

## WAIMAKARIRI DISTRICT COUNCIL

### MEMO

**FILE NO AND TRIM NO:** DDS-14-05-08 / 240620100641

**DATE:** 5 July 2024

**MEMO TO:** Hearing Commissioners

**FROM:** Rachel McClung, Principal Policy Planner – Development Planning Unit

**SUBJECT:** Hearing Stream 8 – Urban Subdivision s42A Report – Missed Further Submission Points.

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1. The purpose of this memorandum is to inform the Hearing Panel of 11 further submission points that were missed in the Urban Subdivision s42A report and provide an update to Appendix B to address these.
2. The further submission points that were missed in the report are as follows:
  - a. David Cowley [FS41] on Christchurch City Council [360.2] and Environment Canterbury [316.126, 316.127, 316.128 and 316.129]
  - b. Richard and Geoff Spark [FS37] on Bellgrove Rangiora Limited [408.25]
  - c. Malcolm Dartnell [FS4] on Rick Allaway and Lionel Larsen [236.11]
  - d. Mark McKitterick [FS2] on Mark McKitterick and Chloe Chai [256.20]
  - e. Christchurch International Airport Limited [FS80] on Environment Canterbury [316.125, 316.126 and 316.132]
3. The missed points were noticed in a further check of all original submission points and all further submission points across all s42A reports released to date.
4. All the further submitters listed above had further submission points on other provisions within the Urban Subdivision Report and therefore were sent the report. No submitter raised the missed points as an issue at the hearing, or since the hearing. The s42A report stated that recommendations in relation to further submissions reflect the recommendations on the relevant primary submission<sup>1</sup>. No primary submissions were missed. My recommendations remain unchanged. For these reasons, it is considered that no submitter is unfairly disadvantaged by this.
5. The recommendations on these further submissions are enclosed at **Attachment 1**.

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<sup>1</sup> Urban Subdivision Section 42A report, para 45

6. In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this memo, recommendations from this memo are shown in blue text (with underline and ~~strike-out~~ as appropriate).

## ATTACHMENT 1 – RECOMMENDATIONS ON MISSED FURTHER SUBMISSION POINTS

**Table B3: Recommended responses to submissions and further submissions on SUB-O2 Infrastructure and transport**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
256.20	Chloe Chai and Mark McKitterick	SUB-O2	Retain SUB-O2 as notified.	3.5	Accept in part	Subject to amendments made in response to other submissions.	No
<a href="#">FS2</a>	<a href="#">Mark McKitterick</a>		<a href="#">Oppose</a>	<a href="#">3.5</a>	<a href="#">Reject in part</a>		

**Table B4: Recommended responses to submissions and further submissions on SUB-O3 Esplanade reserves and esplanade strips**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.125	Environment Canterbury Regional Council	SUB-O3	Retain SUB-O3 as notified.	3.6	Accept	Agree with Submitter.	No
<a href="#">FS80</a>	<a href="#">Christchurch International Airport Limited</a>		<a href="#">Support</a>	<a href="#">3.6</a>	<a href="#">Accept</a>		

**Table B5: Recommended responses to submissions and further submissions on SUB-P1 Design and amenity**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.126	Environment Canterbury Regional Council	SUB-P1	Amend SUB-P1: "... 6. Recognises and provides the ability to adapt and respond to the effects of climate change and environmental pressures."	3.8	Accept in part	This would give effect to Section 7(i) of the RMA and CRSP Policy 11.3.8 and be consistent with SUB-O1.	Yes
<a href="#">FS41</a>	<a href="#">David Cowley</a>		<a href="#">Oppose</a>	<a href="#">3.8</a>	<a href="#">Reject in part</a>		
<a href="#">FS80</a>	<a href="#">Christchurch International Airport Limited</a>		<a href="#">Support</a>	<a href="#">3.8</a>	<a href="#">Accept in part</a>		

**Table B7: Recommended responses to submissions and further submissions SUB-P3 Sustainable Design**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.127	Environment Canterbury Regional Council	SUB-P3	Retain SUB-P3 as notified or retain the original intent.	3.10	Accept in part	Subject to amendments made in response to other submissions.	No
<a href="#">FS80</a>	<a href="#">Christchurch International Airport Limited</a>		<a href="#">Support</a>	3.10	<a href="#">Accept in part</a>		
<a href="#">FS41</a>	<a href="#">David Cowley</a>		<a href="#">Oppose</a>	<a href="#">3.10</a>	<a href="#">Reject in part</a>		

**Table B8: Recommended responses to submissions and further submissions SUB-P4 Integration and Connectivity**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.128	Environment Canterbury Regional Council	SUB-P4	Retain SUB-P4 as notified or retain the original intent.	N/A	Accept	Agree with submitter that SUB-P4 should be retained as notified	No
FS80	Christchurch International Airport Limited		Support	N/A	<a href="#">Accept</a>		
FS41	<a href="#">David Cowley</a>		<a href="#">Oppose</a>	N/A	<a href="#">Reject</a>		

