

PUBLIC ACCESS, SUBDIVISION, AND DEVELOPMENT AREAS

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1 Scope of Report

- [1] This Recommendation Report relates to the Public Access, Subdivision and Development Areas chapters of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on those chapters.
- [2] The Hearing Panel members for the Public Access, Subdivision and Development Areas chapters were:
- Lindsay Daysh
 - Malcolm Lyall¹
 - Raewyn Solomon
 - Rob van Voorthuysen (Chair)
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were:
- Public Access, Subdivision, and Development Areas, 30 March 2022, Rachael Carruthers
 - Right of Reply Report; Public Access, Subdivision, and Development Areas, 2 December 2022, Rachael Carruthers
- [4] We received written answers from Ms Carruthers to our pre-circulated questions on 18 November 2022.²
- [5] The Hearing Panel's recommended amendments to the notified provisions of the Public Access, Subdivision, and Development Areas chapters are set out in Appendix 1. Amendments recommended by Ms Carruthers that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [6] We note that some of the numbering of individual clauses in the provisions may need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [7] Recommended amendments to the notified planning maps are also set out in Appendix 1.
- [8] Readers should also note that we have, at their request, amended all references to 'Trustpower' to 'Manawa Energy'.
- [9] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [10] The hearing for the Public Access, Subdivision, and Development Areas chapters was held on Monday 21 and Tuesday 22 November 2022. There were 12 submissions on the Public Access

¹ Commissioner Lyall recused himself from consideration of the Orion submission due to the SDC's part ownership of Orion causing a conflict of interest.

² Officer's Response to questions from the hearings panel, dated 17 November 2022.

chapter, 52 submissions on the Subdivision chapter and 12 submissions on the Development Areas chapter. By the time of the hearing only 12 submitters wished to be heard as follows:

Sub #	Submitter	Original	Further
DPR-0101	Chorus, Spark & Vodafone	✓	
DPR-0128	Joyce Family Trust	✓	✓
DPR-0209	Manmeet Singh	✓	✓
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	✓	✓
DPR-0371	Christchurch International Airport Limited	✓	✓
DPR-0409 DPR-0411	Hughes Developments Limited	✓	✓
DPR-0414	Kāinga Ora - Homes & Communities	✓	
DPR-0453	Midland Port, Lyttelton Port Company Limited	✓	✓
DPR-0481	Graeme and Virginia Adams	✓	✓

- [11] The counsel and witnesses we heard from are listed in Appendix 2. A copy of their legal submissions and evidence (both precirculated and tabled) is held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.
- [12] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.

3 Sub-topic Recommendations

- [13] In this part of the Recommendation Report we assess the submissions by sub-topic, generally using the same headings as the initial Section 42A Report.
- [14] The exception to that is where Ms Carruthers has recommended no change to the notified provisions and, having reviewed the submissions and further submissions and any evidence presented in support of them, we agree with and adopt her recommendations and her reasons. For the sake of brevity, we list all of the relevant sections of the Public Access, Subdivision, and Development Areas chapters where that is the case below.
- [15] These sections are listed in the same order in which they are set out in the initial Section 42A Report:

Public Access

- Public Access Chapter, generally
- Non-notification clause – Public Access Chapter
- PA-Overview
- PA-REQ1 Creation of Esplanade Reserves
- PA-REQ2 Land Adjoining an Existing Esplanade Reserve or Land Otherwise Set Aside
- PA-REQ3 Allotments Containing River or Lake Bed or the Coastal Marine Area
- PA-REQ4 Esplanade Strips
- PA-MAT1 Purpose of Esplanade Reserve or Esplanade Strip
- PA-MAT2 Width of Reserve or Strip
- PA-SCHED1 Water Bodies Where Esplanade Reserve Required

- PA-SCHED2 Water Bodies Where Esplanade Strip Required

Definitions

- Definition of 'Boundary adjustment'
- Definition of 'Cluster'

Subdivision

- Subdivision Chapter, generally
- Non-notification clause – Subdivision Chapter³
- SUB-Overview
- SUB-O2
- SUB-O3
- SUB – New objective requested
- SUB-P3
- SUB-P4
- SUB-P5
- SUB-P6
- SUB-P7
- SUB-P9
- SUB-R1 Subdivision in the Residential Zones
- SUB-R3 Subdivision in the Commercial and Mixed Use Zones, General Industrial Zone, Knowledge Zone, and Port Zone
- SUB-R4 Subdivision in the Dairy Processing Zone
- SUB-R5 Subdivision in the Grasmere Zone
- SUB-R6 Subdivision in the Māori Purpose Zone
- SUB-R7 Subdivision in the Porters Ski Zone
- SUB-R8 Subdivision in the Terrace Downs Zone
- SUB-R12 Boundary Adjustment in All Zones
- SUB-R14 Subdivision to Create Emergency Services Facility Sites in All Zones⁴
- SUB-R15 Subdivision to Update Cross Leases, Company Leases, and Unit Titles in All Zones
- SUB-R27 Subdivision and Urban Growth
- SUB-REQ1 Site Area⁵
- SUB-REQ2 Building Square
- SUB-REQ3 Outline Development Plan
- SUB-REQ4 Road Frontage Width

³ We note that for CIAL Matt Bonis agreed with Ms Carruthers' conclusions as to appropriate reliance on the requirements contained in s95 of the RMA in the determination of notification of an application

⁴ Note that SUB-R1 to SUB-R14 are recommended to be amended to remove the reference to "SUB-REQ12 Land Disturbance and Earthworks for Subdivision". Also, in SUB-R4 and SUB-R6, the title of SUB-R11 has been amended (it is referred to when non-compliance occurs). However, no other substantive amendments are recommended.

⁵ Other than for DPR-0409.008 Hughes

- SUB-REQ5 Number of Sites
- SUB-REQ6 Access
- SUB-REQ7 Walkable Blocks
- SUB-REQ9 Water
- SUB-REQ10 Wastewater Disposal
- SUB-New rule requirement requested
- SUB-MAT3 Infrastructure
- SUB-MAT5 Water
- SUB-MAT6 Stormwater Disposal
- SUB-MAT7 Wastewater Disposal
- SUB-MAT8 Solid Waste Disposal
- SUB-MAT9 Movement Networks
- SUB-MAT10 Reserves
- SUB-MAT11 Easements
- SUB-MAT12 Development Constraints

Development Areas

- DEV-Overview
- DEV-DA generally, and DEV-DA1 Darfield
- DEV-DA3 Darfield
- DEV-DA4 Darfield
- DEV-DA6 Darfield
- DEV-LE1 Leeston
- DEV-LI2 and DEV-LI3 Lincoln
- DEV-RO5 Rolleston
- DEV-RO6 Rolleston
- DEV-RO7 Rolleston
- DEV-SPF1 Springfield

[16] As we have adopted Ms Carruthers' recommendations and reasons relating to the above list of provisions, we do not generally discuss submissions on them further. That means that readers of this Recommendation Report should refer to the Section 42A Reports to understand what our recommendations and reasons are for each individual submission point on the above list of provisions.

[17] The exception to that is where, for the benefit of submitters who appeared at the hearing or tabled evidence, we include in this Recommendation Report a further discussion of matters

they raised in relation to SUB-P1 and SUB-P3,⁶ SUB-P4,⁷ SUB-P6,⁸ SUB-MAT5 Water⁹ and SUB-REQ1 Site Area.¹⁰

[18] We also note that Orion tabled evidence¹¹ stating that they agreed with all of Ms Carruthers' recommendations in relation to its' submission points.

[19] The relevant submission points that relate to the above listed provisions are tabulated below.

Sub #	Submitter	Submission Points
DPR-0026	K & A Braithwaite	001
DPR-0055	K Taylor	002, 003
DPR-0071	MD & SM Finnie	001
DPR-0095	J Jones	002
DPR-0125	BE Faulkner	002
DPR-0130	S Farrant	003
DPR-0142	NZ Pork	024, 025, 029
DPR-0156	P Stafford	001
DPR-0179	P Baldwin	001, 003, 004
DPR-0212	ESAI	063, 064, 065, 066, 068, 069
DPR-0266	R Graham	006
DPR-0279	R Verity	004, 005, 007
DPR-0287	M Carter	002
DPR-0316	D Tocker	001, 002
DPR-0345	Porters	026, 027
DPR-0353	HortNZ	175, 176, 177, 178, 179, 180, 182, 183, 188, 189, 195
DPR-0358	RWRL	193, 194, 196, 197, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210, 214, 216, 217, 229, 231, 232, 233, 234, 236, 237, 389, 391, 392, 394, 395, 396, 397, 398, 408, 414
DPR-0359	FENZ	046, 048, 049, 051, 052, 053, 054, 055, 056, 057, 058
DPR-0363	IRHL	183, 185, 186, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 203, 205, 206, 218, 219, 220, 221, 222, 223, 225, 226, 414, 416, 417, 419, 420, 421, 422, 423, 433, 434
DPR-0367	Orion	086, 087, 089, 090, 092, 094, 095, 096, 097, 098, 099, 107, 108, 109, 110, 111
DPR-0370	Fonterra	051, 053, 054, 057
DPR-0371	CIAL	004, 034, 037, 038, 043, 046, 047
DPR-0374	RIHL	189, 191, 192, 195, 196, 197, 198, 199, 200, 201, 202, 203, 205, 209, 211, 212, 224, 225, 226, 227, 228, 229, 231, 232, 460, 462, 463, 465, 466, 467, 468, 469, 479, 480
DPR-0375	WKNZTA	100, 102, 104, 105, 110, 113
DPR-0378	MoE	033, 046
DPR-0379	J Thomson	023, 043
DPR-0384	RIDL	200, 201, 203, 204, 207, 208, 209, 210, 211, 212, 213, 214, 215, 217, 221, 223, 224, 236, 237, 238, 239, 240, 241, 244, 493, 495, 496, 498, 499, 500, 501, 502, 512, 513

⁶ For the benefit of Kāinga Ora. We also mention SUB-P8 in our discussion of SUB-P1.

⁷ For the benefit of Hughes Developments Ltd.

⁸ For the benefit of Hughes Developments Ltd.

⁹ For the benefit of FENZ.

¹⁰ For the benefit of further submitter Manmet Singh and submitter Hughes Developments Ltd

¹¹ Melanie Foote, 3 November 2022.

Sub #	Submitter	Submission Points
DPR-0409	Hughes	001, 002, 003, 004, 009, 012, 013
DPR-0410	Urban Estates	009
DPR-0414	Kāinga Ora	078, 080, 081, 082, 086, 087, 088, 089, 090, 091, 092, 093, 094, 097, 098, 099, 100, 101, 102, 106, 108, 109, 122, 124, 126, 127, 128, 130, 131, 136, 138, 139, 141, 142, 143, 144, 145, 437
DPR-0422	FFNC	177, 182, 184, 186, 187, 189, 191, 192, 195, 196, 197, 198, 199, 200, 201, 202, 207, 215
DPR-0424	RVA	041
DPR-0425	Ryman Healthcare	041
DPR-0427	DOC	062
DPR-0429	CPL	002
DPR-0442	Castle Hill CAI	004
DPR-0446	Transpower	108
DPR-0448	NZDF	039, 091
DPR-0453	Midland & Lyttelton Ports	056, 058
DPR-0456	Four Stars & Gould	001, 002
DPR-0458	KiwiRail	059

[20] We also adopt Ms Carruthers recommendations to amend a number of PDP provisions that relate to an activity on a site, rather than relying on whether that site comprises one or more allotments or lots. Those provisions were listed in paragraph 26.9 of the initial Section 42A Report and all of the resultant amendments are contained in Appendix 1 of this Recommendation Report.

[21] For completeness, we note that no submissions were received on the following provisions in the Public Access and Development Areas chapters:

- PA-MAT4 Sites of Significance to Māori
- DEV-DA2, DEV-DA5, and DEV-DA7 in Darfield
- DEV-LI1, DEV-LI5, DEV-LI6, and DEV-LI7 in Lincoln
- DEV-PR1 and DEV-PR2 in Prebbleton
- DEV-RO1, DEV-RO2, DEV-RO3, DEV-RO4, and DEV-RO8 in Rolleston
- DEV-SO1 in Southbridge
- DEV-TT1 in Tai Tapu

4 Public Access

4.1 PA-O1

[22] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	120
DPR-0422	FFNC	178
DPR-0427	DOC	057

[23] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submissions of CRC and FFNC, refer to 'people' instead of 'Selwyn's communities' at the start of the objective is the most appropriate option for

achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

4.2 PA-O2

- [24] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	121
DPR-0422	FFNC	179
DPR-0427	DOC	058
DPR-0441	Manawa Energy	134

- [25] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of DOC, amend PA-O2 to state that where there is conflict between conservation values versus public open space and public access activities, the natural character values and indigenous biodiversity values take priority, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

4.3 PA-P1

- [26] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0207	SDC	036
DPR-0260	CRC	121
DPR-0353	HortNZ	172, 174
DPR-0422	FFNC	180
DPR-0427	DOC	060
DPR-0441	Manawa Energy	133

- [27] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submissions of SDC and FFNC, insert a reference to PA-SCHED1 and PA-SCHED2 in PA-P1 is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [28] In her evidence for HortNZ Lynette Wharfe suggested an additional clause for PA-P1, namely *"Such access avoids highly productive land and does not materially reduce the productive potential of soils or established rural production activities, including through avoiding potential reverse sensitivity effects"*. However, PA-P1 only applies upon subdivision and as Ms Wharfe noted, under the NPS-HPL section 3.8(1) territorial authorities must avoid the subdivision of highly productive land unless one of three criteria apply, including that *"the proposed lots will retain the overall productive capacity of the subject land over the long term."*
- [29] PA-P1 is given effect to through PA-REQ1 (esplanade reserves). That rule requirement only applies to lots smaller than 4ha. Such small lots are unlikely to retain any substantial productive capacity and that being the case we assume that there will be no detrimental effects from enabling esplanade reserves on their waterway margins.

