

## **Jn Hearing Stream 12E: MAPS: Rangiora, Kaiapoi, Woodend and Variation 1**

### **Questions from the Hearing Panel**

Having read the Section 42A Reports, 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 the Section 42A Report author, and expert advisers, additional questions during the course of the hearing.

### **Overarching**

1. The Panel is having problems with the Maps provided and being able to clearly see what areas of those maps are subject to the submissions, and to differentiate between the zonings (in an absence of a legend). Can you please provide updated maps to assist the Panel.
2. Please provide in table format for each rezoning request:
  - a. The relevant submission number and submitter (combining these where they overlap)
  - b. The location of the area subject to the submission
  - c. The Operative DP and PDP zoning and any relevant overlays and Outline Development Plans
  - d. The zoning sought by the submitter
  - e. Whether the rezoning is consistent with relevant planning documents (NPS-UD, CRPS, PDP) and identifying where not
  - f. Whether there are technical issues in respect to the rezoning sought
  - g. Anticipated yield
  - h. Summary of any issues in contention
  - i. Recommendation

*I have provided this to the Panel.*

The priority in preparing these tables is for those rezonings where the submitter is to be heard in Hearing Stream 12E. The other tables can be provided for the Reply Report.

3. In respect to the zoning requests for the South-West and West Rangiora Development Areas, can you please confirm that you are relying on Survus [250.4] for recommending a Medium Density Residential Zone, given in most instances a blanket MRZ has not been sought by any one submitter.

*Most of the submitters in the South-West and West Rangiora Development Areas have sought general/medium density residential zoning within their submissions. Survus sought general, or other appropriate zoning across the entirety of the development area. I make a distinction between the future land uses that a submitter seeks, and the highest upzoning available to them. Most submitters seek allotment sizes below 500m<sup>2</sup>, which is the permitted activity standard for the PDP MDRZ.*

The Panel notes that we will need to see updated ODPs including text and provisions for our deliberations.

I consider that as there may be changes arising from the hearing, that these should come in the final Right of Reply.

Paragraph or Plan reference	Question
Para 66	<p><b>You say 'I do not consider that overzoning land achieves a well-functioning urban environment. While Objective 1 if the NPS-UD is that New Zealand has well-functioning urban environment, Objective 2 is that " Planning decisions improve housing affordability by supporting competitive land and development markets." At what point do you consider surplus zoning to be overzoning?</b></p> <p><b>Can the effects of overzoning you mention not be overcome by appropriate planning provisions?</b></p> <p>Only to a degree, as infrastructure provision for an 'overzoned' site may result in infrastructure, such as three-waters or transport, which may have to be in place before the development can begin, being funded and built, but if it is never taken up, the relevant development and financial contributions from the developer for the overzoned land are not collected, and the infrastructure is never built. This is one of the consequences of over-zoning as I see it.</p> <p>I note that there is a lack of evidence on the risks of over-zoning, but I still consider it to be a general uncertainty risk of any planning framework that 'overzones' land, in the context of s32(2)(c).</p> <p>There are approaches to addressing it, such as requiring funding mechanisms up front, but I am not aware of any RMA mechanism to require such funding before development can begin. Even in these cases, there is still a risk of stranded infrastructure if the development does not go ahead, for whatever reason.</p> <p>I do not consider these to be 'showstoppers', but they are risks that do not have an evidential basis before this hearing to assess.</p> <p><b>How does "overzoned land that sits vacant prevent its use ... in rural production or other uses"?</b></p> <p>My specific wording at para 66 was <i>"In this regard I do not consider that overzoning land achieves a well-functioning urban environment, particularly in that over zoned land that sits vacant prevents its use – and particularly long term investment – in rural production or other uses."</i></p>
Para 76	<p><b>Footnote 19 is missing.</b></p> <p>As Footnote 19 was deleted, the reference can also be deleted.</p>
Para 77	<p><b>Who can/should clarify the status of the dotted line on Map A?</b></p> <p>The legal opinion attached to the evidence provides an approach to understanding it, however I do not consider it can be fully resolved until the RPS is changed. As I understand it, the draft RPS addresses this issue, but this is a consultation draft only and has no weight.</p>

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	<p>For practical purposes, I consider that the dashed-line on Map A is the area known as “Greater Christchurch” (although this is inconsistent with the definitions in the CRPS as I stated in Footnote 18). I do not consider that the ‘dashed-line’ defines what the urban environment is.</p> <p>As I stated, I consider that the dashed-line area contains a housing and labour market of at least 10,000 (the second limb of the NPSUD definition) for Christchurch, but that as the housing and labour market may extend beyond this, it is not fully determinative on the housing and labour market.</p> <p>However, and determinatively for me, as the dashed-line is not fully shaded as showing intended future urban areas, it does not define the extent of the plan-enabled/anticipated/or intended urban environment, for the purposes of the first-limb of the NPSUD definition. Instead the shaded areas around the towns of Rangiora, Woodend, and Kaiapoi in Map A show the intended/anticipated future urban areas by local authorities</p> <p>The interpretation approach I have adopted (interpretation pathway 2) avoids needing to make a determinative decision on if the area within the dashed-line represents an urban environment is, as I do not consider it matters for the purpose of applying the Policy 8 responsive planning provisions. The Policy 8 tests are ‘significant development capacity’ and ‘contributes to well-functioning urban environment’,</p>
Para 83	<p><b><i>You discuss the requirement to provide at least sufficient development capacity ' in NPS-UD Policy 2. But that phrase is prefaced by 'at all times'. When read alongside objectives 2 and 3, together with the quarterly monitoring requirement in clause 3.9 and the requirements to address shortfalls in 3.7 and 3.37, does this indicate a presumption or preference for providing more development capacity than is required to meet forecast demand?</i></b></p> <p>On the face of the question, my answer is:</p> <p>Yes, and this I believe is reinforced by the Policy 8 responsive planning provisions, which override any planning framework that may limit consideration of any development proposal on the basis of HCA sufficiency targets. Provided a proposal provides significant development capacity and contributes to well-functioning urban environments, it can be considered under the responsive planning provisions.</p> <p>This is the approach I have taken throughout my s42A report.</p>