**Table B10: Recommended responses to submissions and further submissions SUB-P6 Criteria for Outline Development Plans**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.129	Environment Canterbury Regional Council	SUB-P6	Amend SUB-P6 to add a criterion demonstrating that any high hazard areas are avoided and other natural hazards are addressed in accordance with Chapter 11 of the Canterbury Regional Policy Statement.	3.12	Accept in part	<p>SUB-P6 as notified does not include a clause to that addresses natural hazards. Given SUB-P6 is giving effect to Policy 6.3.3 of the CRPS, I consider that the exclusion of natural hazards is a gap. However, given the direction within Policy 6.3.12(6) and Policy 11.3.1 of the CRPS, I do not agree with the relief sought by ECan that SUB-P6 should include a new subclause to avoid high hazard areas. No drafting was offered by ECan in their submission. However, I recommend the following new clause:</p> <p><u>m. Show how the adverse effects associated with natural hazards are to be avoided, remedied or mitigated, as appropriate to the hierarchy set out in the natural hazards chapter.</u></p> <p>I consider this new clause to give effect to the CRPS, particularly Policies 6.3.3, 6.3.12 and 11.3.1, and provide greater alignment with SUB-O1(4).</p> <p>I also recommend the insertion of 'Natural Hazards' within the list of 'other potentially relevant District Plan provisions within the SUB-Chapter Introduction to cross reference the NH-Chapter.</p>	Yes
FS80	Christchurch International Airport Limited		Support	3.12	Accept in part		
FS41	<a href="#">David Cowley</a>		<a href="#">Oppose</a>	<a href="#">3.12</a>	<a href="#">Reject in part</a>		
360.2	Christchurch City Council	SUB-P6	Retain SUB-P6(2)(c) as notified.	3.12	Accept	Agree. Density minimums are required to meet anticipated growth demands.	No
FS37	Richard & Geoff Spark		Oppose	3.12	Reject		

FS46	Miranda Hales		Oppose	3.12	Reject	
FS80	Christchurch International Airport Limited		Support	3.12	Accept	
FS41	David Cowley		Oppose	3.12	Reject	

**Table B11: Recommended responses to submissions and further submissions SUB-P7 Requirements of Outline Development Plans**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
236.11	Rick Allaway and Lionel Larsen	SUB-P7	Amend SUB-P7: "Ensure that subdivision is in accordance with the fixed or flexible elements of any relevant ODP. Manage subdivision to ensure that the outcomes intended by the Outline Development Plan are met."	3.13	Accept in Part	Acknowledge that there will be some flexible elements in an ODP that will evolve as design progresses, and it is acceptable to be in 'general accordance' with those elements, but not the fixed element.	Yes
FS4	R J Paterson Family Trust		Support	3.13	Accept in part		
FS28	Damien and Sarah Elley		Support	3.13	Accept in part		
FS29	JB Bailey Family Trust		Support	3.13	Accept in part		
FS30	Kim Manson & Neinana Kuru		Support	3.13	Accept in part		
FS31	Ross Fraser		Support	3.13	Accept in part		
FS32	L N R deLacy		Support	3.13	Accept in part		
FS33	Louise Marriott		Support	3.13	Accept in part		
FS4	Malcolm Dartnell		Support	3.13	Accept in part		

**Table B 26: Recommended responses to submissions and further submissions SUB-S12 Reticulated wastewater disposal in Residential Zones, Commercial and Mixed Use Zones, Special Purpose Zones or Industrial Zones**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.132	Environment Canterbury Regional Council	SUB-S12	Retain SUB-S12 as notified or retain the original intent.	N/A	Accept	Agree with submitter.	No
FS41	D Cowley		Oppose	N/A	Reject		
FS80	Christchurch International Airport Limited		Support	N/A	Accept		

**Table B28: Recommended responses to submissions and further submissions SUB-S17 Esplanade reserves or strips**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
408.25	Bellgrove Rangiora Ltd	SUB-S17	Table SUB-2 includes 52 Kippenberger Avenue as requiring an esplanade reserve for conservation and natural hazard mitigation purposes, but the overlay shown on the GIS mapping stops before extending north of Kippenberger Avenue. The inclusion of 52 Kippenberger Avenue (Part RS 267) within Table SUB-2 as	3.24	Accept in part	The non-complying activity status when compliance with SUB-S17 is not achieved is too onerous and unsupported by the relevant objective and policy. Reducing the	Yes

			requiring a 20m wide esplanade reserve (in accordance with proposed SUB-S17) is not ecologically appropriate or required. Ecological investigations have determined that “there is no permanent aquatic habitat other the ornamental pond north of the Bellgrove Homestead. Therefore, the buffer strip will not provide an ecological link to aquatic habitats in the near vicinity, regardless of width. Nor does the water temperature moderating effect have to be considered, as no water is present.” Modify Table SUB-2 to exclude 52 Kippenber Avenue (Part RS 267).			activity status to a restricted discretionary activity would enable a pathway for a finer grained analysis to be provided with a subdivision consent. This would enable the creation of future esplanade reserves and strips that meet the purpose of s230 of the RMA and that are consisted with SUB-O3 and SUB-P10.	
<a href="#">FS37</a>	<a href="#">Richard and Geoff Spark</a>		<a href="#">Support in part</a>	<a href="#">3.24</a>	<a href="#">Accept in part</a>		