4.4 PA-P2

- [30] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	123
DPR-0353	HortNZ	173
DPR-0422	FFNC	181
DPR-0427	DOC	061

- [31] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of DOC, amend PA-P2 to recognise that esplanade strips maintain and enhance the margins of surface water bodies and the coastal marine area and not just the water bodies themselves, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

4.5 PA-REQ5 Access strips

- [32] We received evidence from Carey Barnett for ESAI. We agree with Ms Barnett that the submission of J Thomson (who sought the deletion of PA-REQ5 Access Strips) does not provide scope to amend that provision to one that requires the establishment of esplanade strips, as was initially recommended by Ms Carruthers. That is a significant change that should be advanced through a plan change. As noted by Ms Barnett¹² *"These two access mechanisms are quite different in terms of dealing with access over private land. One works like a private agreement mechanism relying on the agreement of two parties (access strip and created under s237B of the RMA), while the other is a specified requirement of subdivision approval over which the landholder has limited say (created under S232 and S229 of the RMA)."* We also agree that the RMA Schedule 10 clause 5 does not appear to enable creating an esplanade strip that applies other than to 'any person'.
- [33] Lynette Wharfe¹³ for HortNZ advised *"There is no discussion in the s42A Report on the implications of amending an access strip to an esplanade strip and no submitter appears to have sought that change"*. We agree.
- [34] We asked Ms Carruthers to address this matter in her Reply Report. She advised¹⁴ *"... I consider that there is inadequate scope to change the instrument from an access strip to an esplanade strip as recommended in the s42A report. I also accept the comments of Mrs Barnett relating to the difficulties associated with limiting access to an access strip based on belonging or otherwise to a particular group."*
- [35] Ms Carruthers recommended that PA-REQ5 be deleted. We agree with and adopt that recommendation. As a consequence of that recommendation the following provisions are also recommended to be deleted:

- PA-SCHED 3

¹² EIC Carey Barnett, paragraph 4.12(a)

¹³ EIC Lynette Wharfe, paragraph 6.34

¹⁴ Section 42A Reply Report, paragraph 3.2.

- Figure PA-FIG2 Waikekewai Creek - Access Strip
- Figure PA-FIG3 Un-named Drain McLachlans Road - Access Strip
- SUB-R24.13-16
- SUB-R24.20c

[36] Having made that finding, we note Ms Carruthers' advice that the areas shown in PA-FIG2 and PA-FIG3 are also listed in SASM-SCHED3 – Ngā Wai and their full extent is shown on the PDP planning maps. Consequently, SUB-R20 Subdivision and Sites and Areas of Significance to Māori will continue to apply, with subdivision in these areas requiring consent as an RDIS activity under SUB-R20.7. The relevant matters for discretion are set out in SASM-MAT3 and include improved access for customary use.

[37] We adopt Ms Carruthers' section 32AA assessment¹⁵ relating to the above amendments.

[38] Consequently, for the following submitters and their submission points we adopt Ms Carruthers' Reply Report recommendations and reasons.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	067, 070, 077
DPR-0353	HortNZ	181
DPR-0379	J Thomson	044, 045, 077
DPR-0422	FFNC	183

4.6 PA-MAT3 Access to Reserves and Strips

[39] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	171
DPR-0422	FFNC	185

[40] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of FFNC, amend PA-MAT3 to specifically include an assessment of whether public access would result in an unacceptably high risk to public health and public safety, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

4.7 PA-SCHED2 - Water Bodies Where Esplanade Strip Required

[41] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	069
DPR-0353	HortNZ	177
DPR-0422	FFNC	187

[42] ESAI sought to amend the minimum 10m width for esplanade strips set out in PA-SCHED2. In her evidence Carey Barnett referred to RMA sections 230(3) and (4), suggesting that the

¹⁵ Section 42A Reply Report, paragraphs 9.1 to 9.7.

reference to “*an average bed width of 3 metres or more*” in section 230(4) provided justification for reducing the 10m minimum esplanade strip width over certain reaches of Boggy Creek, Harts Creek and Irwell Creek (Waiwhio). However, sections 230(3) and (4) do not refer to esplanade strips. They refer to esplanade reserves. It is section 230(5) that refers to esplanade strips and that section makes no reference to the width of the affected waterway.

- [43] At the hearing Ms Barnett agreed with our assessment and consequently that there was no statutory basis for the amendment she sought. Accordingly, we do not recommend any reduction in the PA-SCHED2 minimum width for esplanade strips.

4.8 PA-SCHED3 - Water Bodies Where Access Required

- [44] For the following submitters and their submission points we recommend:

Sub #	Submitter	Submission Points	Accept	Accept in Part
DPR-0212	ESAI	070, 071, 072	✓	
DPR-0379	J Thomson	045, 077	✓	
DPR-0422	FFNC	188		✓

- [45] We discussed the deletion of PA-SCHED3 in section 4.5 of this Report titled PA-REQ5 Access strips.

4.9 SUB-R24 - Subdivision and Public Access

- [46] As discussed in relation to PA-REQ5, as consequential amendment we recommend the deletion of parts of SUB-R24 that cross-referred back to from PA-REQ5. We therefore recommend:

Sub #	Submitter	Submission Points	Accept in Part	Reject
DPR-0212	ESAI	081, 082, 083, 084	✓	
DPR-0358	RWRL	226		✓
DPR-0363	IRHL	215		✓
DPR-0374	RIHL	221		✓
DPR-0384	RIDL	233		✓
DPR-0414	Kāinga Ora	118		✓
DPR-0422	FFNC	213	✓	

5 Subdivision

5.1 Objectives and Policies

5.1.1 SUB-01

- [47] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0142	NZ Pork	023
DPR-0358	RWRL	195
DPR-0370	Fonterra	050
DPR-0374	RIHL	190
DPR-0384	RIDL	202
DPR-0422	FFNC	190

[48] However, in terms of s32AA of the RMA, we differ from Ms Carruthers' recommendation in relation to the submission of Kāinga Ora. Ms Carruthers initially recommended, primarily in response to the submission of Kāinga Ora, to amend SUB-O1 to better align with the language of the NPS-UD, which refers to the 'planned urban built form' when referring to the intended future state of the urban environment. However, in answer to our written questions she changed her recommendation and suggested that that SUB-O1 be amended to refer to the 'anticipated character' of the zone, rather than to its 'planned form'. We prefer her initial recommendation as it gives better effect to the NPS-UD. However, to be consistent with the recommendation of the Residential Zones Hearing Panel, we prefer the term "planned urban form". We find accordingly.

[49] Consequently, we recommend:

Sub #	Submitter	Submission Points	Recommendation
DPR-0414	Kāinga Ora	079	Accept in part

[50] We accept Ms Carruthers' recommendation, in response to the submission of NZ Pork, to amend SUB-O1 to ensure the overall outcome results in an efficient use of land and achieves development that is compatible with the character of each zone

[51] We are satisfied that our recommendations are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.1.2 SUB-P1

[52] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	198
DPR-0363	IRHL	187
DPR-0367	Orion	091
DPR-0370	Fonterra	052
DPR-0371	CIAL	036
DPR-0374	RIHL	193
DPR-0384	RIDL	205
DPR-0414	Kāinga Ora	083
DPR-0422	FFNC	193
DPR-0453	Midland & Lyttelton Ports	055

[53] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of Orion, amend SUB-P1.3 to clarify that the provision of infrastructure need not be 'housed' on a site is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[54] At the Hearing we heard from Joe Jeffries for Kāinga Ora who advocated for an amendment to SUB-P1 such that it would only apply to vacant sites. However, we are not persuaded that it is appropriate to enable an outcome whereby an existing dwelling is, upon subdivision, left with an undersized site. That would not give effect to SUB-O1 which is to maintain or enhance

the amenity values of the zone. For the same reason we are not persuaded that SUB-P8 should be amended to only relate to boundary adjustments.

5.1.3 SUB-P2

- [55] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	199
DPR-0359	FENZ	047
DPR-0363	IRHL	188
DPR-0374	RIHL	194
DPR-0375	WKNZTA	101
DPR-0384	RIDL	206
DPR-0414	Kāinga Ora	085
DPR-0422	FFNC	194

- [56] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of FFNC, amend SUB-P2 to clarify that that the policy requires every site to make provision for safe access to sites is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.1.4 SUB-P3

- [57] At the Hearing we heard from Joe Jeffries for Kāinga Ora who advocated for an amendment to SUB-P3 such that sub-divided sites would not need to have access to sunlight. However, we are not persuaded that it is appropriate to enable an outcome whereby a site intended for a residential dwelling, upon subdivision, would have no access to sunlight. That would not adequately provide for the physical and mental well-being of residents nor would it give effect to SUB-O1 which is to maintain or enhance the amenity values of the zone.
- [58] In that regard we do not agree that "access to sunlight" is achieved solely through the bulk and location of buildings within sites. The number (density) and size of sites within an area of land also affects how many buildings are present in that area of land and that too undeniably has an effect on access to sunlight.

5.1.5 SUB-P4

- [59] For the record we note that Hughes Developments Limited sought to amend SUB-P4. The evidence of Alice Burnett advised that the submitter now sought that the policy read *"Provide for a variety of ~~site sizes~~ road frontage widths within a subdivision, while achieving an average net site size no smaller than that specified for the zone."*
- [60] At the hearing we asked Ms Burnett if there was anything in the SUB chapter that would preclude a developer having a 'variety of road frontage widths.' She advised that there was not. On that basis we are not persuaded that the amendment sought is necessary.

5.1.6 SUB-P6

- [61] For the record we note that Hughes Developments Limited sought to qualify SUB-P6 with the words 'where appropriate'. The evidence of Alice Burnett advised that the word appropriate is defined in the Oxford Dictionary as being "suitable or proper in the circumstances". She

considered that the relief being sought reflects how subdivision actually occurs and focuses on what may be suitable and proper in the context of the subdivision process.

- [62] We understand that a subdivision consent decision-maker is obliged 'to have regard' to the policies in the SUB chapter. That requires them to be considered in the context of the area proposed for subdivision, including its topography and established vegetation cover. We do not consider that there is any need to qualify the policy in the manner sought.

5.1.7 SUB-P8

- [63] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0279	R Verity	005
DPR-0358	RWRL	205
DPR-0363	IRHL	194
DPR-0370	Fonterra	054
DPR-0371	CIAL	038
DPR-0374	RIHL	200
DPR-0384	RIDL	212
DPR-0414	Kāinga Ora	091
DPR-0422	FFNC	200
DPR-0453	Midland & Lyttelton Ports	056

- [64] We note that in her response to our written questions Ms Carruthers agreed to amended wording that we suggested for the policy to clarify its intent. We include that amended wording in our Appendix 1 and we are satisfied that it is within the scope of submissions.

5.1.8 SUB-New Policies Requested

- [65] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0142	NZ Pork	026, 071, 072
DPR-0353	HortNZ	190
DPR-0370	Fonterra	055
DPR-0371	CIAL	035
DPR-0375	WKNZTA	103
DPR-0414	Kāinga Ora	084
DPR-0415	Fulton Hogan	011
DPR-0422	FFNC	203
DPR-0448	NZDF	040

- [66] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submissions of HortNZ and FFNC, insert a new policy SUB-PA that applies in the GRUZ, the intent of which is to ensure that rural subdivision does not compromise the use of highly productive land and versatile land for rural production activities, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

- [67] In particular, we note that the recommended new policy gives effect to the National Policy Statement – Highly Productive Land 2022 (NPS-HPL). We note Ms Carruthers' advice that the

NPS-HPL uses the phrases ‘highly productive land’ and ‘land-based primary production’, and that ‘rural production’ is a PDP defined term. Consequently, we agree that it is appropriate to phrase the new policy as referring to *“rural production activities that are reliant on the soil resource of the land”*. We note that is consistent with the NPS-HPL definition of ‘land based primary production’ which includes *“production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.”*

[68] We note that the tabled evidence¹⁶ from Waka Kotahi advised that a consideration of the safe operation, maintenance and access to any transport infrastructure while taking into account multi modal transport is appropriately addressed through existing provisions, therefore, the new policy they initially sought is not required.