Paragraph or Plan reference	Question
Para 89	<p><b>With respect to Policy 6.3.1 of the RPS: what is your understanding of 'ensure new urban activities only occur within existing urban areas' in ss(4)? Does this include the extension of those existing urban areas?</b></p> <p>In the context of CRPS objective 6.2.1, policy 6.3.1, and Map A, only in the context of the shaded areas (existing residential, the greenfield priority areas and future development areas), and then, these areas must meet the relevant tests in the CRPS, such as 6.3.12 (in the context of the FDAs) to be met before releasing land from them for development. Policy 6.3.1 on its own does not cover the full suite of matters that must be addressed to consider an extension beyond the shaded areas in Map A.</p> <p>Areas outside of the shaded areas in Map A cannot become urban areas under the CRPS framework, except by CRPS change. The CRPS outlines the matters that need to be considered as part of such a change, such as in 6.3.11, <i>but only in the context of what the Canterbury Regional Council would assess.</i></p> <p>I used 6.3.11 as a starting point or gateway, as this is what the Canterbury Regional Council is required to do undertake if changing the CRPS to add a new urban area.</p> <p>I consider that as the CRPS provisions do not conflict with the NPSUD responsiveness provisions, these must still given effect to under s75(3) RMA when using the Policy 8 NPSUD responsive planning approach. For instance, this would require the relevant CRPS provisions to be read alongside the NPSUD. For instance (and not limited to), I consider that CRPS provisions 6.2.1 and 6.2.2 provisions give effect to the NPSUD requirements of a well-functioning environment, such as ensuring a consolidated settlement pattern, and to encourage intensification of existing urban areas.</p> <p><b><i>With respect to Regional Council Methods for Policy 6.3.1 of the RPS: Is the process to change Map A of the RPS and then subsequent changes to District Plans timely and efficient enough to achieve the responsiveness sought by Objective 6 of the NPS-UD? Is it consistent with, or giving effect to, the requirements of clauses 3.7 and 3.37 of the NPS-UD that territorial authorities address shortfalls?</i></b></p> <p>I consider that if a shortfall is identified, then the responsive planning provisions in the NPSUD would provide a mechanism to address this. However I do not consider that the responsive planning provisions are limited to application only on shortfalls – instead I consider that all plan change proposals for an urban environment (whether intended by the developer or Council) must be considered under Policy 8 in the first instance, as to if they provide significant development capacity and contribute to well-functioning urban environments.</p> <p><b><i>With respect to Policy 6.3.11 of the RPS 'Monitoring and review': Does this policy give effect to the NPS-UD, in particular clauses 3.9 and 3.37 (which is specific to territorial authorities)?</i></b></p>

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	<p>CRPS 6.3.11 is about monitoring (undertaken by all local authorities) and review of the RPS (undertaken by the Canterbury Regional Council).</p> <p>NPSUD cl 3.9 is about monitoring (undertaken by all local authorities), and NPSUD cl 3.37 is about both monitoring (undertaken by TLAs) and what is required when development outcomes are not being met. This requires a TLA to undertake a plan change.</p> <p>The requirements are on TLAs, so technically, the CRPS it is not inconsistent with it, as the monitoring requirements in the NPSUD are not required of the Canterbury Regional Council. They are required of TLAs.</p> <p>For instance, the NPSUD does not place any requirement to change an RPS in response to a matter being identified.</p>
<p>Para 93 2.6.5 and Table 3</p>	<p><b><i>Policy 2 - You say "I consider that the CRPS Objective 6.2.1(a) defines "at least sufficient capacity" in the context of Greater Christchurch, also by breaking this down to the granular level of the three districts. "At least sufficient development capacity" is defined as targets for the medium term supply of residential housing that are to be achieved by 2031, and the long term, by 2051. There is a 30-year total covering the period from 2021 to 2051".</i></b></p> <p><b><i>Policy 2 requires 'at least sufficient capacity' to be provided "at all times". Does this not mean that "at least sufficient capacity" must be available every year of the life of the plan?</i></b></p> <p>Yes, up to the long term horizons required in the NPSUD and implemented by Objective 6.2.1(a). These are required to be updated, by s55 RMA, every three years by housing capacity assessments, so I consider that the "at least sufficient capacity" component should never become out of date, as long as these assessments occur.</p> <p>The responsive planning provisions should ensure that in the event a planning framework becomes out of date, or an unforeseen shortfall emerges it can be stepped aside, or appropriately weighted. As I have stated above, I do not consider it to be a matter of disregarding an existing framework if it becomes out of date, merely applying the appropriate weighting to it in response to an application.</p> <p>However, as I have noted in my answers above, a shortfall does not need to be proven to apply the responsiveness provisions. These apply to plan changes seeking developments in the urban environment regardless.</p> <p><b><i>Policy 8 - please provide the specific policies (or parts thereof) that you consider provides the framework for assessing such proposals.</i></b></p> <p>Policy 8 requires all local authority decisions affecting urban environments to be responsive to plan changes, provided the policy 8 criteria are met..</p> <p>I note that I consider that a responsive approach to a plan change does not mean automatically approving it. It means engaging with it seriously, but that a decision</p>

Paragraph or Plan reference	Question
	<p>may ultimately still result in a rejection in part or in full after assessing the tests in policy 8, and any subsequent tests.</p> <p>For policy 8, the twin tests of “add significantly to development capacity”, and “contribute to well-functioning urban environments” must both be met. I note that adding significantly to development capacity is subjective, and I consider guidance from Objective 6 (in particular) which does not limit it to just significant development capacity is required here. It is challenging to set a boundary on “significance”. More critical is the requirement to contribute to well-functioning urban environments, invokes the definition of a well-functioning urban environment in Objective 1, and the “at a minimum” criteria in Policy 1.</p> <p>I note that lower order policy documents, such as the CRPS, may already give effect to Objective 1 and Policy 1, which requires any plan change proposal to be “responsively” assessed against the provisions in the next document up – which in this case would be the Chapter 6 CRPS that give effect to the NPSUD. However, this interpretation is in a responsive way, that applies the appropriate weighting to any avoid provisions.</p> <p><b><i>Policy 10 - How has Council or the CRC engaged with 'the development sector' as required by ss(c)? Is the District Plan process part of that engagement 'to identify significant opportunities for urban development'?</i></b></p> <p>Council considers it undertook this exercise as part of the Land Use Recovery Plan in the first instance, and then later as part of Change 1 to the CRPS which was the result of a substantial ‘structure’ and growth planning exercise to identify future areas for development and growth. I am aware that engagement also occurred through the Greater Christchurch Spatial Plan.</p> <p><b><i>You have not addressed Clause 3.8 of the NPS-UD in your assessment of how the CRPS gives effect to the NPS-UD. Please provide an assessment of this clause and its relevance in respect to the CRPS, and any of your subsequent evaluations and recommendations in your s42A report.</i></b></p> <p>I consider that clause 3.8 provides support for my approach to interpreting Policy 8 of the NPSUD.</p> <p>In the context of my answer to Policy 8 above, I consider the following:</p> <p>Sub clause 1 in effect references Policy 8 and reinforces the requirement to be responsive to plan changes for the urban environment that are unanticipated or out-of-sequence.</p> <p>Sub clause 2 requires the contribution to well-functioning urban environments to be assessed, the same as for Policy 8, which invokes Objective 1 and Policy 1, and any lower order policies that give effect to this.</p> <p>It also requires a specific consideration of proposals being well-connected along transport corridors.</p>

