 1 authorities are between $344M-$684M)[2].<br><br>• The "2.4%" may come from a study undertaken by MOTU, and available here: https://motu-www.motu.org.nz/wpapers/17_13.pdf<br><br>The MfE appear to have modelled property market dynamics adjacent to a sample of large developments in Auckland and Wellington but have not reported on the underlying sunlight environment, nor the overall property market dynamics for New Zealand.<br><br>I do not consider it to be determinative upon the Waimakariri District as it has not modelled any Waimakariri specific scenarios, and it does acknowledge its limitations in respect of Christchurch and flatter areas.<br><br>It is also not applicable to the 'wildcat' scenario of a landowner erecting a three-storey building, simply because the rules permit it, and thus shading out neighbours. This is the scenario that concerns me the most.<br><br>I note in the context of s32AA the requirement to understand the environmental component in the context of an assessment. From the documentation available, the MfE work used a monetary description of s32 values by using monetary values to compare all the different elements of the assessment to produce an aggregate cost-benefit assessment for the Tier 1 authorities as a whole.<br><br>This is one approach to s32, but not an approach I would recommend as a first principle. I am not an economist, but I consider that not all environmental factors are comparable or can be reduced to price or some other monetary value. I consider that the environmental component is understanding the sunlight environment in terms of energy received and changes to this environment that arise from sunlight and shading<br><br>I note that this does not meet the "site-specific" test in the context of s77L(c)(iii) – the MfE did not model the sunlight and shading environment across all relevant residential zones in all Tier 1 authorities. However, MfE did not have to undertake a site-specific |

[2] Table 30, ibid, pg 114

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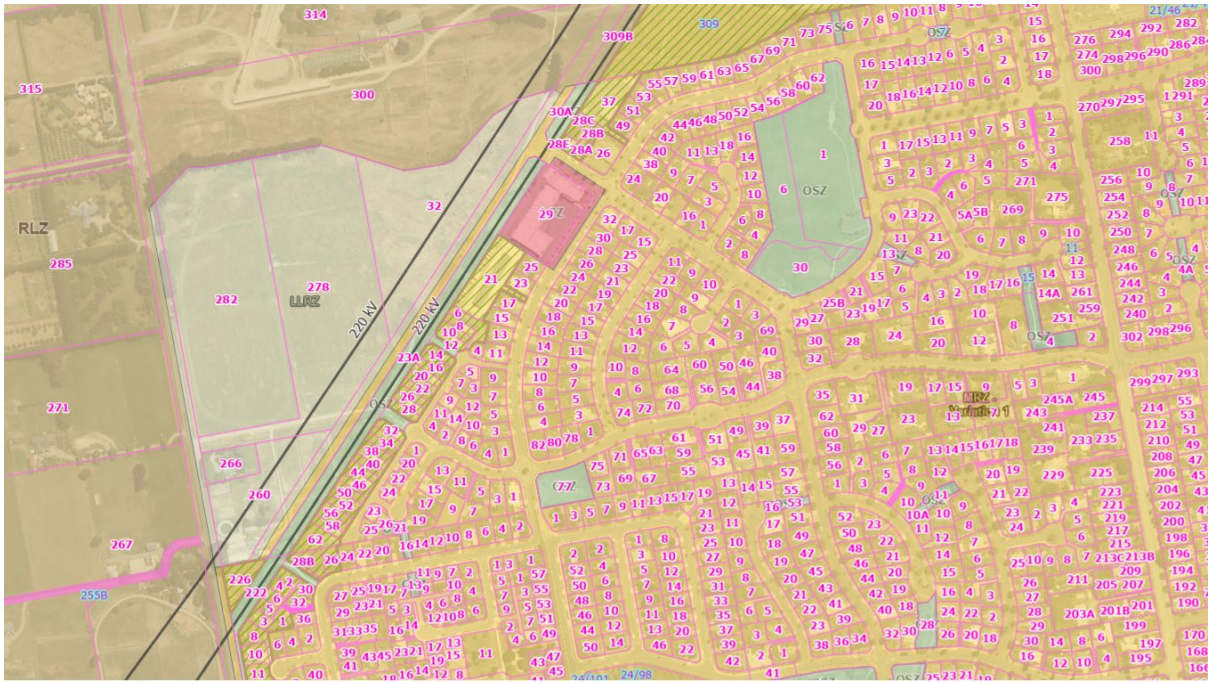
| | test, as that did not exist in the legislation at the time.<br><br>Thus, I do not consider the MfE work met the requirements of s32 in the context of the Waimakariri District. It may be more relevant to sunlight and shading scenarios on the edges of larger developments in Auckland or Wellington. |
| Appendix G | **Would amending the 12m MDRS height limit reduce the potential for residential development to this level to be realised, should market conditions change?**<br><br>I do not consider that it would, for the following reasons:<br><br>• The consent activity status proposed for the qualifying matter is RDIS – with a singular matter of discretion RES-MD5, impact on neighbouring properties<br><br>• These are permitted when the various built form standards are met, even when the standards are not met, they are precluded from being publicly notified.<br><br>• It is only applies to developments for up to 3 units. The majority of large developments that add modelled/feasible capacity in the district are for 4 or more units – which are outside of the scope of Variation 1.<br><br>• Given the large lot sizes in the district, three (or more) storey developments can be achieved without increased shading, provided site placement and design works occur (this is how the operative plan treats them under its RDIS rule).<br><br>• All market evidence to date suggests that a consenting barrier does not exist.<br><br>**What are the RMA effects-based reasons for reverting from 12m to 8m height limit in light of the s32 Report's support for 12m height limit?**<br><br>• The Council s32 report relied on the MfE costs and benefits report, which as I have set out, did not consider the environmental impact of sunlight and shading – only the economic costs, and only in respect to shading that occurs within 50m of a sample of developments, which may not be relevant to Waimakariri.<br><br>• The Council s32 report did not appear to have identified the general nature of the MfE report, rather than the specific matters that the MfE report did not address.<br><br>• Thus, the actual effects of shading from 3 storey buildings in the District have not been analysed for now. The evidence |

| Paragraph or Plan reference | Question |
|---|---|
| | presented shows a substantial effect of shading arising from a height change from 2 storeys to 3 storeys with an effect arising on neighbouring properties.<br><br>**Can you confirm the Panel's understanding of your memo that there are no economic reasons for applying the proposed qualifying matter.**<br><br>No, as I read the memorandum, it is stating that there are no economic costs arising from applying the proposed qualifying matter, which is a different matter. I have sought clarification from Mr Yeoman in this respect, he states "that the economic evidence provided in the hearings suggests that it is unlikely that residential development activity would be curtailed by the introduction of the sunlight qualifying matter. The evidence, modelling, and data shown in the hearings all suggest that three level dwellings are unlikely to be feasible in the MRZ of Waimakariri for some decades.<br><br>The MfE assessment supports this finding, which also shows limited impacts on residential development from the introduction of MDRS in Waimakariri District.[3] Therefore, the benefits identified within the MFE assessment are likely to accrue with or without the allowance of three levels.<br><br>In conclusion, the introduction of sunlight qualifying matter is unlikely to materially alter the outcome in the residential market."… |

**Appendix 1 – Map of National Grid Subdivision Corridor**

[3] PWC (2022) The Medium Density Residential Standards under the Resource Management Act Estimates of development impacts at the Statistical Area 2 level.


RLZ
220 kV
220 kV
OSZ
LURZ
KRZ