[69] We note that for LPC¹⁷ and CIAL¹⁸ Matt Bonis suggested that an additional policy relating to ‘reverse sensitivity’ effects on important infrastructure was required. In her Reply Report¹⁹ Ms Carruthers supported the new policy suggested by Mr Bonis. We agree with and adopt that recommendation and recommend the insertion of new policy SUB-PB.

[70] We adopt Ms Carruthers’ section 32AA assessment²⁰ relating to the above amendments.

5.2 Rules

5.2.1 SUB-New Rule requested

[71] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0101	Chorus, Spark & Vodafone	029
DPR-0279	R Verity	009
DPR-0375	WKNZTA	108
DPR-0414	Kāinga Ora	095

[72] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers’ recommendation to, in response to the submission of WKNZTA, amend SUB-R4 and SUB-R6 so that subdivision in the DPZ and MPZ is subject to SUB-REQ6 is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[73] We note that in all other regards for SUB-R4 and SUB-R6 we have adopted Ms Carruthers’ recommendations and reasons, which resulted in no further change to these provisions.

5.2.2 SUB-R2 Subdivision in the General Rural Zone

[74] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0142	NZ Pork	027
DPR-0212	ESAI	073

¹⁶ Richard Shaw, 3 November 2022

¹⁷ EIC Matt Bonis, paragraphs 15 to 16.

¹⁸ EIC Matt Bonis, paragraphs 12 to 13.1.

¹⁹ Section 42A Reply Report, paragraph 4.1.

²⁰ Section 42A Reply Report, paragraphs 9.1 to 9.7.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	191
DPR-0358	RWRL	209
DPR-0359	FENZ	050
DPR-0363	IRHL	198
DPR-0367	Orion	093
DPR-0370	Fonterra	056
DPR-0371	CIAL	039
DPR-0374	RIHL	204
DPR-0384	RIDL	216
DPR-0414	Kāinga Ora	096
DPR-0422	FFNC	205
DPR-0448	NZDF	051, 052
DPR-0453	Midland & Lyttelton Ports	057

[75] In her Reply Report Ms Carruthers advised that Lynette Wharfe had presented written evidence in support of the submission by HortNZ supporting the inclusion of a matter of control addressing reverse sensitivity effects. Ms Wharfe highlighted that the amendments recommended in the initial Section 42A Report resulted in an inconsistency, in that reverse sensitivity in the RESZ was in SUB-MAT2, but that in the GRUZ it was included in SUB-R2. Ms Wharfe requested that the matters be listed in the same manner for consistency, and supported the inclusion in each of the relevant zone rules. Ms Carruthers agreed with Ms Wharfe but considered the matter was best addressed in SUB-MAT2. We agree.

[76] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submissions of SDC and Kāinga Ora, delete the reference to SUB-REQ12 and amend SUB-R2.4 to refer to SUB-R11 in full are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.2.3 SUB-R9 Subdivision in Residential Zones to Facilitate Small Site Development

[77] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	001
DPR-0358	RWRL	211
DPR-0363	IRHL	200
DPR-0367	Orion	100, 101
DPR-0371	CIAL	040
DPR-0374	RIHL	206
DPR-0384	RIDL	218
DPR-0414	Kāinga Ora	103
DPR-0456	Four Stars & Gould	019

[78] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of Orion, amend SUB-R9.1.c to insert a provision such that "*The minimum and maximum net site areas shall not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation*" because those sites are not intended for residential activities is the most appropriate option

for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.2.4 SUB-R10 Subdivision in Residential Zones of Comprehensive Development

[79] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0204	JP Singh	002
DPR-0358	RWRL	212
DPR-0363	IRHL	201
DPR-0367	Orion	102
DPR-0371	CIAL	041
DPR-0374	RIHL	207
DPR-0384	RIDL	219
DPR-0414	Kāinga Ora	104

[80] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendations to:

- in response to the submissions of Orion, delete SUB-R10.1.a (net site area maximum size limit);²¹ and
- state that any application arising from SUB-R10.1 will not be subject to public or limited notification because SUB-R10 is intended to be used in conjunction with a specific land use (namely a Comprehensive Development) and it is the land use (not the subdivision) that has the potential to result in effects that might warrant notification

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.2.5 SUB-R26 Subdivision and Noise

[81] We discuss SUB-R26 out of sequence because the assessment that follows results in consequential amendments for other provisions, including SUB-R11.

[82] As noted in the evidence of Matt Bonis, in its submission LPC (DPR-0453.058) sought an amendment to SUB-R26.3 relating to the Port Zone 45dB provisions. In his evidence Mr Bonis set out the relationship between SUB-R2, SUB-R11, SUB-R26 and GRUZ-SCHED2 Residential Density and the consent category for subdivision within the Port Zone 45dB Noise Control Overlay.

[83] We note that the Hearing Panel for the Noise chapter of the PDP recommended that SUB-R11.d be amended to read "~~No cluster~~ undersized site is located within a ~~Christchurch International Airport~~ Noise Control Overlay listed in SUB-R26.1 to SUB-R26.6". Undersized sites in the Noise Control Overlays would consequently default to a non-complying activity under SUB-R11.5. Therefore, we agree that a further amendment to SUB-R26 is appropriate to ensure that subdivision proposals that seek to utilise undersized lots in the Port overlay

²¹ This recommendation was contained in the written answers to our questions titled "Joint Officer's Response to Questions from the Hearings Panel" dated 17 November 2022.

remain a non-complying activity. That can be achieved by exempting SUB-R11.5 from the Port Zone 45dB rule in SUB -R26.

- [84] For CIAL Mr Bonis similarly suggested an amendment to SUB-R26 to categorise any *'Subdivision within the Airport 50 dB Ldn Noise Control Overlay where the size of any site does not comply with GRUZ-SCHED2 Residential Density'* as a non-complying activity. However, we note that the Noise chapter Hearings Panel recommended that SUB-R26.1 is amended to refer to the 50 dB Ldn Airport Noise Control Overlay as the outer contour and not the 55 db Ldn Overlay. At the Noise hearing Mr Bonis advised that CIAL accepted the amendments to SUB-R11.d and SUB-R26.1 and considered that resolved the CIAL submission.²² He considered that the amendments proposed by Ms Barker (the Noise chapter Section 42A Report author) to SUB-R11.d clarified that it is any 'undersized site' that would be a non-complying activity, because (as we understood his evidence) under SUB-R11.5 non-compliance with SUB-R11.d is a non-complying activity.
- [85] Consequently, under the Noise chapter Hearing Panel's recommendations, any subdivision within the 50 dB Ldn Airport Noise Control Overlay is a discretionary activity and any proposal for undersized lots is intended to be a non-complying activity. Therefore, we also agree that a further amendment to SUB-R26.1 is appropriate to ensure that subdivision proposals that seek to utilise undersized lots remain a non-complying activity. That can be achieved by exempting SUB-R11.5 from SUB-R26.1.
- [86] We note that in her Reply Report²³ Ms Carruthers advised " ... *given the specific amendments that have been made to a number of provisions within SUB-R26, on reflection I consider that a structural amendment to SUB-R26 would be appropriate, so that each overlay is subject to a separate row within the rule.*"
- [87] Ms Carruthers also advised²⁴ "*Following the hearing, Mr Bonis provided a response²⁵ to the discussion at the hearing. Following discussions with Mr Bonis and Ms Barker, we have come to agreement and together recommend the amendments to SUB-R11 and SUB-R26.*"
- [88] We have carefully reviewed those agreed amendments and find them to be appropriate. We therefore adopt Ms Carruthers' Reply Report recommendation to accept in part DPR-0371.035 CIAL.
- [89] In terms of s32AA of the RMA, we are satisfied the above amendments are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.2.6 SUB-R11 OpenSpace Subdivision

- [90] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0104	L Travnicek	003

²² EIC Matt Bonis for the Noise Hearing, paragraph 52.

²³ Section 42A Reply Report, paragraph 6.4.

²⁴ Ibid, paragraph 6.5.

²⁵ Response of Matthew William Bonis on behalf of Christchurch International Airport Ltd (DPR-0371) and Midland Port, Lyttelton Port Company Ltd (DPR-0453)

Sub #	Submitter	Submission Points
DPR-0128	Joyce Family Trust	001
DPR-0142	NZ Pork	028
DPR-0205	Lincoln University	033
DPR-0213	Plant and Food & Landcare	020
DPR-0353	HortNZ	193, 194
DPR-0363	IRHL	202
DPR-0367	Orion	103, 104
DPR-0371	CIAL	042
DPR-0374	RIHL	208
DPR-0384	RIDL	220
DPR-0414	Kāinga Ora	105
DPR-0422	FFNC	206

[91] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendations to:

- in response to the submission of Orion, amend SUB-R11.a and new SUB-R11.g so that they do not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation;
- in response to the submission of L Travnicek, and in recognition of the fact that staff are required to live and be housed on site in a high-country station due to the remoteness of those stations, amend SUB-R11.d so that for subdivisions in SCA-RD7 High Country/ Kā Tiritiri o Te Moana, any cluster of sites contains no more than five existing or proposed sites;
- in response to the submission of NZ Pork, insert a new SUB-R11.g to encapsulate factors that are consistent with the requirements for a CON status subdivision in the GRUZ, DPZ and MPZ; and
- in response to the submission and tabled evidence²⁶ of HortNZ, to change the title of the rule to "Subdivision to Create Undersized Sites"

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[92] We received evidence from Alastair Joyce that we understood to address SUB-R11. At the hearing he advised that he was seeking to subdivide his (and his neighbour's) land located on Trices Road in Prebbleton (currently two lots of 5.32 ha and 4.02ha respectively) into lots with an average size of 1.87ha. He subsequently advised, in writing on 22 November, that what he was actually seeking was *"... for subdivision below 4 hectares to be discretionary rather than non-complying when in close proximity to LLRZ/GRZ areas or where surrounding sites are already of LLRZ size guidelines."*

[93] We were not persuaded that what Mr Joyce is seeking is appropriate for land zoned GRUZ which is also within Greater Christchurch and is subject to CRPS Chapter 6. We note that a non-complying activity consent status does not preclude an application to subdivide below the minimum site size (as defined by SUB-REQ1 and its associated tables), but it does mean that a 'strong' case would need to be made in support of any such application, which would then be assessed on its merits.

²⁶ Lynette Wharfe

- [94] We note that SUB-R11.d has been amended as a result of our recommendation on the submission of CIAL on the Noise chapter of the PDP and our earlier discussion of SUB-R26.

5.2.7 ***SUB-R13 Subdivision to Create Access, Reserve, or Infrastructure Sites in All Zones***

- [95] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	215
DPR-0363	IRHL	204
DPR-0367	Orion	105
DPR-0374	RIHL	210
DPR-0375	WKNZTA	106
DPR-0384	RIDL	222
DPR-0414	Kāinga Ora	107
DPR-0446	Transpower	109

- [96] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of Orion, amend SUB-R13.3 to recognise that not all infrastructure sites 'house' infrastructure, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [97] We note that Transpower tabled evidence²⁷ expressing support for Ms Carruthers' recommended wording for SUB-R13.3 and advising that consequently Transpower had decided not to file evidence in relation to that topic.

5.3 **Rule Requirements**

5.3.1 ***SUB-REQ1 Site Area***

- [98] For the record, from the evidence provided by Ivan Thomson²⁸ in support of the submission of further submitter Manmet Singh, we note that an amendment was sought to SUB-REQ1 such that for the LLRZ the minimum average net site area would be reduced from 5,000m² to 2,000m² and the minimum net site area would be reduced from 3,000m² to 1,000m².
- [99] At the hearing Ms Aston appeared to speak to Mr Thomson's evidence and she advised that the same relief was being sought by submitters McIraiths and Dally Family Trust ('the Prebbleton Submitters') and Stewart, Townsend and Fraser ('the Lincoln Submitters') whom she was also representing.
- [100] From Mr Thomson's evidence it appears that the change sought to SUB-REQ1 was intended to cater for Mr Singh's land on Allendale Lane²⁹ which has lot sizes ranging from 1.02ha to 4.65ha, should that land be rezoned to LLRZ. The proposed zone for the site is GRUZ with an Urban Growth Overlay limiting subdivision to a 4ha minimum.

²⁷ Trudi Burney, 3 November 2022

²⁸ Presented on his behalf by Fiona Aston.

²⁹ And we understand from Ms Aston the Prebbleton Submitters' land at Shands Road/Blakes Road corner and the Lincoln Submitters' land at north west Lincoln.