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	<p>It introduces the concept of significance criteria, to be implemented by RPS change, which would assist in resolving the subjectivity issue I raised in respect of interpreting the development capacity part of Policy 8. However, the CPRS has not implemented this aspect of the NPSUD to date.</p>
<p>Paras 97 and 125</p>	<p><b>At para 97, you "note that CRPS policy 6.3.12(1) requires there to be a medium term capacity shortfall to enable release of land from FDAs. It does not specify what to do in the event of a long-term capacity shortfall. In this regard it more than gives effect to the NPSUD requirements, which only assess sufficiency on the basis of a 3-year horizon, however, in the event that the housing market situation required the release of land to satisfy long-term demand, CRPS policy 6.3.12(1) would not be responsive on its own. However, if the NPSUD responsive planning provisions are used as well as the CRPS in this regard, then long term land could be released, stepping outside of 6.3.12(1).</b></p> <p><b>At para 125, you say "For the first test in NPSUD Policy 8, I consider that the CRPS may assist in defining what "at least sufficient development capacity is", namely, the housing bottom lines in Objective 6.2.1(a) which outline the minimum requirements.</b></p> <p><b>These comments seem to imply that there needs to be shortfall before proposals that provide 'significant development capacity' can be approved. Given one of the objectives of the NPS-UD is to "improve housing affordability by supporting competitive land and development markets", is this giving effect to the NPS-UD?</b></p> <p>My s42A report takes the high-level approach of testing various pathways or interpretation scenarios to understanding the interface between the NPSUD and CRPS. One approach which I tested, is that a shortfall (in the case of 6.3.12(1), a medium term shortfall) must exist before additional land could be released. It could also apply in the context of the overall capacity targets in Objective 6.2.1(a).</p> <p>I tested three other interpretation scenarios as well.</p> <p>However I note that I do not agree with the scenario where a shortfall must exist before additional land can be released, and I did not adopt it as an approach for making my recommendations.</p> <p>The interpretation scenario I prefer – interpretation approach 2 in my s42A report– uses the responsive planning provisions of the NPSUD to step aside from these limitations and restrictions, down-weighting or appropriately weighting them, enabling the consideration of all development proposals on their merits, insofar as the CRPS provisions give effect to the NPSUD.</p> <p>As the CRPS provisions are not inconsistent with the NPSUD, these must be applied with the NPSUD responsive planning pathway, as s75(3) RMA requires that they are given effect to.</p>

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	<p>I consider that the CRPS gives effect and context to a “well-functioning urban environment”, Policy 8 allows the “avoid” or other prohibitive ‘urban limit’ components of the CRPS provisions to be disregarded, but the other components of these provisions remain to be implemented.</p> <p>However, particularly in regard to cl 3.8 NPSUD, the Chapter 6 provisions still retain strong weight and may ultimately be determinative upon the location and nature of any new urban areas.</p> <p><b>In relation to the comment “the NPSUD requirements, which only assess sufficiency on the basis of a 3-year horizon”, we assume the 3-year reference comes from clause 3.19. But does clause 3.9 not indicate that this assessment is ongoing?</b></p> <p>I am referring to the clause 3.4(1)(a) requirement to provide plan-enabled development capacity in an operative plan for the short term demand (3 years) only. “Plan enabled” in this context, under Policy 2, requires more than the minimum, due to the “at least sufficient” requirement. Clause 3.4(1)(b) requires an operative or proposed plan to have anticipated the medium term demand (3-10 years). The minimum for a proposed plan is 10 years of demand.</p> <p>Clause 3.9 contains the Council’s quarterly monitoring and annual publishing requirements in respect to housing market.</p> <p>However, assessment of sufficiency requires a consideration against a housing bottom line (cl 3.6 NPSUD) and any plan and/or RPS provisions that provide those – such as CRPS Objective 6.2.1(a) – and the housing and business capacity assessment requirements in subpart 5.</p> <p>These HCAs are undertaken three-yearly for the Greater Christchurch councils.</p>
Para 98	<p><b>Whilst you “cannot identify any provisions within the CRPS which directly conflict with the NPS-UD” is it nevertheless your opinion that the CRPS does not give full effect to the NPS-UD?</b></p> <p>I identified conflict with the NPSUD as in I cannot identify any conflicting provisions that require resolution at a higher level.</p> <p>If there is no conflicting provision, there is no tension to resolve (in the context of <i>King Salmon</i>).</p> <p>However, the approach to interpreting the two documents determines if there is conflict. If Policy 8 is used first, then the CRPS, then the ‘urban limit’ avoid provisions in the CRPS can be disregarded, but only the avoid component of those provisions. The other components of the CRPS objectives and policies still apply.</p> <p>These are required to be implemented by s75(3) RMA alongside the NPSUD</p>



