

Before the Hearings Panel

At Waimakariri District Council

Under Schedule 1 of the Resource Management Act

In the matter of PDP Medium Density Residential provisions

Between Various submitters

And **Waimakariri District Council**

Respondent

Council Officer's Final Right of Reply on PDP Medium Density Residential provisions

INTRODUCTION

1. My full name is Peter Gordon Wilson. I am employed as a Principal Policy Planner for the Waimakariri District Council.
2. The purpose of this document is to provide a Final Right of Reply on PDP Medium Density Residential matters.
3. I have had the benefit of hearing evidence presented at hearing stream 7A on PDP medium density residential provisions.
4. I am responding to Minute 41 which set out questions for myself (pg 3 of this memorandum).
5. The changes as set out in the document will be incorporated into the Minute 43 wrap up document.
6. I am authorised to provide this evidence on behalf of the District Council.

Date:

29/11/2024

A handwritten signature in blue ink, appearing to read 'Peter Gordon Wilson', is written above a horizontal dotted line.

Question	Comments
	<p data-bbox="488 327 1378 427">Please further respond to the matter discussed with the Panel in respect to your paragraph 59 and constraints that provide for density to be reduced from 15h/ha to 12h/ha, including the use of a “standard”.</p> <p data-bbox="488 472 1390 573">To clarify, as notified, subdivision within medium density residential zones is a controlled activity if 15 hh/ha is achieved, and discretionary if 15 hh/ha is not achieved under SUB-R2 and SUB-1.</p> <p data-bbox="488 613 1401 748">“SUB-P6(2)(c): requires new Residential Development Areas demonstrate how each ODP area will achieve a minimum net density of at least 15 lots or households per ha, unless there are demonstrated constraints then no less than 12 households per ha”</p> <p data-bbox="488 790 1382 1070">I consider that any subdivision that does not achieve 15 hh/ha, as demonstrated on subdivision plans prepared at the time of subdivision consent, would thus be a discretionary matter, and the consideration of SUB-P6(2)(c) would require the applicant to demonstrate what constraints exist that allow the lower density standard of 12 hh/ha to be applied. If 12 hh/ha cannot be achieved, then it would not be possible, in the Medium Density Residential Zone, to grant the consent, in my interpretation of the policy.</p> <p data-bbox="488 1137 1398 1312">. Please consider that part of the House Mover’s submission point that seeks particular standards be introduced that relate to relocatable buildings which are to be permanent buildings on a site. We note that this is an integration issue between all zone chapters, where House Movers have sought this relief.</p> <p data-bbox="488 1346 1230 1373">As set out in question 13 in the Minute 43 wrap up document</p> <p data-bbox="488 1406 1390 1615">Please respond to the Panel’s question on paragraph 191, having considered the evidence presented in other hearing streams in respect to the rail corridor setback. In particular, what is the particular circumstance of a medium density residential zone that would warrant a greater setback to enable maintenance of buildings on a medium density residential zone site compared to any other site in any other zone?</p> <p data-bbox="488 1648 1230 1675">As set out in question 16 in the Minute 43 wrap up document</p> <p data-bbox="488 1709 1406 1843">You have recommended accepting MoE submission 277.44 to include educational facilities in MRZ-P1(1) but have not carried this forward into your recommendations on V1. Please provide a final Table of amendments to the PDP in your reply report.</p> <p data-bbox="488 1877 1394 2011">The Ministry relief is seeking that the zone policy be amended to add “educational facilities” as a matter of consideration when determining the location of a medium density zone. The Ministry submitted on the PDP, but not on Variation 1.</p>

At para 48 of my s42A I did not recommend this submission point and my relief be forwarded onto the Independent Hearing Panel for consideration under V1.

This is because the notified version of MRZ-P1, which stated the following:

MRZ-O1

Provision of medium density housing

A higher density suburban residential zone located close to amenities with a range of housing typologies providing for predominantly residential use.

has been substantially overwritten with the compulsory objectives and policies of cl 6(1) and (2) of sch 3A, RMA, as set out below:

MRZ-O1 Housing types and sizes

The Medium Density Residential Zone provides for a variety of housing types and sizes that respond to:

- i. housing needs and demand; and
- ii. the neighbourhood's planned urban built character, including 3-storey buildings.

MRZ-P1 Housing types

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.

MRZ-P2 Housing Developments

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

I consider that the intent of these objectives and policies is substantially different to the notified objectives and policies, and cannot include a qualifier of access to educational facilities, nor, access to anything else, as there is no scope under the RMA to amend those objectives and policies, except insofar as to make them grammatically correct in the context of any plan change or Variation that implements them.

I do support the Ministry relief on its merits, thus supporting it in the context of the PDP, but consider that there is no scope to introduce their amendment into V1.

The Ministry relief could be located instead in MRZ-P3, which is not affected by the Variation (except to renumber it), as follows:

MRZ-P3 Residential character

Provide for activities and structures that support and maintain the character

	<p>and amenity values anticipated for the zone, which provides for:</p> <p>(1) higher density living in areas with better access for walking to parks, main centres, or local commercial centres, <u>or educational facilities</u>¹;</p> <p>In considering this change under s32AA, RMA, I consider that the policy already included the concept of a “centre”, as in a central part of an urban area that contains business activities, and that schools are also an activity that occurs in centres. Thus I consider the effect of the change of the policy to be minor.</p>
	<p>Please confirm your recommendation for MRZ-R18. Appendix A for your s42A V1 report deletes new subclause (1) a design statement shall be provided with the application and matters of discretion but we cannot see the submission attributing this deletion. What is your recommendation?</p> <p>This is a formatting issue in the first part of my Appendix A (on page 48). It should not be struck-through. The issue may have occurred due to the change in numbering from the PDP from the Variation.</p> <p>The correct version is set out below:</p> <p><u>MRZ-R178 Multi-unit residential development (four or more residential units)</u> <u>Activity status: RDIS</u> <u>Where:</u> 1. any residential unit fronting a road or public open space shall have a habitable room located at the ground level; 2. at least 50% of all residential units within a development shall have a habitable space located at ground level; and 3. 1. a design statement shall be provided with the application. <u>Matters of discretion are restricted to:</u> <ul style="list-style-type: none"> • <u>RES-MD2 - Residential design principles</u> • <u>RES-MD7 - Outdoor storage</u> <u>Notification</u> <u>An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</u> <u>Activity status when compliance not achieved: DIS</u></p> <p>I note that Variation 1 introduces the following changes to it:</p> <p><u>MRZ-R189 Retirement village (with four or more units)</u> <u>Activity status: RDIS</u> <u>Where:</u> 1. <u>a design statement shall be provided with the application.</u></p>

¹ Ministry of Education [PDP 277.44]

	<p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none">• <u>RES-MD2 - Residential design principles</u>• <u>RES-MD7 - Outdoor storage</u> <p><u>Notification</u> <u>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</u> <u>Activity status when compliance not achieved: DIS</u></p> <p>There is no submission scope under the PDP for this change, with the scope coming from the Retirement Industry Association’s Variation 1 submission [V1 67.20].</p> <p>I consider that the change to introduce the “four or more units” clarification could be considered under either cl16(2), sch 1, RMA as a minor error or clarification, as it does not change the intent of the rule.</p>
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