- [101] We firstly note that Mr Singh was a further submitter on SUB-REQ1.³⁰ However, none of the primary submissions sought the change to SUB-REQ1 that Mr Thomson suggested. That raises an issue of scope. Counsel for Mr Singh³¹ suggested that scope was provided by his submission on UG-P13 seeking that for rural residential activities a minimum net density of 1 to 5hh/ha is achieved.³² However, the hearing Panel for the Urban Growth chapter of the PDP has recommended rejecting that submission and the LLRZ minimum net density remains at 1 to 2hh/ha. At the hearing Ms Eveleigh confirmed should that be the case, then there would be no scope to make the change to SUB-REQ1 (and SUB-TABLE1 and SUB-TABLE2) sought by Mr Singh (and therefore also the other submitters represented by Ms Aston).
- [102] Ms Aston advised that in her view as a planning expert, any changes to SUB-REQ1 should apply on a district wide basis and not just to the submitters' land. For completeness, on the merits, we do not find it appropriate to amend SUB-REQ1 to enable the smaller lots sizes suggested by Mr Thomson and nor do we find it appropriate to alter a district wide provision to cater for three groups of property owners.
- [103] Hughes Developments Limited sought to change the activity status for a subdivision resource consent application where it was non-compliant with the minimum site area from non-complying to restricted discretionary. We are not persuaded that is appropriate because the purpose of a non-complying activity status is to denote an activity that is generally not to be condoned unless a strong case is made in support of it.
- [104] However, in her evidence for Hughes Developments Limited Ms Burnett identified an anomaly whereby despite the specified site area in the Small Site Development Rule (SUB-R9) establishing a lot size between 400m² and 499m² in the GRZ, SUB-R9 required compliance with SUB-REQ1.1 which required an average net site area for the RESZ zones of not less than 650m² in the GRZ. We put it to Ms Burnett that a solution would be to omit SUB-REQ1.1 from SUB-R9 and she agreed that would address the issue.
- [105] We recommend:

Sub #	Submitter	Submission Point	Accept in Part
DPR-0409	Hughes	008	✓

5.3.2 SUB-REQ8 Corner Splays

- [106] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	235
DPR-0363	IRHL	224
DPR-0374	RIHL	230
DPR-0375	WKNZTA	111
DPR-0384	RIDL	242
DPR-0414	Kāinga Ora	129

³⁰ He did submit to omit the word 'very' from LLRZ-P1 but we do not consider that to be a specific enough submission to enable the change to SUB-REQ1 suggested by Mr Thomson.

³¹ Sarah Eveleigh

³² Legal submissions on behalf of Manmeet Singh, 10 November 2022, paragraph 9

- [107] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendation to, in response to the submission of WKNZTA, amend SUB-REQ8 so that as the road controlling authority, WKNZTA are provided with an opportunity to be involved in any resource consent application that does not comply with the corner splay requirements for state highways, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [108] However, we agree with Ms Carruthers that WKNZTA's requested increase for corner splays at state highway intersections from 15m to 40m is substantial and there is no sound evidential basis for it. We note that the tabled evidence³³ from Waka Kotahi advised that it had no further concerns regarding Ms Carruthers' recommendation.

5.3.3 SUB-REQ11 Point Strips

- [109] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0207	The Council	037
DPR-0358	RWRL	238
DPR-0363	IRHL	227
DPR-0374	RIHL	233
DPR-0375	WKNZTA	112
DPR-0384	RIDL	245
DPR-0409	Hughes	014
DPR-0414	Kāinga Ora	132

- [110] We understand that 'point strips' are created to manage access from roads, including State Highways.
- [111] SDC requested that SUB-REQ11 be deleted and replaced with a rule to the same effect, to ensure consistency with how the rest of the PDP has been drafted. Ms Carruthers considered that to be appropriate and she recommended the deletion of SUB-REQ11 and the insertion of a new rule SUB-RA titled "Subdivision to Create Point Strips". She advised that would be more consistent with other PDP provisions, including SUB-R13.
- [112] We adopt Ms Carruthers' assessment and consequently in terms of s32AA of the RMA, for these submissions we are satisfied that her recommendations to:
- delete SUB-REQ11 and insert new rule SUB-RA Subdivision to Create Point Strips; and
 - in response to other submissions on SUB-REQ11, require that any application under new SUB-RA.1. will not be subject to public notification. However, if the road is a State Highway, then absent their written approval, an application would be limited notified only to the road controlling authority (namely Waka Kotahi NZTA). In all other cases, notice would not need to be served on any person and the application would be processed on a non-notified basis

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

³³ Richard Shaw, 3 November 2022

5.3.4 SUB-REQ12 Land Disturbance and Earthworks for Subdivision

[113] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0207	The Council	038
DPR-0345	Porters	028
DPR-0358	RWRL	239, 240
DPR-0363	IRHL	228, 229
DPR-0374	RIHL	234, 235
DPR-0384	RIDL	246, 247
DPR-0409	Hughes	015
DPR-0410	Urban Estates	001
DPR-0414	Kāinga Ora	133

[114] As noted by Ms Carruthers, Kāinga Ora requested that SUB-REQ12 be deleted in full, with earthworks being managed instead under the Earthworks chapter, while SDC requested that SUB-REQ12 be deleted and replaced with an equivalent rule in the Subdivision chapter. The National Planning Standards require all subdivision provisions to be located in the Subdivision chapter, but they also require all provisions for managing earthworks to be located in the Earthworks chapter.

[115] In light of that, and consistent with our recommendations on the Earthworks chapter, we agree that all policy and rule provisions addressing earthworks should be situated in the Earthworks chapter. This results in:

- SUB-P10 being relocated to the Earthworks chapter and being titled EW-PA so that the rule and its associated policy are in the same chapter;
- SUB-REQ12 being deleted and consequentially references to it being deleted from each Subdivision chapter rule where it appeared as notified; and
- A new rule EW-R6 titled 'Earthworks for Subdivision' being inserted into the Earthworks chapter that gives effects to EW-PA and addresses '*earthworks directly associated with the development of land for subdivision*', with the text being based on the SDC submission. Consequently, each of EW-R2, EW-R3 and EW-R4 are amended to clarify that they do not apply to earthworks subject to EW-R6.

[116] In terms of s32AA of the RMA, we are satisfied that the above raft of amendments are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

5.4 Matters for Control or Discretion

5.4.1 SUB-MAT1 Size and Shape

[117] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	241
DPR-0363	IRHL	230
DPR-0374	RIHL	236
DPR-0384	RIDL	248

[118] In terms of s32AA of the RMA, for these submissions we were satisfied that Ms Carruthers' initial recommendation to, in response to the submission of Kāinga Ora and in order to be more consistent with the NPS-UD, amend SUB-MAT1 to refer to the 'planned form' of an area, rather than its anticipated character, is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[119] In her written answers to our questions Ms Carruthers resiled from that view, but we have not. Consequently, we recommend:

Submitter ID	Submitter Name	Submission Point	Recommendation
DPR-0414	Kāinga Ora	134	Accept in part

5.4.2 SUB-MAT2 Context

[120] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	185, 186
DPR-0358	RWRL	388
DPR-0363	IRHL	413
DPR-0374	RIHL	459
DPR-0384	RIDL	492
DPR-0414	Kāinga Ora	135

[121] Ms Carruthers initially recommended to, in response to the submission of HortNZ, amend SUB-MAT2.5 so that it enabled decision-makers to manage the potential for reverse sensitivity effects on rural production activities across the rural-urban interface. She also considered that the outcome sought by HortNZ for SUB-MAT2.9 would be appropriate in the GRUZ and that it would go some way towards giving effect to the NPS-HPL. However, she recommended a new matter of control or discretion SUB-MATA that would be titled "Highly Productive Land".

[122] As noted earlier in this Report, in her Reply Report³⁴ Ms Carruthers advised that she agreed with Ms Wharfe that the above amendments would result in an inconsistency, in that reverse sensitivity in the RESZ would be included in SUB-MAT2, but that in the GRUZ it would be included in SUB-R2. She considered that SUB-MAT2 would be a better location for the amendments. That would result in subdivisions in the GRUZ (other than those subject to SUB-R2 such as rural boundary adjustments subject to SUB-R12) would also be subject to a requirement to assess reverse sensitivity effects. A consequential amendment to SUB-R11.4 would also be required because reverse sensitivity effects would then be assessed under SUB-R11.4.a, and would not need to be assessed again under SUB-R11.4.c.ii.. The latter provision can therefore be deleted.

[123] We agree with and adopt Ms Carruthers' Reply Report recommendations.

[124] Ms Carruthers noted that within the NPS-HPL Part 3: Implementation, sub-part 3.8 Avoiding subdivision of highly productive land, clause 1(c) relevantly provides an exemption where a

³⁴ Paragraph 5.1.

subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision. She recommended that those exemptions should be included in the new SUB-MATA.

- [125] We agree and recommend accordingly. In terms of section 32AA, we are satisfied that the above amendments are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents including the NPS-HPL 2022.

5.4.3 SUB-MAT4 Telecommunications

- [126] We heard from Graeme McCarrison (Engagement & Planning Manager at Spark New Zealand) who sought a new SUB rule that would read “*All new allotments must have provision for telecommunications infrastructure*”. We agree with Mr McCarrison that it is important that provision for such infrastructure is made at the time that new subdivisions are developed (rather than at a later time which could result in newly laid roads being dug up).
- [127] In her Reply Report, in response to the evidence of Mr McCarrison, Ms Carruthers recommended that SUB-MAT4 should be strengthened, particularly in relation to urban subdivision. She noted that Mr McCarrison had helpfully provided a post-hearing memorandum setting out equivalent provisions in other District Plans within in Canterbury upon which amended provisions could be based. We agree with and adopt that recommendation.
- [128] Consequently, for the following submitters and their submission points we therefore adopt Ms Carruthers’ Reply Report recommendations:

Sub #	Submitter	Submission Points
DPR-0101	Chorus, Spark & Vodafone	029, 030
DPR-0358	RWRL	390
DPR-0363	IRHL	415
DPR-0367	Orion	112
DPR-0374	RIHL	461
DPR-0384	RIDL	494
DPR-0414	Kāinga Ora	137

- [129] We adopt Ms Carruthers’ section 32AA assessment³⁵ relating to the above amendments.

5.4.4 SUB-MAT5 Water

- [130] For the record, we note that Fire and Emergency New Zealand (FENZ) tabled evidence³⁶ reiterating their request that SUB-MAT5 Water be amended to include specifying ‘SNZ PAS 4509:2008 New Zealand Fire Service Code of Practice for Fire Fighting Water Supply’ as the standard in the LLRZ, SETZ, GRUZ, GIZ, KNOZ and PORTZ. Ms Mangos advised that SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice does address rural areas such as GRUZ and that water supply for firefighting purposes in rural zones is provided for in Table 1 of the Code for any habitable buildings and is not restricted to urban areas.

³⁵ Section 42A Reply Report, paragraphs 9.1 to 9.7.

³⁶ Jessica Mangos, 3 November 2022.

- [131] Ms Carruthers had recommended rejecting the FENZ submission because SDC's Engineering Code of Practice (ECOP), which sets out the Council's current technical design requirements and standards for subdivision already referred to SNZ PAS 4509:2008. Having considered Ms Mangos' tabled evidence we are not persuaded that it is necessary to additionally refer to SNZ PAS 4509:2008 in SUB-MAT5.

5.4.5 SUB- New matter for control or discretion requested

- [132] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0142	NZ Pork	030
DPR-0422	FFNC	216

- [133] In terms of s32AA of the RMA, for these submissions we are satisfied that Ms Carruthers' recommendations to amend SUB-R2 and SUB-MAT2 and insert a new SUB-MATA (as discussed elsewhere in this Report) are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents including the NPS-HPL 2022.

5.5 Development Areas

5.5.1 DEV-LI4 - Lincoln 4 Development Area

- [134] The submission of Fletcher Residential Limited (FRL) sought an alteration to the Outline Development Plan in DEV-LI4, being the removal of the requirement for 20m building setback along the Tancreds Road and a portion of Birchs Road. Evidence in support of the submission was provided by Julie Comfort. She advised that consent was granted for this development in January 2021 (RC205677), that the consent applies to the entire Trancreds Road frontage of the DEV-LI4 area and it enables the creation of 222 residential lots. Ms Comfort advised that the 2021 consent provided for the effective removal of the 20m setback and that the consent has been given effect to. Ms Comfort also advised that one of the main reasons for the setback was the reverse sensitivity issue arising from an unsealed road, and Trancreds Road has now been sealed.

- [135] On the basis of Ms Comfort's evidence, we recommended that the 20m building setback as shown on the DEV-LI4 Outline Development Plan be deleted. We therefore recommend:

Submitter ID	Submitter Name	Submission Point	Recommendation
DPR-0398	Fletcher Residential	001	Accept

- [136] We note that in her Reply Report Ms Carruthers advised that the development was sufficiently advanced that Ms Comfort's requested amendments could be made.