Paragraph or Plan reference	Question
	<p>I noted in my s42A that the CRPS does not give effect to the following components of the NPSUD:</p> <ul style="list-style-type: none"> <li>• Containing a regional version of the NPSUD responsive planning provisions.</li> <li>• Does not contain significance criteria</li> <li>• Does not define an urban environment (but may not be required to)</li> </ul>
Para 111	<p><b>In relation to Policy 8, you say "<i>Such a test then requires a consideration of the unanticipated urban environment against the anticipated urban environment.</i>" Please explain why such a comparison required?</b></p> <p>Policy 8 requires councils to be responsive to <i>unanticipated</i> and out-of-sequence development proposals that meet the specified criteria (significant development capacity and well functioning urban environments). Cl 3.8 also requires this.</p> <p>Policy 6(a) requires decision-makers to have particular regard to :</p> <ul style="list-style-type: none"> <li>• The planned urban built form <i>anticipated</i> by those RMA planning documents that have given effect to this National Policy Statement.</li> </ul> <p>I have used this terminology as a way of explaining the interface, in the context of Policy 8, between new proposals and RMA planning documents that already anticipate what the urban built form will be, or which provide guidance on what that urban built form will be. There is an existing policy framework that sets out how to respond to proposals, describes the anticipated settlement pattern (Map A), and governs the release of land within the shaded urban areas as set out in Map A.</p> <p>If the CRPS largely gives effect to the NPSUD, then it contains provisions that describe and set out what a well-functioning urban environment is, which includes the anticipated component of that well-functioning urban environment – i.e. the settlement pattern in Map A.</p> <p>These provisions of the CRPS must be given effect to s75(3) RMA alongside the NPSUD. This means that the ‘avoid’ components can be disregarded, but the other components remain.</p>
Para 117	<p><b>You say "<i>NPSUD Policy 8 is a filter that ensures that it is the significant proposals that are enabled by this gateway in the context of overall capacity, not a gateway that is open to all proposals.</i>"</b></p> <p><b><i>Policy 1(a)(i) refers to "needs, in terms of type, price, and location, of different households". As a consequence, should capacity not be seen in the context of 'type, price, and location'?</i></b></p> <p>I note that I am explaining policy interpretation scenario 1, which I consider is one approach that might be taken to assessing the relevant policy tests. I note that I do not agree with this approach, however, I have set it out in my evidence as an</p>

Paragraph or Plan reference	Question
	<p>objective test on possible policy interpretation scenarios which I considered I needed to undertake.</p> <p>I adopt policy interpretation approach 2, which does not use a capacity gateway or test. I instead recommend assessing each rezoning proposal on its merits.</p> <p>In assessing "needs, in terms of type, price, and location, of different households", I note that this is a challenging assessment, as this information is not always available at the time of rezoning – particularly for developments that might not occur for many years, if not decades.</p> <p>For example, if markets are changing, and demand is changing, and the actual development occurs many years into the future, it is not possible for me to assess "type, price, and location" now, especially in the absence of economic evidence that distinguishes "want", from actual demand, and also which lacks pricing information.</p> <p>This may be a matter for the subdivision consent process at that time, as these provisions must still implement the NPSUD.</p> <p>If so, it may not be possible to assess the market elements of the NPSUD at the time of rezoning, because the markets in which they are occurring do not yet exist to objectively assess. Some markets may also emerge in response to the new supply once it is built or close to being built.</p> <p>It may only be possible to assess the other planning aspects of proposals in advance, such as location, urban form, natural hazards, and how they contribute to a well-functioning urban environment.</p> <p>I note that clause 3 of the Greater Christchurch Spatial Plan provides some guidance on the issue, stating that the "need" is that identified by the latest Housing and Business Development Capacity. This implies that the "need" for assessment purposes may not be any need – it must have been previously established and identified.</p> <p>But again I note, I have not applied a capacity approach to policy interpretation of individual rezoning submissions. I have wrapped around on capacity in the context of all rezoning submissions in my s32AA, in order to test these recommendations against the requirements of the CRPS and 2023 Housing Capacity Assessment in the context of various demand scenarios and housing bottom lines.</p>
Para 146	<p><b>It is noted that cultural advice has been requested by Council on the rezoning proposals and it states that Te Ngai Tuahuriri Runanga is opposed to the rezoning of the Kaiapoi Development Area, and the Runanga consider themselves "<i>an affected party</i>" in relation to the rezoning of this area.</b></p> <p><b>Please clarify the role of the Runanga in this respect, i.e. is it providing cultural advice or is it a submitter in this process?</b></p> <p>The Runanga are not a submitter or further submitter on the Kaiapoi Development Area rezoning submissions. The submission of the Runanga on the Proposed Plan was focused on enabling development in the Tuahiwi SPZ, and they have not made a</p>

Paragraph or Plan reference	Question
	<p>comment on Kaiapoi in the context of the rezoning submissions.</p> <p>Council engaged Runanga in this regard in the context of updating the initial cultural advice received prior to the development of the Proposed Plan, and what I consider are my general responsibilities as a s42A reporting officer under s8, RMA, in respect of having regard to the principles of the Treaty of Waitangi.</p> <p>Recent engagements with Runanga have highlighted opposition to the proposal.</p>
Para 192	<p><b>Your third bullet point has (check to see if that has already been rezoned?) – can you please advise of the outcome of that checking?</b></p> <p>As I understand it, not all of the Townsend Fields Limited land has been rezoned, instead, subdivision on it is enabled under various land use and subdivision consents as each stage of the subdivision progresses; rather than one consent that is itself staged. All of the Townsend Fields Ltd land has scope under either Proposed Plan submissions, or the proposed rezonings in Variation 1, to be rezoned.</p> <p>But the direct answer, is that it has not been rezoned, although it may be available for subdivision and development under various resource consents.</p>
Para 352	<p><b>Having reviewed the Doncaster submission, the Panel is unclear where the scope for rezoning the land to medium density residential comes from. Can you please identify this from the submission.</b></p> <p>I consider that my scope comes from Doncaster submissions [290.1,290.5] which requested rezoning based on its ODP in Appendix I attached to that submission. This contained medium density areas.</p> <p>I note that Doncaster have provided supplementary evidence that may address this question as well.</p> <p><i>Oppose North West Rangiora Outline Development Plan (DEV-NWR-APP1) as it does not provide for housing development of the submitter's land. The property is 11.6ha at the northeast end of Lehman's Road, Rangiora (see Figure 1 of Appendix E - 'the site'). Proposal to develop the site includes mix of styles and densities, and a proposed Outline Development Plan is included in Appendix I of submission. The submitter developed adjacent residential land, which includes medium density and townhouse development and amenities. Support good environmental and community outcomes for the development of Rangiora. Submissions to other consultations include that the 'Our Space' housing bottom lines and urban limits do not support the National Policy Statement on Urban Development (NPS-UD), the Urban Limits have unreasonably prejudiced availability of the site for development, insufficient supply of suitable land for housing in Rangiora and Waimakariri, need sufficiency of supply to address housing crisis, and use of uncertain population projections in setting housing limits. Found participation in these consultations frustrating, and submissions and evidence were not addressed. The Urban Limit (Map A, Canterbury Regional Policy Statement (CRPS)) is outdated and a historical anomaly since the site is zoned rural-residential. The land is serviceable, close to amenities and shopping centre, can consolidate and integrate with urban form, is within 200m of proposed public</i></p>

Paragraph or Plan reference	Question
	<p><i>transport route, and has no hazard risk. Concerned Council not sufficiently addressed National Policy Statements on Urban Development Capacity 2016, and NPS-UD, by limiting land release. In 2018, evidence showed there was insufficient housing capacity in Waimakariri. Rezoning will give effect to CRPS by achieving consolidation and efficient use of resources. Housing demand now exceeds that stated in the CRPS, and is consistent with UFD-P3. Future Development Areas and Urban Limits were accepted by the ‘Our Space’ hearings panel as indicative only and would allow consideration of merits of proposals. Adopt the suggested Outline Development Plan attached to this submission (Appendix I).</i></p> <p>The Submission also states that the relief is to “develop the site to a mix of styles and densities”, in accordance with the ODP attached to the Doncaster submission (Appendix I of their submission). This includes areas of medium density.</p> <p>Thus I consider there is scope within their submission to consider medium density residential zoning.</p>
Para 399	<p><b>You say “I note that as it was intended to become GRZ at some future point, by way of the overlay, it can already be considered to be...”.</b></p> <p><b>In your opinion, would the same apply to the LLRZ overlay; that is that that overlay signals it is intended to become LLRZ at some future point?</b></p> <p>Yes, however, the various NPSUD and CRPS provisions also apply. I use policy interpretation approach 2, to apply the responsive planning provisions of the NPSUD.</p> <p>This in turn requires an assessment of how the CRPS may define a well-functioning urban environment for that area of land, or provide the tests for consideration.</p> <p>I consider that every overlay should be tested for its consistency with the relevant policy provisions, in response to a submission if one exists, as some of the overlays within the Proposed Plan may not be consistent with the NPSUD or CRPS.</p> <p>I also note that I consider LLRZ to be a unique zone that is not rural or urban. I agree with Mr Buckley’s interpretation that both the NPS and CRPS define what large-lot residential activities are. The CRPS considers that they are residential units outside of identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.</p> <p>I note that the National Planning Standards define LLRZ as a residential zone, and there is not necessarily a link between urban activities and residential activities. Residential activities occur everywhere, including in rural areas.</p> <p>Whether or not a LLRZ overlay is suitable for upzoning requires a test of that against CRPS 6.3.9, and any other CRPS requirements in respect of defining a well-functioning urban environment. If the future LLRZ is not considered as urban, then the NPSUD provisions may not apply at all.</p>

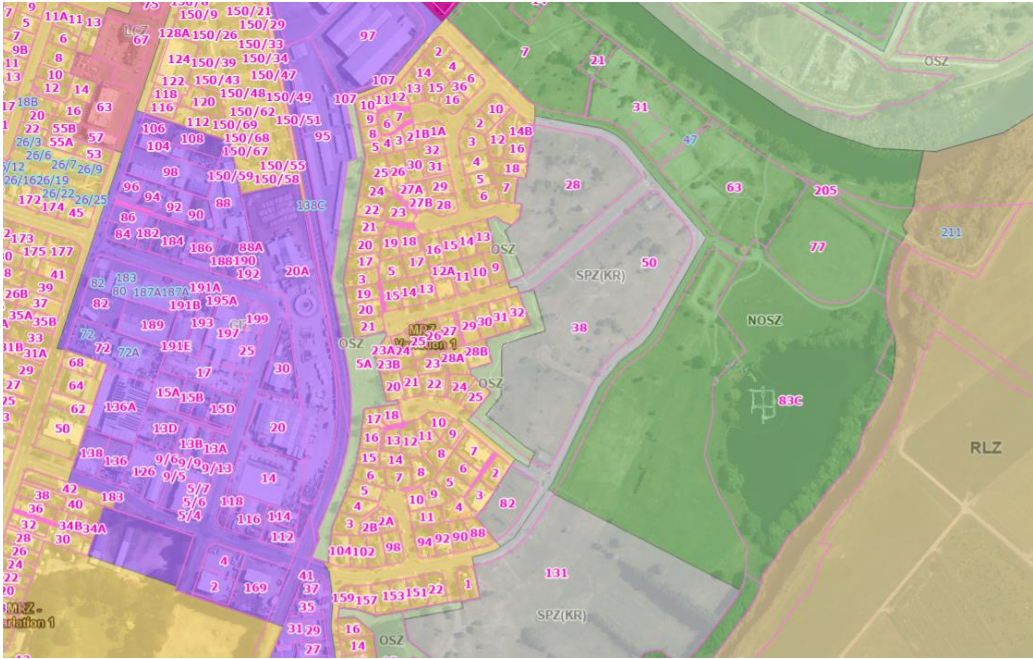
Paragraph or Plan reference	Question
	Thus there may be areas of large lot residential overlay that upzoning is not available for, and the future status of the overlay and/or zoning should be considered.
Para 536	<p><b>In respect to bullet point 2, how do you define “isolated” in this context?</b></p> <p>I use “isolated” in this sense in the context that the development is not directly adjacent to existing urban areas, is separated by strategic roads, and is not occurring as part of a wider ODP across multiple sites.</p>
Para 567	<p><b>This paragraph appears to be in the wrong place. And do you have an opinion on Mr Read’s advice?</b></p> <p>This paragraph is in the right place, however, it should have a heading above it saying “<i>Summary of technical advice</i>”</p> <p>I agree with Mr Read’s advice, hence I have not made recommendations, or instructed Mr Jolly to provide amendments to ODPs for additional and/or larger parks – although I note that I consider that the ODP for Bellgrove South contains space for these if they are later found to be required.</p>
Figure 40	<p><b>Can you please provide clear plans of the same scale and size which clearly identify the Bellgrove boundary changes referred to.</b></p> <p>The additional land sought by Bellgrove is only additional in the sense of the SER development area boundary. It is the same parcel of land as sought in their submission (Lot 2 DP 452196) – currently bisected by the development area boundary (which reflects Map A, CRPS).</p> <p>Maps of the land provided in Ms Ruske-Anderson’s evidence, at para 29 (Figure 1), and para 36 (Figure 2):  <a href="https://www.waimakariri.govt.nz/_data/assets/pdf_file/0019/162523/S12E-SUB-413-BELGROVE-E11-PLANNING-MICHELLE-RUSKE-ANDERSON.pdf">https://www.waimakariri.govt.nz/_data/assets/pdf_file/0019/162523/S12E-SUB-413-BELGROVE-E11-PLANNING-MICHELLE-RUSKE-ANDERSON.pdf</a></p> <p>I have provided enlarged versions of this evidence at Appendix 1, with markups identifying the additional land if I do not consider it to be clear from Bellgrove South’s evidence.</p>
Para 623	<p><b>Please explain how Policy 8 NPS-UD is applicable to a Development Area in the PDP.</b></p> <p>My s42A proposes policy interpretation approach 2, as I consider that under the NPSUD, I am required to consider all development proposals against the responsive planning provisions of the NPSUD. Policy 8 is the main responsive planning provision.</p> <p>I consider that the CRPS does not contain a full set of responsive planning provisions .I consider that itt only contains responsive planning provisions in the context of CRPS reviews undertaken by the Canterbury Regional Council, which I do not consider implement the NPSUD.</p>