5.6 TRAN-REQ19 Land Transport Infrastructure Formation Standards

- [137] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0409	Hughes	030

- [138] This submission point on TRAN-REQ19 has been allocated to the Subdivision chapter of the PDP. We note that TRAN-REQ19 applies to land transport infrastructure works (under TRAN-R1 and TRAN-R3) and not to the establishment of Small Site Developments or Comprehensive Developments on adjoining sites. For the reasons cited by Ms Carruthers, we agree that because road formation generally precedes the establishment of residential units, TRAN-REQ19 as notified is impractical and it could result in piecemeal footpaths where a block contains a mix of residential densities.
- [139] Consequently, in terms of s32AA of the RMA, for this submission we are satisfied that Ms Carruthers' recommendation to amend TRAN-REQ19 to provide clarity by requiring footpaths to be provided along both sides of local roads where the road adjoins a site that contains, or is proposed through the subdivision to contain, a Small Site Development or a Comprehensive Development is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

6 Other Matters

- [140] In her Reply Report Ms Carruthers recommended amendments to ECO-Overview. However, those amendments were not recommended by the ECO Hearing Panel and so we decline to make them in response to submissions on the Subdivision chapter.
- [141] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
 - the Hearing Panels considering rezoning requests, and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [142] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair³⁷ and Deputy Chair³⁸ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.
- [143] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [144] No other matters were brought to our attention.

³⁷ Who is also the Chair of the IHP.

³⁸ Who chaired one stream of hearings.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

How the Plan works

HPW13 – Growth Management		
Issue	Local Authority	Process
Effects on rural character of small allotments <u>sites</u> ³⁹ on the boundary with Christchurch City and the management of rural residential growth.		

Interpretation

Definitions	
BALANCE LAND	In relation to the creation of a site through subdivision, or the erection of a residential unit on a site, that does not comply with the provisions relating to minimum site size, means the additional area of land that would be required to comply with the provisions relating to minimum site size. Balance Land excludes: a. ... but, other than as described in a., b., and c. above, does include land held in pastoral lease <u>Crown Pastoral Lease</u> ⁴⁰
NET DENSITY	The number of lots <u>sites</u> ⁴¹ or household units per hectare (whichever is the greater)....

³⁹ DPR-0379.021 J Thomson

⁴⁰ DPR-0422.028 FFNC

⁴¹ DPR-0379.021 J Thomson

Definitions	
UNDERSIZED ALLOTMENT SITE⁴²	An allotment <u>A site</u> ⁴³ that does not achieve the minimum area allowed for in the relevant part of the district.

Part 2 – District Wide Matters

Energy, Infrastructure and Transport

EI – Energy and Infrastructure

EI-Rule Requirements

EI-REQ22	Fencing and Outdoor Storage	
...	7. No new fences over 1m in height may be located between any building façade and the street or a private right of way or shared access over which the allotment <u>site</u> ⁴⁴ has legal access.	...
	...	

TRAN – Transport

TRAN-Objectives and Policies

TRAN-Policies		
TRAN-P6	...	
	3. Manage the number and design of cul de sacs, rear lots <u>sites</u> ⁴⁵ and accessways;	
	...	

TRAN-Rule Requirements

TRAN-REQ19	Land Transport Infrastructure Formation Standards	
...
	4. Footpaths shall be formed on both sides of Local Roads in locations where:	
	a The road is shown on an ODP; or	

⁴² DPR-0379.021 J Thomson

⁴³ DPR-0379.021 J Thomson

⁴⁴ DPR-0379.021 J Thomson

⁴⁵ DPR-0379.021 J Thomson

	b The adjacent land contains Small Site Development or Comprehensive Development. The road adjoins a site that contains, or is proposed through the subdivision to contain, Small Site Development or Comprehensive Development. ⁴⁶	
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Natural Environment Values

PA – Public Access

PA-Objectives and Policies

PA-Objectives	
PA-O1	Selwyn's community has People have ⁴⁷ access to and along the District's key ⁴⁸ surface water bodies and coastal marine area.
PA-O2	Public open space and public access activities do not adversely affect the natural character values and indigenous biodiversity values The conservation values ⁴⁹ of the District's surface water bodies and coastal marine area are protected. ⁵⁰
PA-Policies	
PA-P1	Require public access to and along listed surface water bodies and the coastal marine area in and adjoining townships, and in specified rural areas, <u>as identified in PA-SCHED1⁵¹ or⁵² PA-SCHED2,⁵³ where: ...</u>
PA-P2	Require the creation of esplanade strips or esplanade reserves to maintain and enhance water quality, riparian vegetation, and the ⁵⁴ natural character <u>and margins</u> ⁵⁵ of surface water bodies and the coastal marine area.

⁴⁶ DPR-0409.030 Hughes

⁴⁷ DPR-0422.178 FFNC and DPR-0427.057 DOC

⁴⁸ DPR-0422.178 FFNC

⁴⁹ DPR-0427.058 DOC

⁵⁰ DPR-0427.058 DOC

⁵¹ DPR-0207.036 SDC and DPR-0422.180 FFNC

⁵² Consequential to DPR-0212.067 ESAI, DPR-0379.044 J Thomson and DPR-0422.183 FFNC

⁵³ DPR-0207.036 SDC and DPR-0422.180 FFNC

⁵⁴ DPR-0427.061 DOC

⁵⁵ DPR-0427.061 DOC

PA-Rule Requirements

PA-REQ5	Access Strips	
GRUZ MPZ	<p>1. An access strip shall be provided where any subdivision creates an allotment adjoining any water body listed in PA-SCHED3 — Water Bodies Where Access Strip Required.</p> <p>2. The access strip shall be provided to and along the water body, and shall contain all of the following features:</p> <p>a. Public access shall be restricted to access by local Rūnanga; and</p> <p>b. Strip width at least 10m</p>	<p>Activity status when compliance not achieved:</p> <p>3. When compliance with any of PA-REQ5 is not achieved: RDI</p> <p>Matters for discretion:</p> <p>a. Whether the non-provision of an access strip can be justified because of alternative arrangements to provide legal access to any Site of Significance to Ngāi Tahu listed in any of:</p> <p>1. SASM-SCHED1 — Wāhi Tapu and Wāhi Taonga Sites and Areas;</p> <p>2. SASM-SCHED2 — Ngā Tūranga Tūpuna; or</p> <p>3. SASM-SCHED3 — Ngā Wai</p> <p>b. PA-MAT2 Width of Reserve or Strip</p> <p>c. PA-MAT4 Sites of Significance to Māori⁵⁶</p>

PA-Matters for Control or Discretion

PA-MAT3	Access to Reserves and Strips
All Zones	<p>...</p> <p>2. Whether public access would result in an unacceptably high risk to public health and public safety.⁵⁷</p>

PA-Schedules

PA-SCHED3 — Water Bodies Where Access Strip Required		
Water Body	Location	Minimum Width
Waikewai Creek	As shown in Figure PA-FIG2 Waikewai Creek — Access Strip	10m
Youngs Creek	Whole river	10m
Unnamed Drain	McLachlans Road at Taumutu, as shown in Figure PA-FIG3 Un-named Drain, McLachlans Road — Access Strip ⁵⁸	10m

⁵⁶ DPR-0212.067, 070 and 077 ESAI and DPR-0379.044, 045, 077 J Thomson, DPR-0422.183 FNCC

⁵⁷ DPR-0422.185 FFNC

⁵⁸ DPR-0212.070, 071 and 072 ESAI, DPR-0379.045 and 077 J Thomson and DPR-0422.188 FNCC

PA-Figures

~~Figure PA-FIG2 Waikewai Creek – Access Strip~~⁵⁹

~~Figure PA-FIG3 Un-named Drain, McLachlans Road – Access Strip~~⁶⁰

SUB – Subdivision

SUB-Overview	
<p>Rules SUB-R1 to SUB-R15 address subdivision of different types in zones, while rules SUB-R16 to SUB-R27 contain additional provisions for subdivision in specific parts of the District, such as areas subject to natural hazards, or where noise from nearby activities may be an issue. <u>SUB-R26 addresses reverse sensitivity and the health and wellbeing of people and their amenity values and implements the Noise Chapter provisions.</u>⁶¹ As such, subdivision in areas subject to rules SUB-R16 to SUB-R27 will need consent under two (or more) rules.</p> <p><u>A single subdivision may also require consent under two (or more) rules where more than one type of subdivision is proposed as part of a single application. For example, a residential subdivision relying mainly on SUB-R1 may also seek consent under SUB-R9 to provide for small site development sites within the wider subdivision.</u>⁶²</p> <p>...</p>	

SUB-Objectives and Policies

SUB-Objectives	
SUB-O1	Subdivision design and layout maintains or enhances the amenity values <u>results in the efficient use of land and is compatible with the role, function, and planned urban form</u> ⁶³ of the zone.
SUB-Policies	
SUB-P1	<p>Avoid the creation of any site that cannot contain a residential unit as a permitted or controlled activity, unless the site:</p> <ol style="list-style-type: none"> 1. is in the General Rural Zone or Māori Purpose Zone, the overall residential density of the subdivision complies with the zone standard and a land use consent to establish or retain a residential unit on the site has been considered with the subdivision consent and granted; or 2. is within a Commercial and Mixed Use Zone, General Industrial Zone, Dairy Manufacturing Zone, or Port Zone; or 3. shall be used only to house for the provision of⁶⁴ infrastructure, a reserve or for some other community purpose specified in the subdivision application; and that purpose will not result in the need for a residential unit.
SUB-P2	Ensure that every site created by subdivision has <u>makes provision for</u> ⁶⁵ safe and efficient access for motorists, pedestrians, and cyclists, consistent with that required for the intended use of the site.

⁵⁹ DPR-0212.067, 070 and 077 ESAI, DPR-0379.044, 045 and 077 J Thomson and DPR-0422.183 FNCC

⁶⁰ DPR-0212.067, 070 and 077 ESAI, DPR-0379.044, 045 and 077 J Thomson and DPR-0422.183 FNCC

⁶¹ Recommendation of Hearing 17: Noise

⁶² DPR-0456.002 Four Stars and Gould

⁶³ DPR-0414.079 Kāinga Ora

⁶⁴ DPR-0367.091 Orion

⁶⁵ DPR-0422.194 FFNC

SUB-P8	<u>Provide for Manage⁶⁶ the subdivision of sites with existing residential units, or boundary adjustments between sites with existing residential units, which do not comply with the minimum site area or residential density standards for the zone, <u>only where to ensure that</u>⁶⁷ the subdivision does not create any potential for additional residential development.</u>
SUB-P10 ⁶⁸	<u>Manage the temporary adverse visual amenity and nuisance effects associated with preparing land for subdivision.</u> ⁶⁹
SUB-PA ⁷⁰	<u>Within the General Rural Zone, ensure that subdivision does not compromise the use of highly productive land for rural production activities that are reliant on the soil resource of the land.</u> ⁷¹
SUB-PB ⁷²	<u>Ensure that the operation, use and development of important infrastructure is not compromised by subdivision, including in relation to reverse sensitivity effects from anticipated land use.</u> ⁷³

SUB-Rules

SUB-Rule List		
SUB-R11	<u>Open Space Subdivision Subdivision to Create Undersized Sites</u> ⁷⁴	
SUB-RA	<u>Subdivision to Create Point Strips</u> ⁷⁵	
SUB-R1	Subdivision in the Residential Zones	
RESZ	<p>...</p> <p>Where this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision⁷⁶</p> <p>...</p>	...