Paragraph or Plan reference	Question
	<p>Therefore, I consider I am required to assess any and all development proposals against Policy 8, NPSUD as a first test. I have undertaken this approach for all rezoning submissions I have received.</p> <p>Then in turn, when considering what a well-functioning urban environment is, and what significant development capacity are, in the context of Development Areas, the CRPS provides context and policy assessments of its own, which is primarily the tests in CRPS 6.3.12 – insofar as those tests still apply when interpreted with a NPSUD approach.</p> <p>For instance, I do not believe that the medium term capacity test in CRPS 6.3.12(1) is prohibitive, as I consider that when read alongside Policy 8 NPSUD this enables further capacity to be released if requested and if the merits of the proposal meet the other tests in CRPS 6.3.12.</p>
Paras 626 and 655	<p><b>The Panel considers that it is unclear from their submission that they are seeking all of the Block A area to be medium density - please refer back to their submission and confirm the extent of rezoning sought, based on the modified ODP presented.</b></p> <p>The full submission, as summarised, is this:</p> <p><i>“Rezone all land (approximately 30ha) in the vicinity of Boys Road and Marshs Road, Rangiora (located to the west of the proposed Eastern Bypass) from Rural Lifestyle Zone to General Residential Zone (GRZ) and Medium Density Residential Zone (MRZ) (outlined in red on Figure 1A of original submission) or alternatively rezone to GRZ, MRZ, BIZ, Format Retail/Mixed Use, or a mix of these.</i></p> <p><i>Rezone all land north of Boys Road, Rangiora, and within the South East Rangiora Development Area (outlined in red on Figure 1A of the original submission) to GRZ.</i></p> <p><i>This land is part of the Spark dairy farm, located at 197 Boys Rd Rangiora (Lots 1, 3 DP 418207 Lot 1 DP 80780, Lot 1 DP 80781 RURAL SECS 1883 1884 2452 2512 PT RURAL SECS 316 358A 387 1436 1438 BLK VII XI RANGIORA SD 1) and at 234 Boys Road (Lot 1 DP 22100), and also includes Rossburn and Northbrook Museum (17 Spark Lane, Lot 1 DP 48207) and 19 Spark Lane (Lot 2 DP 418207) (refer to map of these areas in Figure 1B of the original submission).</i></p> <p><i>As a less preferred alternative, retain but address the concerns with the certification process including so that it is a lawful, fair, equitable, transparent, appealable, efficient and fast process for delivering land for housing and does not duplicate matters than can be dealt with at subdivision stage.”</i></p> <p>The submission links to the areas in red, on Figure 1A of their original submission and requests these as either MRZ, GRZ, BIZ, Format Retail/Mixed Use, or a mix of these.</p> <p>Thus I consider, as with my s42A, that medium density residential is the highest upzoning available arising from the scope of this submission. I also noted in my s42A that general residential is available.</p>

Paragraph or Plan reference	Question
	<p>I understand that the submitter is seeking flexibility of zoning, which can occur by upzoning, and then choosing the future land use and allotment size at the time of subdivision in response to more detailed designs.</p> <p>This is a similar approach I have taken to other submissions. I apply the highest available zoning, noting that the exact nature of the future land use is determined at subdivision consent stage. The alternative approach of using district plan ODP information to be fully determinative of future zones may constrain the more detail design work that occurs as part of subdivision consent.</p> <p>I consider that this approach better fits with the objectives of the NPSUD, CRPS, Greater Christchurch Spatial Plan, and Proposed Plan to more intensively develop urban areas. When testing zoning options a more intensive zone would better achieve objectives subject to site specific issues/constraints being identified later (at subdivision consent stage) once more detailed subdivision design has occurred.</p>
Para 648	<p><b>You have recommended that an overlay of potential CMUZ/GIZ be added for Block C. The Panel has been unable to find provisions in the PDP for a CMUZ/GIZ overlay. Please explain how you would see such an overlay working if there are no accompanying provisions that explain what such an overlay is, and how it would be removed.</b></p> <p>The Proposed Plan does not have provisions for overlays.</p> <p>My recommendation for Block C is in para 660, where I recommend that it become a development area, or have the SER development area extended to cover it. The Proposed Plan has provisions for development areas.</p> <p>Para 648 states that <i>“Because of the potential for development and the submission from Sparks requesting it on what would otherwise be an orphaned parcel, I recommend that an overlay of potential CMUZ/GIZ is added over Block C. The land would remain as rural lifestyle as notified, however, the future intent is signalled. I note that overlays have no provisions associated with them.”</i></p> <p>To clarify, I am not recommending a bespoke overlay for Block C, rather, I am recommending an extension of the South-East development area to this land. Any explanation of the potential future use for this land could be placed as narrative text in the SER ODP.</p>
Para 692	<p><b>Please complete this sentence.</b></p> <p>This should be deleted, as upon reviewing it I decided that there was not a potential integration issue with respect to esplanade reserves and the NATC overlay provisions.</p>
Para 735	<p><b>Please explain why you have had an ODP prepared in respect to this area and have also sought technical advice, in the absence of an ODP and technical advice being provided by the submitter. Are there any issues of natural justice and fair process</b></p>

Paragraph or Plan reference	Question
	<p><b>raised when we are also considering other submissions seeking rezoning that have not provided an ODP or technical advice?</b></p> <p>I sought technical advice in respect of all rezoning submitters, except where the submissions were so general that it was not possible for them to be considered. In respect of this area, which is currently LLRZ with a proposed GRZ overlay, I considered that as with other anticipated urban areas of this nature within the shaded parts of Map A, CRPS, that the area was intended to be urban by the Council.</p> <p>I consider that the Proposed Plan sets the potential for an upzoning, as Council proposed the overlay, and it is for myself, where scope exists from submissions, to test the proposed rezoning against the overlay on the basis of its merits. I do not consider there is automatic approval.</p> <p>I undertook the same approach for the NWR development area extension, which is also an area of LLRZ proposed for GRZ with an overlay.</p> <p>I also note I have sought urban design advice on all submissions seeking rezoning where the submissions were specific enough for experts to be able to respond – which was most of them.</p> <p>Perhaps the issue is me referring to the advice I requested of Mr Read in para 735 as an “ODP”. I asked him to map what a principal road layout might look like in that area to see if it was feasible for a more dense development to be serviced by roads. I consider that it is feasible, as per Mr Jolly’s recommendations.</p> <p>Typically, a small area of infill like this (and North Rangiora as well) would not require an ODP (using my interpretation of both the CRPS and Proposed Plan provisions).</p> <p>The issue may be addressed by myself amending my comment at para 735 to state “I requested that Mr Jolly provide an assessment of what a principal road layout would look like for this area” to see if it could be serviced by roads if it were to be developed more intensely.</p> <p>I would then suggest the same amendment to para 396, where I would state:</p> <p>“I requested Mr Jolly assess the potential principal road layout for the proposed extension of the North Rangiora development area to see if it could be more intensely developed”.</p>
Para 874	<p><b>The Panel received evidence for Hearing Stream 12D and from submitters from some of the rezonings in Hearing Stream 12E that the comparison used by BECA in their review is the incorrect approach. Rather, the comparison should be between locations where comparable development could occur. Please provide comment on that approach compared to the BECA review approach.</b></p> <p>I consider that the approach BECA has taken to modelling GHG emissions does undertake a comparative assessment with other developments within the district based primarily on anticipated commuting behaviour.</p>



Paragraph or Plan reference	Question
	<p>I am not an expert in greenhouse gas modelling, however, I consider that BECA could provide a response to this question in the Right of Reply.</p>
<p>Paras 897, 910-916</p>	<p><b>Please explain any relationship between this requested rezoning and the recommended amendments to the SPZ(KR) in the Hearing Stream 10 Reply Report.</b></p> <p>Ms Milosavljevic’s Right of Reply recommended that SPZ(KR)-BFS3 be updated as follows:</p> <p>(1)(b) <math>\geq 10m</math> for any building site adjoining a Natural Open Space Zone;”</p> <p>This applies to a smaller setback on a wider scope of sites to the Natural Open Space zoning around the Kaiapoi Regeneration SPZ.</p> <p>This does not affect my rezoning recommendation as my recommendation is for an open space zone (not natural open space), which already exists in part adjacent to the existing residential area.</p>  <p>There is thus no relationship or inconsistency between her recommendations and mine.</p>
<p>Para 929 (and elsewhere )</p>	<p><b>Please consider where these recommendations are reject or accept in part, given to a large extent the submitters are getting the relief they are seeking through Variation 1.</b></p> <p>I considered that I did not have scope to assess Variation 1 in the context of the PDP s42A report and submissions on the PDP. I consider that they are separate reports,</p>

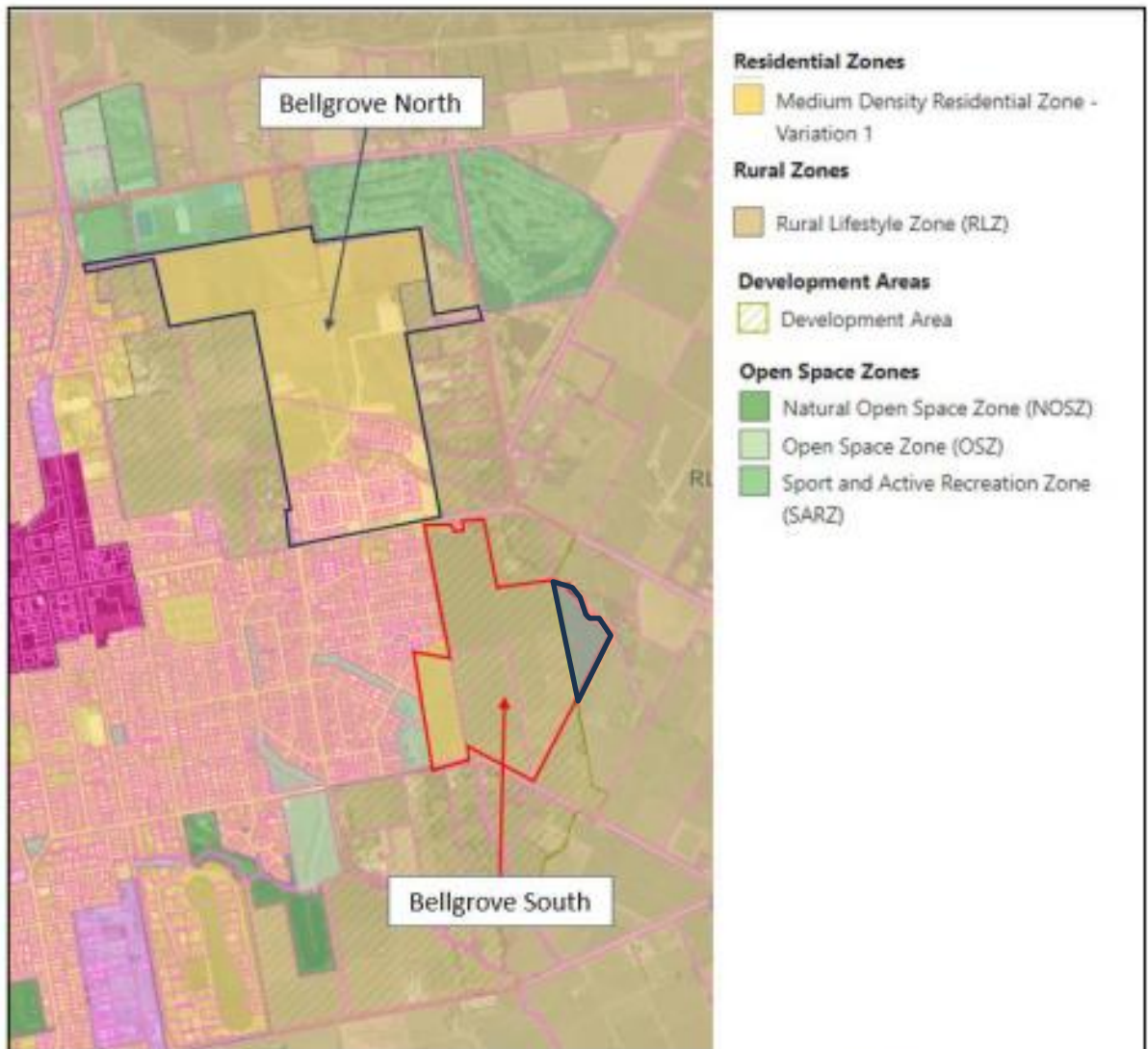
Paragraph or Plan reference	Question
	<p>not reliant on each other, which begin from the first principles of what the operative plan zoning is.</p> <p>If for instance, the Variation 1 rezoning for South Kaiapoi was rejected for various reasons, and if I accepted, or accepted in part these recommendations, it may be out of scope as it is contingent upon another process.</p> <p>Any changes from the ISSP/Variation 1 process could not necessarily be reflected back within the Proposed Plan. I acknowledge however that as a result of panel decisions that the recommendations would potentially alter if the decisions are sequentially released.</p>
Para 946	<p><b>Re bullet point 3 – please explain this bullet point further, given the submitter has sought rezoning in respect to a Proposed District Plan, and not a plan change.</b></p> <p>Yes, this is not correct, as upon reconsideration, there is scope within the context of a district plan review. I would recommend deleting this third bullet point.</p>
Para 974	<p><b>Last bullet point – this appears to be in the wrong place and rather relate to a hazards assessment. Should this be under para 968?</b></p> <p>This is incorrectly indented, but it is in the right place. It should be an additional paragraph under 974 (974A), with a heading entitled “<i>Summary of technical advice</i>”.</p>
Para 1014	<p><b>How do you intend that this be addressed in the ODP?</b></p> <p>I consider it should be a requirement of subdivision consent. How this, and other lists of similar matters that need to be addressed at subdivision consent stage is a matter of plan consistency which I consider should apply to all areas proposed for rezoning within development areas. It could either be narrative text in the ODP, or a particular rule. I consider that a rule is stronger than narrative text, but I will respond in my Right of Reply on what I consider the most appropriate mechanism is for different requirements of this nature, as I note there will be a few of these types of requirements emerging for development areas.</p>
Paras 1047 and 1059	<p><b>What is RC215675 and how is this relevant to this requested rezoning? What is the resource consent’s current status?</b></p> <p>In Para 1050 I explained the situation with the resource consent;</p> <p>“The submitter did not supply evidence in the context of their PDP submission, however I discussed this with the consultant planner for Fusion Homes, Mr Stewart Fletcher. Mr Fletcher is pursuing a consent application on behalf of his client, and he advised me that I had permission to assess those consent documents in the context of my s42A recommendations”</p>