⁶⁶ DPR-0370.054 Fonterra, DPR-0371.038 CIAL, DPR-0414.091 Kāinga Ora and DPR-0453.056 Midland & Lyttelton Ports

⁶⁷ DPR-0370.054 Fonterra, DPR-0371.038 CIAL, DPR-0414.091 Kāinga Ora and DPR-0453.056 Midland & Lyttelton Ports

⁶⁸ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁶⁹ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁷⁰ DPR-0353.190 HortNZ and DPR-0422.203 FFNC

⁷¹ DPR-0353.190 HortNZ and DPR-0422.203 FFNC

⁷² DPR-0371.035 CIAL

⁷³ DPR-0371.035 CIAL

⁷⁴ DPR-0353.193 HortNZ

⁷⁵ DPR-0207.037 The Council

⁷⁶ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

SUB-R2 Subdivision in the General Rural Zone		
GRUZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision⁷⁷</p> <p>...</p>	<p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of SUB-R2.1. is not achieved: Refer to SUB-R11 <u>Subdivision to Create Undersized Sites</u>.⁷⁸</p> <p>...</p>
SUB-R3 Subdivision in the Commercial and Mixed Use Zones, General Industrial Zone, Knowledge Zone, and Port Zone		
CMUZ GIZ KNOZ PORTZ	<p>...</p> <p>Where this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision⁷⁹</p> <p>...</p>	...
SUB-R4 Subdivision in the Dairy Processing Zone		
DPZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p><u>SUB-REQ6 Access</u>⁸⁰</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision⁸¹</p> <p>...</p>	<p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of SUB-R4.1.a. is not achieved: Refer to SUB-R11 <u>Open Space Subdivision</u> <u>Subdivision to Create Undersized Sites</u>.⁸²</p> <p>...</p>
SUB-R5 Subdivision in the Grasmere Zone		
GRAZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision⁸³</p> <p>...</p>	...
SUB-R6 Subdivision in the Māori Purpose Zone		
MPZ	<p>Activity Status: CON</p> <p>...</p> <p>And this activity complies with the following rule requirements:</p>	Activity status when compliance not achieved:

⁷⁷ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁷⁸ Consequential to DPR-0353.193 HortNZ

⁷⁹ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁸⁰ DPR-0375.108 WKNZTA

⁸¹ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁸² Consequential to DPR-0353.193 HortNZ

⁸³ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

	<p>...</p> <p><u>SUB-REQ6 Access</u>⁸⁴</p> <p>...</p> <p><u>SUB-REQ12 Land Disturbance and Earthworks for Subdivision</u>⁸⁵</p> <p>...</p> <p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of SUB-R6.1.a. is not achieved: Refer to SUB-R11 <u>Open Space Subdivision Subdivision to Create Undersized Sites</u>.⁸⁶</p>	<p>4. When compliance with any of SUB-R6.1.a. is not achieved: Refer to SUB-R11 <u>Open Space Subdivision Subdivision to Create Undersized Sites</u>.⁸⁷</p> <p>...</p>
SUB-R7	Subdivision in the Porters Ski Recreation⁸⁸ Zone	
SKIZ PRZ⁸⁹	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p><u>SUB-REQ12 Land Disturbance and Earthworks for Subdivision</u>⁹⁰</p> <p>...</p>	...
SUB-R8	Subdivision in the Terrace Downs Zone	
TEZ	<p>...</p> <p>Where this activity complies with the following rule requirements:</p> <p>...</p> <p><u>SUB-REQ12 Land Disturbance and Earthworks for Subdivision</u>⁹¹</p> <p>...</p>	...
SUB-R9	Subdivision in the Residential Zones to Facilitate Small Site Development	
GRZ LRZ SETZ	<p>...</p> <p>Where:</p> <p><u>a. Other than for sites used exclusively for access, reserves, or infrastructure, or sites which are wholly subject to a designation:</u>⁹²</p> <p>i. the ...</p>	...

⁸⁴ DPR-0375.108 WKNZTA

⁸⁵ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁸⁶ Consequential to DPR-0353.193 HortNZ

⁸⁷ Consequential to DPR-0353.193 HortNZ

⁸⁸ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

⁸⁹ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

⁹⁰ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁹¹ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁹² DPR-0367.101 Orion

	<p>...</p> <p>iii. Every small site development site created, but excluding any rear site, contains a road frontage width not less than 12m.</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ1.1 Site Area⁹³</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision⁹⁴</p> <p>...</p>	
SUB-R10	Subdivision in the Residential Zones of Comprehensive Development	
GRZ LRZ SETZ	<p>...</p> <p>Where:</p> <p>a. The net site area of each site created shall not exceed 300m²; and⁹⁵</p> <p>b. Comprehensive development on the site either:</p> <p>i. is subject to a land use consent that has not lapsed; or</p> <p>ii. forms all or part of a land use consent application applied for in conjunction with the subdivision consent application</p> <p>...</p> <p>Notification:</p> <p><u>3. Any application arising from SUB-R10.1 shall not be subject to public or limited notification and shall be processed on a non-notified basis.</u>⁹⁶</p>	<p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of R10.1.a is not achieved: DIS <u>NC</u>⁹⁷</p> <p>5. When compliance with any of R10.1.b is not achieved: NC⁹⁸</p> <p>6. When compliance with any rule requirement listed in this rule is not achieved: Refer to SUB – Rule Requirements.</p>
SUB-R11	Open Space Subdivision Subdivision to Create Undersized Sites ⁹⁹	
GRUZ DPZ MPZ	<p>...</p> <p>Where:</p>	...

⁹³ DPR-0409.008 Hughes

⁹⁴ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

⁹⁵ DPR-0367.102 Orion

⁹⁶ DPR-0358.212 RWRL, DPR-0363.201 IRHL, DPR-0374.207 RIHL and DPR-0384.219 RIDL

⁹⁷ Consequential amendment following DPR-0409.007 Hughes

⁹⁸ Consequential amendment following DPR-0409.007 Hughes

⁹⁹ DPR-0353.193 HortNZ

<p>a. Every undersized site is at least 1ha in net area, <u>except that this shall not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation.</u>¹⁰⁰;</p> <p>b. Any cluster contains no more than 3 existing or proposed sites, <u>except that in SCA-RD7 any cluster contains no more than 5 existing or proposed sites</u>¹⁰¹;</p> <p>c. ...</p> <p>d. No cluster <u>undersized site</u>¹⁰² is located within a <u>Noise Control Overlay listed below</u>¹⁰³ a Christchurch International Airport Noise Control Overlay:</p> <p>i. <u>Airport 50 dB Ldn Noise Control Overlay;</u></p> <p>ii. <u>Dairy Processing Zone Noise Control Overlay;</u></p> <p>iii. <u>Port Zone 45 dB LAeq Noise Control Overlay;</u></p> <p>iv. <u>Rail Network Noise Sensitivity Overlay;</u></p> <p>v. <u>State Highway Noise Sensitivity Overlay;</u></p> <p>vi. <u>West Melton Rifle Range 55 dB Ldn Noise Control Overlay;</u>¹⁰⁴</p> <p>...</p> <p>g. <u>Every site that contains, or is proposed to contain as part of the application, Balance Land or any other legal mechanism restricting the number of residential units which may be erected on the site, is of sufficient size to comply with SUB-R2.1.a, SUB-R4.1.a or SUB-R5.1.a, as relevant to the site, excluding any area which cannot be used to erect a residential unit.</u>¹⁰⁵ <u>The minimum net site area shall not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation.</u>¹⁰⁶</p> <p><u>And this activity complies with the following rule requirements:</u> <u>In the General Rural Zone, as set out in GRUZ-R2</u></p>	
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¹⁰⁰ DPR-0367.103 Orion

¹⁰¹ DPR-0104.003 L Travnicsek

¹⁰² Recommendation of the s42A report for Hearing 17 – Noise

¹⁰³ DPR-0448.052 NZDF, also Recommendation of Hearing 17 – Noise

¹⁰⁴ Response of Matt Bonis on behalf of DPR-0371 CIAL and DPR-0453 Midland & Lyttelton Ports

¹⁰⁵ DPR-0142.028 NZ Pork

¹⁰⁶ DPR-0367.103 Orion

	<p><u>In the Dairy Processing Zone, as set out in SUB-R4</u> <u>In the Māori Purpose Zone, as set out in SUB-R5¹⁰⁷</u></p> <p>...</p> <p>Matters of discretion:</p> <p>4. The exercise of discretion in relation to SUB-REQ1.11 is restricted to the following matters:</p> <p>...</p> <p>c. Whether any site on which a residential unit(s) is or may be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to):</p> <p>— i.¹⁰⁸ effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and</p> <p>— ii. potential reverse sensitivity effects with activities on surrounding sites.¹⁰⁹ ...</p>	
SUB-R12	Boundary Adjustment in All Zones	
GRUZ DPZ MPZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision¹¹⁰</p> <p>...</p>	...
GRAZ SKIZ PRZ¹¹¹ TEZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision¹¹²</p> <p>...</p>	...
RESZ CMUZ GIZ KNOZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p>	...

¹⁰⁷ DPR-0142.028 NZ Pork

¹⁰⁸ Consequential amendment arising from DPR-0142.027 and 030 NZ Pork, DPR-0353.185 and 186 HortNZ

¹⁰⁹ Consequential amendment arising from DPR-0142.027 and 030 NZ Pork, DPR-0353.185 and 186 HortNZ

¹¹⁰ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

¹¹¹ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

¹¹² DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

PORTZ	SUB-REQ12 Land Disturbance and Earthworks for Subdivision ¹¹³ ...	
SUB-R13	Subdivision to Create Access, Reserve, or Infrastructure Sites in All Zones	
All Zones	Activity status: CON ... 3. Subdivision to create any site to be used solely to house for the provision of ¹¹⁴ infrastructure. ... And every site complies with the following rule requirements: ... SUB-REQ12 Land Disturbance and Earthworks for Subdivision ¹¹⁵
SUB-R13A	Subdivision to Create Point Strips¹¹⁶	
All Zones	Activity Status: RDIS ¹¹⁷ <u>1. The creation of a point strip¹¹⁸</u> Where: <u>a. The purpose of the point strip is limited to managing access from a site to a road; and¹¹⁹</u> <u>b. The point strip(s) will transfer to the road controlling authority for the road¹²⁰ on the deposit of the plan for each stage of the subdivision.¹²¹</u> Matters for discretion: <u>2. The exercise of discretion in relation to SUB-R13A.1 is restricted to consideration of:</u>	Activity status where compliance not achieved: <u>4. When compliance with any of SUB-R13A.1 is not achieved: DIS¹²⁶</u>

¹¹³ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

¹¹⁴ DPR-0367.105 Orion

¹¹⁵ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

¹¹⁶ DPR-0207.037 The Council

¹¹⁷ DPR-0207.037 The Council

¹¹⁸ DPR-0207.037 The Council

¹¹⁹ DPR-0207.037 The Council

¹²⁰ DPR-0375.112 WKNZTA

¹²¹ DPR-0207.037 The Council

¹²⁶ DPR-0207.037 The Council

	<p>a. <u>The purpose of the point strip.</u>¹²²</p> <p>b. <u>Whether a point strip is the most effective method to achieve the purpose.</u>¹²³</p> <p>c. <u>The width of the point strip required to achieve the purpose.</u>¹²⁴</p> <p>Notification:</p> <p>3. <u>Any application arising from SUB-RA.1. shall not be subject to public notification. If the road is a State Highway, absent their written approval, the application shall be limited notified only to the road controlling authority. In all other cases, notice shall not be served on any person and the application shall be processed on a non-notified basis.</u>¹²⁵</p>	
SUB-R14	Subdivision to Create Emergency Services Facility Sites in All Zones	
RESZ CMUZ GIZ KNOZ PORTZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision¹²⁷</p> <p>...</p>	...
GRUZ DPZ GRAZ MPZ TEZ	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision¹²⁸</p> <p>...</p>	...
SKIZ PRZ ¹²⁹	<p>...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>SUB-REQ12 Land Disturbance and Earthworks for Subdivision¹³⁰</p>	...

¹²² DPR-0207.037 The Council

¹²³ DPR-0207.037 The Council

¹²⁴ DPR-0207.037 The Council

¹²⁵ DPR-0358.238 RWRL, DPR-0363.227 IRHL, DPR-0374.233 RIHL and DPR-0384.245 RIDL

¹²⁷ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

¹²⁸ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

¹²⁹ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

¹³⁰ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora

	...	
SUB-R24	Subdivision and Public Access	
GRUZ MPZ	<p>Activity Status: CON</p> <p>13. Subdivision where an allotment adjoins any lake or river listed in PA-SCHED3 – Water Bodies Where Access Strip Required. This rule does not apply to any subdivision under SUB-R15.</p> <p>Where this activity complies with the following rule requirements:</p> <p>PA-REQ5 Access Strips</p> <p>Matters of control:</p> <p>14. The exercise of control in relation to SUB-R24.13. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. PA-MAT3 Access to Reserves and Strips b. PA-MAT4 Sites of Significance to Māori <p>Notification:</p> <p>15. Any application arising from SUB-R24.12. shall not be subject to public notification.¹³¹</p>	<p>Activity status when compliance not achieved:</p> <p>16. When compliance with any PA rule requirement listed in this rule is not achieved: Refer to PA Rule Requirements.</p>
All Zones	<p>Activity Status: RDIS</p> <p>20. Subdivision where an allotment smaller than 4ha is created adjoining a river or lake not listed in any of:</p> <ul style="list-style-type: none"> a. PA-SCHED1 – Water Bodies Where Esplanade Reserve Required; or¹³² b. PA-SCHED2 – Water Bodies Where Esplanade Strip Required; or c. PA-SCHED3 – Water Bodies Where Access Strip Esplanade Strip for Rūnanga Access Required¹³³ <p>...</p> <p>Matters for discretion:</p> <p>21. The exercise of discretion in relation to SUB-R24.20. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. Whether an esplanade reserve or esplanade strip to protect <u>conservation values natural character values or indigenous biodiversity values</u>¹³⁴ is appropriate. 	...

¹³¹ Consequential to DPR-0212 ESAI, DPR-0379 J Thomson and DPR-0422 FNCC

¹³² DPR-0212.067 ESAI, DPR-0379.044 J Thomson and DPR-0422.183 FFNC

¹³³ DPR-0212.067 ESAI, DPR-0379.044 J Thomson and DPR-0422.183 FFNC

¹³⁴ DPR-0427.058 DOC

	...	
SUB-R26	Subdivision and Noise	
Christchurch International¹³⁵ Airport 50 55¹³⁶ dB Ldn Noise Control Overlay Dairy Processing Zone Noise Control Overlay¹³⁷ Port Zone 45 dB LAeq Noise Control Overlay Rail Network Noise Sensitivity Overlay State Highway Noise Sensitivity Overlay West Melton 55 dB Ldn Noise	<p>1. Subdivision <u>where the building square for any site is¹³⁹ within the Christchurch International Airport 50 55 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R11.5,¹⁴⁰ SUB-R13 or SUB-R15.</u></p> <p>2. Subdivision within the Dairy Processing Zone Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.¹⁴¹</p> <p>3. Subdivision within the Port Zone 45 dB LAeq Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</p> <p>4. Subdivision within the Rail Network Noise Sensitivity Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</p> <p>5. Subdivision within the State Highway Noise Sensitivity Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.</p> <p>6. Subdivision within the West Melton 55 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15.¹⁴²</p>	...

¹³⁵ Amendment recommendation of Hearing 17 Noise

¹³⁶ Amendment recommendation of Hearing 17 Noise

¹³⁷ Amendment recommendation of Hearing 17 Noise

¹³⁹ Evidence of Matthew Bonis in support of DPR-0371 CIAL

¹⁴⁰ Response of Matthew Bonis on behalf of DPR-0371 CIAL and DPR-0453 Midland & Lyttelton Ports

¹⁴¹ Amendment recommendation of Hearing 17 Noise

¹⁴² DPR-0371.044 CIAL

Control Overlay ¹³⁸		
Dairy Processing Zone Noise Control Overlay ¹⁴³	Activity Status: DIS 2. Subdivision within the <u>General Rural Zone Dairy Processing Zone Noise Control Overlay</u> . This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. ...	
Port Zone 45 dB LAeq Noise Control Overlay ¹⁴⁴	Activity Status: DIS 3. Subdivision within the General Rural Zone ¹⁴⁵ where the building square for any site is ¹⁴⁶ within the Port Zone 45 dB LAeq Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R11.5, ¹⁴⁷ SUB-R13 or SUB-R15. ¹⁴⁸	Activity status when compliance not achieved: N/A ¹⁴⁹
Rail Network Noise Control Overlay ¹⁵⁰	Activity Status: DIS 4. Subdivision within the Rail Network Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. ¹⁵¹	Activity status when compliance not achieved: N/A ¹⁵²
State Highway Noise Control Overlay ¹⁵³	Activity Status: DIS 5. Subdivision within the State Highway Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. ¹⁵⁴	Activity status when compliance not achieved: N/A ¹⁵⁵

¹³⁸ DPR-0371.044 CIAL¹⁴³ Amendment recommendation of Hearing 17 Noise¹⁴⁴ DPR-0371.044 CIAL¹⁴⁵ Amendment recommendation of Hearing 17 Noise¹⁴⁶ Evidence of Matthew Bonis in support of DPR-0453 Midland & Lyttelton Ports¹⁴⁷ Response of Matthew Bonis on behalf of DPR-0371 CIAL and DPR-0453 Midland & Lyttelton Ports¹⁴⁸ DPR-0371.044 CIAL¹⁴⁹ DPR-0371.044 CIAL¹⁵⁰ DPR-0371.044 CIAL¹⁵¹ DPR-0371.044 CIAL¹⁵² DPR-0371.044 CIAL¹⁵³ DPR-0371.044 CIAL¹⁵⁴ DPR-0371.044 CIAL¹⁵⁵ DPR-0371.044 CIAL

West Melton Rifle Range¹⁵⁶ 55 dB Ldn Noise Control Overlay¹⁵⁷	Activity Status: DIS 6. Subdivision within the West Melton Rifle Range ¹⁵⁸ 55 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. ¹⁵⁹	Activity status when compliance not achieved: N/A ¹⁶⁰
Airport 55 dB Ldn Noise Control Overlay¹⁶¹	Activity Status: NC 6A. Subdivision where the building square for any site ¹⁶² is within the Airport 55 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R11.5, ¹⁶³ SUB-R13 or SUB-R15. ¹⁶⁴	Activity status when compliance not achieved: N/A ¹⁶⁵
Port Zone 55 dB LAeq Noise Control Overlay¹⁶⁶ West Melton 65 dB Ldn Noise Control Overlay¹⁶⁶	Activity Status: NC 7. Subdivision within the General Rural Zone Port Zone 55 dB LAeq Noise Control Overlay ¹⁶⁷ where the building square for any site is within the Port Zone 55 dB LAeq Noise Control Overlay. ¹⁶⁸ This rule does not apply to any subdivision under any of SUB-R11.5, ¹⁶⁹ SUB-R13 or SUB-R15. 8. Subdivision within the West Melton 65 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. ¹⁷⁰	...
West Melton Rifle Range 65	Activity status: NC	Activity status when compliance not achieved: N/A

¹⁵⁶ Amendment recommendation of Hearing 17: Noise¹⁵⁷ DPR-0371.044 CIAL¹⁵⁸ Amendment for consistency with Hearing 17: Noise¹⁵⁹ DPR-0371.044 CIAL¹⁶⁰ DPR-0371.044 CIAL¹⁶¹ DPR-0371.044 CIAL¹⁶² Evidence of Matthew Bonis in support of DPR-0371 CIAL¹⁶³ Response of Matthew Bonis on behalf of DPR-0371 CIAL and DPR-0453 Midland & Lyttelton Ports¹⁶⁴ DPR-0371.044 CIAL¹⁶⁵ DPR-0371.044 CIAL¹⁶⁶ Amendment recommendation of Hearing 17: Noise¹⁶⁷ Amendment recommendation of Hearing 17: Noise¹⁶⁸ Evidence of Matthew Bonis in support of DPR-0453 Midland & Lyttelton Ports¹⁶⁹ Response of Matthew Bonis on behalf of DPR-0371 CIAL and DPR-0453 Midland & Lyttelton Ports¹⁷⁰ Amendment recommendation of Hearing 17: Noise

dB Ldn Noise Control Overlay	8. Subdivision within the West Melton Rifle Range ¹⁷¹ 65 dB Ldn Noise Control Overlay. This rule does not apply to any subdivision under any of SUB-R13 or SUB-R15. ¹⁷²	
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SUB-Rule Requirements

SUB-REQ8	Corner Splays	
GRUZ DPZ GRAZ MPZ SKIZ PRZ ¹⁷³ TEZ Notification: 8. Any application arising from SUB-REQ8.6. shall not be subject to public or limited notification and shall be processed on a non-notified basis. <u>notification. If the intersection is with a State Highway, absent their written approval, the application shall be limited notified only to the road controlling authority. In all other cases, notice shall not be served on any person and the application shall be processed on a non-notified basis.</u> ¹⁷⁴
SUB-REQ11	Point Strips ¹⁷⁵	
All Zones	1. No point strip shall be created.	Activity status where compliance not achieved: 2. When compliance with any of SUB-REQ11.1. is not achieved: RDIS Where: a. The purpose of the point strip is limited to managing access from a site to a road; and b. The point strip(s) will transfer to Council on the deposit of the plan for each stage of the subdivision. 3. When compliance with any of SUB-REQ11.2. is not achieved: DIS Matters for discretion: 4. The exercise of discretion in relation to SUB-REQ11.2. is restricted to consideration of: a. The purpose of the point strip. b. Whether a point strip is the most effective method to achieve the purpose. c. The width of the point strip required to achieve the purpose.

¹⁷¹ Amendment for consistency with Hearing 17: Noise¹⁷² Amendment recommendation of Hearing 17: Noise¹⁷³ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone¹⁷⁴ DPR-0375.111 WKNZTA¹⁷⁵ DPR-0207.037 The Council

SUB-REQ12	Land Disturbance and Earthworks for Subdivision ¹⁷⁶	
All Zones	<p>1. Land disturbance or earthworks directly associated with the development of land for subdivision has a maximum area of 1,000m².</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of SUB-REQ12.1 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to SUB-REQ12.2 is restricted to consideration of:</p> <p>a. The extent of amenity effects on neighbouring properties, and on the road network, of heavy vehicle and other vehicular traffic generated as a result of the activity.</p> <p>b. The extent of any potential dust nuisance, and water or wind erosion effects associated with the activity.</p> <p>c. The extent of any adverse effects from vibration associated with the activity.</p> <p>d. Whether the activity will affect the future development potential of land for permitted activities, taking account of the proposed nature of filling material and the degree of compaction.</p>

SUB-Matters for Control or Discretion

SUB-MAT1	Size and Shape
RESZ	<p>...</p> <p>4. The extent to which the proposal provides a variety of site sizes that are in keeping with the recognised or anticipated character <u>planned urban form</u>¹⁷⁷ of the area.</p> <p>...</p>
SUB-MAT2	Context
RESZ	<p>4. The extent to which the subdivision integrates with its surroundings, and natural cultural features, such as the retention of trees and water features, view shafts to mountains, or good use of the rural interface to enhance the urban area, <u>and</u>¹⁷⁸ <u>maintains amenity values, and manages the potential for reverse sensitivity effects on rural production activities across the rural-urban interface.</u>¹⁷⁹</p> <p>....</p>
GRUZ	<p>A. <u>The potential for reverse sensitivity effects with activities on surrounding sites, and the management of these effects.</u>¹⁸⁰</p>
SUB-MAT4	Telecommunications and Electricity
RESZ	<p>A. <u>The design and construction of the telecommunication and electricity connections to service each site.</u>¹⁸²</p>

¹⁷⁶ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

¹⁷⁷ DPR-0414.134 Kāinga Ora

¹⁷⁸ Consequential amendment to DPR-0142.030 NZ Pork and DPR-0353.186 HortNZ

¹⁷⁹ DPR-0142.030 NZ Pork and DPR-0353.186 HortNZ

¹⁸⁰ DPR-0142.027 and 030 NZ Pork, DPR-0353.185 and 186 HortNZ, moved from SUB-R2.2.c.

¹⁸² DPR-0101.029 and 030 Chorus, Spark & Vodafone

CMUZ GIZ KNOZ PORTZ TEZ ¹⁸¹	
All Zones GRUZ DPZ GRAZ MPZ SKIZ PRZ ^{183 184}	<p>1. Whether telecommunication and electricity connections shall be made available to any site and, <u>are provided to each site, and</u>;</p> <p>a. <u>if so, the design and construction of the connections to service each site; or</u></p> <p>b. ¹⁸⁵ if not,</p> <p>i. <u>whether connections are available within the existing networks to service each site; and</u></p> <p>ii. ¹⁸⁶ the method(s) by which prospective purchasers of a <u>each</u>¹⁸⁷ site are to be informed that these connections are not <u>available or have not been</u>¹⁸⁸ installed.</p> <p>2. Whether any infrastructure cables are to be laid underground.¹⁸⁹</p>
SUB-MATA ¹⁹⁰ GRUZ ¹⁹²	<p>Highly Productive Land¹⁹¹</p> <p>1. <u>Where any site contains highly productive land and is not for the provision of important infrastructure or natural hazard mitigation works, how any potential cumulative loss within the District of the:</u></p> <p>a. <u>availability of highly productive land for rural production activities will be avoided if possible, or otherwise mitigated; and</u></p> <p>b. <u>productive capacity of highly productive land will be avoided if possible, or otherwise mitigated.</u>¹⁹³</p> <p>2. <u>Where any site contains highly productive land and is for the provision of important infrastructure or natural hazard mitigation works, the functional need or operational need for that site.</u>¹⁹⁴</p>

¹⁸¹ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁸³ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

¹⁸⁴ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁸⁵ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁸⁶ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁸⁷ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁸⁸ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁸⁹ DPR-0101.029 and 030 Chorus, Spark & Vodafone

¹⁹⁰ DPR-0353.185 HortNZ and DPR-0422.216 FFNC

¹⁹¹ DPR-0353.185 HortNZ and DPR-0422.216 FFNC

¹⁹² DPR-0353.185 HortNZ and DPR-0422.216 FFNC

¹⁹³ DPR-0353.185 HortNZ and DPR-0422.216 FFNC

¹⁹⁴ DPR-0353.185 HortNZ and DPR-0422.216 FFNC

General District Wide Matters

EW – Earthworks

EW-Objectives and Policies

EW-Policies	
SUB-P10 EW-PA	Manage the temporary adverse visual amenity and nuisance effects associated with preparing land for subdivision. ¹⁹⁵

EW-Rules

EW-Rule List		
EW-R5A	<u>Earthworks for Subdivision</u> ¹⁹⁶	
EW-R2	Earthworks	
All Zones, except GRAZ and DPZ.	Activity status: PER 1. All other Earthworks not covered by EW-R1 <u>or EW-R5A</u> . ¹⁹⁷ ...	Activity status when compliance not achieved: 2. When compliance with any EW-Rule Requirement <u>rule requirement</u> listed in this rule is not achieved: Refer to EW-Rule Requirements <u>relevant rule requirement</u> . ¹⁹⁸
EW-R3	Earthworks in the Grasmere Zone	
GRAZ	Activity status: PER 1. All other Earthworks not covered by EW-R1 <u>or EW-R5A</u> . ¹⁹⁹
EW-R4	Earthworks in the Dairy Processing Zone	
DPZ	Activity status: PER 1. All other Earthworks not covered by EW-R1 <u>or EW-R5A</u> . Where this activity complies with the following rule requirements: <u>NH-REQ4 Natural Hazards and Earthworks</u> ...	Activity status when compliance not achieved: 2. When compliance with any EW-Rule Requirement <u>rule requirement</u> listed in the rule is not achieved: Refer to EW-Rule Requirements <u>relevant rule requirement</u> . ²⁰⁰