Paragraph or Plan reference	Question
	<p>The submitter did not provide evidence in support of their rezoning submission, however, their consultant instructed me to use the evidence provided for their subdivision consent application. This is RC215675.</p> <p>As I understand it, the consent was processed as a non-complying activity, and recommended for public notification, and due to the likelihood of it being recommended for decline by Council, the applicant has not proceeded with the application at this point in time. It has remained on hold for about two years.</p>
Para 1100	<p><b><i>Do you mean “I consider that the difference between the 2031 and 2033 targets”?</i></b></p> <p>Yes, this is the <b>2033</b> targets</p>
Para 1105	<p><b>Is the 14,000 the total of short, medium and long term?</b></p> <p>The 14,000 additional houses is my assessment of the plan-enabled supply arising from my rezoning recommendations, if they are all accepted by the panel, including the existing live-zoned capacity of 5940 houses (as stated by Mr Yeoman).</p> <p>If my rezoning recommendations are accepted, then this 14,000 (technically, an additional 7699 houses using an average scenario, including the non-urban rezonings) would be live-zoned and thus available when the plan became operative. There is no future staged land release process – once rezoned, it is plan-enabled capacity under the NPSUD definition.</p> <p>The total of short, medium and long term demand (referred to in the NPSUD as the 30-year total) as required by the 2023 HCA for the Waimakariri District is 13,250 houses.</p> <p>I note that my plan-enabled capacity assessment is for the proposed greenfields rezoning and some brownfields upzoning, on the basis of an average scenario which sits between the low side and high side scenarios I projected. In turn, those were based off current allotment sizes achieved nearby or otherwise available or permitted in those areas proposed for rezoning.</p> <p>Small changes in density, such as a reduction in lot sizes (the District is currently achieving an average lot size in the land use uptake areas of about 650m<sup>2</sup>, trending to the median of 550m<sup>2</sup>), would change this prediction substantially. For this reason I note my high-side scenario, which represents a form of the MDRS (200m<sup>2</sup> allotment sizes) of 16627 additional houses. Whilst this is highly unlikely to occur at this magnitude, it does show the substantial increase in capacity that would come from higher densities.</p> <p>A trend to smaller lot sizes over the lifetime of this plan will likely produce a plan-enabled capacity somewhere between the 14,000 houses</p> <p>As I have not recommended rezoning all of the FDAs, and other areas outside the</p>

Paragraph or Plan reference	Question
	<p>FDA's, there is additional capacity within the District. Mr Yeoman has considered these areas in his assessment of feasible land in his evidence.</p> <p>There is also the consideration of ongoing infill, which as I understand it, has no practical limitations (accounting potentially for over 80,000 additional dwellings), given the traditional large lot sizes in the District.</p> <p>These two factors are as I currently understand it, why Mr Yeoman's assessment of <i>feasible</i> capacity in the WDGCM22 are higher than my <i>plan-enabled</i> capacity assessment arising from my rezoning recommendations and others.</p> <p>The numbers will need adjusting based on the decision of the Panel, and I consider, that at a broad level, the spreadsheet I provided on capacity enables this exercise to be undertaken in the context of assisting the Hearing Panel's understanding.</p>
15.10	<p><b>Do you mean that you recommend these be deleted?</b></p> <p>Yes, my apologies, this was supposed to say – I recommend deletion of all the certification provisions and narrative, wherever it occurs throughout the Proposed Plan.</p>

**Appendix 1 – Maps of Additional Land (Bellgrove South evidence)**

Blue shading is my emphasis to show the additional land sought (this is part of the same parcel, currently owned by Bellgrove South Ltd).



*Figure 1. Bellgrove North and South proposed zoning under the pWDP*



Figure 2. Extent of Bellgrove South showing the Site (in green), the Additional Land (in blue) and land already zoned for residential development (in red) in the pWDP