¹⁹⁵ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

¹⁹⁶ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

¹⁹⁷ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

¹⁹⁸ Recommendation of Hearing 15: Earthworks

¹⁹⁹ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

²⁰⁰ Recommendation of Hearing 15: Earthworks

EW-R5A	Earthworks for Subdivision
<p>All Zones²⁰¹</p>	<p>Activity status: PER</p> <p>1. <u>Earthworks directly associated with the development of land for subdivision</u></p> <p>Where:</p> <p>a. <u>The maximum area of land subject to the works is 1,000m².</u></p> <p>And where this activity complies with the following rule requirements</p> <p><u>EW-REQ2 Maximum Slope Gradient</u></p> <p><u>EW-REQ3.2 Excavation and Filling</u></p> <p><u>EW-REQ3.6 Excavation and Filling</u></p> <p><u>EW-REQ5 Bunding</u></p> <p><u>NH-REQ4 Natural Hazards and Earthworks</u></p> <p>Activity status when compliance not achieved:</p> <p>2. <u>When compliance with any of EW-R5A.1 is not achieved: RDIS</u></p> <p>3. <u>When compliance with any EW Rule Requirement or NH Rule Requirement listing rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirements rule requirement.</u></p> <p>Matters for discretion:</p> <p>5. <u>The exercise of discretion in relation to EW-R6.2 is restricted to consideration of:</u></p> <p>a. <u>any adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy from raising ground levels;</u></p> <p>b. <u>any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated;</u></p> <p>c. <u>the amenity effects on neighbouring properties, and on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks can be avoided or mitigated;</u></p> <p>d. <u>any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table;</u></p> <p>e. <u>any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site;</u></p> <p>f. <u>the degree to which the resultant levels are consistent with the surrounding environment;</u></p> <p>g. <u>the need for a Construction Management Plan (including a Dust Management Plan), containing procedures, which shall be implemented, that establish management and mitigation measures for the activity that ensure that any potential adverse effects beyond the property boundary are avoided, remedied, or mitigated.</u>²⁰²</p>

²⁰¹ DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

²⁰² DPR-0207.038 The Council and DPR-0414.133 Kāinga Ora, also recommendation of Hearing 15: Earthworks

Part 3 – Area Specific Matters

Zones

Residential Zones

RESZ – Residential Zones

RESZ-Matters for Control or Discretion

RESZ-MAT7	Fences
All Zones	... 2. The extent to which the visual appearance of the site from the street, or private right of way, or shared access over which the lot <u>site</u> ²⁰³ has legal use of any part, is dominated by garden planting and the residential unit, rather than front fencing. ...

Rural Zones

GRUZ – General Rural Zone

GRUZ-Objectives and Policies

GRUZ-Policies	
GRUZ-P2	Avoid the development of residential units on sites that are smaller than the required minimum site size, except where: ... 2. the minimum residential density requirement is achieved through balance land that adjoins the proposed undersized allotment <u>site</u> ²⁰⁴ in a coherent form to maintain a predominance of open space immediately surrounding the undersized allotment <u>site</u> ²⁰⁵ ; or ...

²⁰³ DPR-0379.021 J Thomson

²⁰⁴ DPR-0379.021 J Thomson

²⁰⁵ DPR-0379.021 J Thomson

GRUZ-Rules

GRUZ-R5	Residential Unit (Including Relocated Residential Units) ²⁰⁶ on an Undersized Site	
	<p>...</p> <p>Matters for discretion:</p> <p>2. The exercise of discretion in relation to GRUZ-R5.1 is restricted to the following matters:</p> <p>...</p> <p>e. Any effects of access from the residential unit on the undersized site on the safety and efficiency of the road network, including cumulative effects from other residential units on undersized allotments <u>sites</u>²⁰⁷, and whether a shared vehicular accessway is appropriate for more than one residential unit;</p> <p>...</p>	...

GRUZ-Schedules

GRUZ-SCHED1 - Mineral Extraction Sites <u>where a setback for sensitive activities applies</u> Subject to a Reverse Sensitivity Buffer ²⁰⁸
Note: A quarry or mine may be located within part of an allotment <u>a site</u> ²⁰⁹ rather than the entire extent.

Commercial and Mixed Use Zones

NCZ – Neighbourhood Centre Zone

NCZ-Rule Requirements

NCZ-REQ4	Fencing and Outdoor Storage	
	1. No new fences over 1m in height shall be located between any building façade and the street or a private right of way or shared access over which the allotment <u>site</u> ²¹⁰ has legal access.	

²⁰⁶ Recommendation of Hearing 24: General Rural Zone

²⁰⁷ DPR-0379.021 J Thomson

²⁰⁸ Recommendation of Hearing 24: General Rural Zone

²⁰⁹ DPR-0379.021 J Thomson

²¹⁰ DPR-0379.021 J Thomson

LCZ – Local Centre Zone

LCZ-Rule Requirements

LCZ-REQ5	Fencing and Outdoor Storage	
	1. No new fences over 1m in height shall be located between any building façade and the street or a private right of way or shared access over which the allotment site ²¹¹ has legal access.	

Industrial Zones

GIZ – General Industrial Zone

GIZ-Rule Requirements

GIZ-REQ5	Landscaping – Road Boundaries	
	5. The landscaping required in GIZ-REQ5.3 above shall consist only of those species listed in APP4 - Landscape Planting, and for each allotment site ²¹² shall include:	
	...	

Special Purpose Zones

PORTZ – Port Zone

PORTZ-Rule Requirements

PORTZ-REQ5	Landscaping – Road Boundaries	
	5. The landscaping required in PORTZ-REQ5.1 above shall consist only of those species listed in APP4 - Landscape Planting, and for each allotment site ²¹³ shall include:	
	...	

²¹¹ DPR-0379.021 J Thomson

²¹² DPR-0379.021 J Thomson

²¹³ DPR-0379.021 J Thomson

~~SKIZ~~PRZ – Porters Ski Recreation²¹⁴ Zone

~~SKIZ~~PRZ-Rules

SKIZ PRZ ²¹⁵ -R2	Residential Unit
	<p>...</p> <p>Where:</p> <p>...</p> <p>c. there is no more than one residential unit per allotment <u>site</u>.²¹⁶</p> <p>...</p>

Development Areas

DA-Darfield

DEV-DA6 – Darfield 6 Development Area

Land Use
Any noise sensitive activities shall be setback 60m from the General Industrial Zone and are also subject to any setback requirements in relation to noise from the State Highway. Larger lots <u>sites</u> ²¹⁷ up to 2 ha shall be provided along the State Highway 73 frontage.
...

DEV-DA7 – Darfield 7 Development Area

Land Use
...
Larger lots <u>sites</u> ²¹⁸ shall be provided along the northern boundary, adjacent the General Rural zone.

²¹⁴ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

²¹⁵ Recommendation of Hearing 27: Special Purpose - Terrace Downs Zone, Grasmere Zone & Porters Ski Zone

²¹⁶ DPR-0379.021 J Thomson

²¹⁷ DPR-0379.021 J Thomson

²¹⁸ DPR-0379.021 J Thomson

LI-Lincoln

DEV-LI3 – Lincoln 3 Development Area

Land Use

... Lower intensity with larger ~~lots~~ sites²¹⁹ on the periphery will allow for greater setbacks and landscaping along the northern boundary and the Ellesmere Road and Edward Street boundaries.

DEV-LI4 – Lincoln 4 Development Area



Remove 20m setback from Tancred's and Birchs Roads²²⁰

²¹⁹ DPR-0379.021 J Thomson

²²⁰ DPR-0398.001 Fletcher Residential

Land use

The area will be comprised entirely of conventional residential development in accordance with the Lincoln Structure Plan. The area shall achieve a minimum net density of 10 households per hectare. ~~Across the extent of the Tancreds Road frontage, there will be a 20m building setback requirement, to provide a buffer between residential development and the adjoining rural area. This setback will be extended onto Birchs Road as far as the first entrance into the area.~~

DEV-LI7 – Lincoln 7 Development Area

Land Use

...

The Large Lot Residential Zone shall incorporate a variety of site sizes in a 'random' pattern but with a general approach of locating smaller sites (minimum 3000m²) around the outside of the zone, with larger ~~lots~~ sites²²¹ towards the centre. ...

PR-Prebbleton

DEV-PR2 – Prebbleton 2 Development Area

Land Use

The development area shall achieve a minimum net density of 10 households per hectare. Lower density ~~allotments~~ sites²²² are necessary on the north-eastern boundary of the area, to integrate the area with the adjoining General Rural Zone, preserve views towards the Port Hills and to increase the separation between future housing and Transpower's 220kV electricity pylons and lines located further to the north-east. ...

RO-Rolleston

DEV-RO1 – Rolleston 1 Development Area

Land Use

...

Lower density ~~allotments~~ sites²²³ with a minimum ~~lot~~ site²²⁴ size of 1,000m² are necessary on the eastern boundary to integrate the site with the adjoining General Rural Zone and to achieve a progressive transition between residential and rural densities. ...

²²¹ DPR-0379.021 J Thomson

²²² DPR-0379.021 J Thomson

²²³ DPR-0379.021 J Thomson

²²⁴ DPR-0379.021 J Thomson

DEV-RO7 – Rolleston 7 Development Area

Open Space, Recreation and Community Facilities

...

A management plan shall be provided which addresses:

...

5. measures to maintain and manage open space and/or rural character, to manage plant pests and risk of fire hazard and to internalise adverse effects including measures to avoid nuisance effects on occupiers of adjacent rural residential ~~allotments~~ sites²²⁵;

...

DEV-RO8 – Rolleston 8 Development Area

Open Space, Recreation and Community Facilities

...

A management plan shall be provided which addresses:

...

5. measures to maintain and manage open space and/or rural character, to manage plant pests and risk of fire hazard and to internalise adverse effects including measures to avoid nuisance effects on occupiers of adjacent rural residential ~~allotments~~ sites²²⁶;

...

Part 4 - Appendices

APP1 – How to apply for a Private Plan Change

Information to be submitted with a Plan Change Request**The proposed activity:**

Residential density:	<ul style="list-style-type: none"> For any new Residential Zone, the proposed allotment <u>site</u>²²⁷ sizes, number of houses per allotment <u>site</u>²²⁸.
Water and waste:	<ul style="list-style-type: none"> ... If on-site effluent treatment and disposal is being used, whether a specialist designed system is likely to be required to comply with the Canterbury Land and Water Regional Plan and New Zealand Building Code, and if so whether the proposed allotments <u>sites</u>²²⁹ are large enough to accommodate these systems. ...

²²⁵ DPR-0379.021 J Thomson²²⁶ DPR-0379.021 J Thomson²²⁷ DPR-0379.021 J Thomson²²⁸ DPR-0379.021 J Thomson²²⁹ DPR-0379.021 J Thomson

Roads	<ul style="list-style-type: none">• The roads from which allotments <u>sites</u>²³⁰ will obtain access. ...
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²³⁰ DPR-0379.021 J Thomson

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Graeme McCarrison	Representative
DPR-0128	Joyce Family Trust	Alastair Joyce	Self
DPR-0136	Stewart, Townsend & Fraser	Fiona Aston	Planning
DPR-0209	Manmeet Singh	Sarah Everleigh Fiona Aston	Counsel Planning
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	Carey Barnett	Representative
DPR-0371	Christchurch International Airport Limited	Annabelle Lee Matthew Bonis	Counsel Planning
DPR-0409 DPR-0411	Hughes Developments Limited	Alice Burnet	Planning
DPR-0414	Kāinga Ora - Homes & Communities	Joe Jeffries	Planning
DPR-0448	Dally Family Trust & J McIlraith	Fiona Aston	Planning
DPR-0453	Midland Port, Lyttelton Port Company Limited	Annabelle Lee Matthew Bonis	Counsel Planning
DPR-0481	Graeme and Virginia Adams	Graeme and Virginia Adams	Self

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0353	Horticulture NZ	Lynette Wharfe	Planning
DPR-0359	Fire and Emergency NZ	Jessica Mangos	Planning
DPR-0367	Orion	Melanie Foote	Planning
DPR-0374	Waka Kotahi NZTA	Richard Shaw	Representative
DPR-0398	Fletcher Residential Limited	Julie Comfort	Planning
DPR-0446	Transpower NZ Ltd	Trudi Burney	Representative
DPR-0449	Bealey Developments Ltd	Julie Comfort	Planning