

# Proposed Selwyn District Plan



## Section 42A Report

Report on submissions and further submissions

Public Access, Subdivision, and Development Areas

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19 October 2022

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## List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0026	Keith & Angela Braithwaite	K & A Braithwaite
DPR-0032	Christchurch City Council	CCC
DPR-0055	Kathryn Taylor	K Taylor
DPR-0069	Paul McStay Ltd	Paul McStay
DPR-0071	Michael David & Susan Marie Finnie	MD & SM Finnie
DPR-0094	John James	J James
DPR-0095	John Jones	J Jones
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Chorus, Spark & Vodafone
DPR-0104	Lukas Travnicek	L Travnicek
DPR-0117	Gurinder Singh	G Singh
DPR-0125	BE Faulkner	BE Faulkner
DPR-0128	Joyce Family Trust	Joyce Trust
DPR-0130	Sharon Farrant	S Farrant
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	L & M Stewart, L & C Townsend & R Fraser
DPR-0142	New Zealand Pork Industry Board	NZ Pork
DPR-0156	Peter Stafford	P Stafford
DPR-0157	Kevin & Bonnie Williams	K & B Williams
DPR-0170	Allison & Paul Rosanowski	A & P Rosanowski
DPR-0172	Stephen Bensberg, Sharon Bensberg & Ryan Bensberg	S, S & R Bensberg
DPR-0179	Philip Baldwin	P Baldwin
DPR-0187	Graeme Stott	G Stott
DPR-0189	Holly Johnstone & Luke Feast	H Johnstone & L Feast
DPR-0204	JP Singh	JP Singh
DPR-0205	Lincoln University	Lincoln University
DPR-0207	Selwyn District Council	The Council
DPR-0209	Manmeet Singh	M Singh
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0213	New Zealand Institute for Plant and Food Research Limited & Landcare Research	Plant and Food & Landcare
DPR-0216	Melanie England	M England
DPR-0223	Kevin James Smith	KJ Smith
DPR-0260	Canterbury Regional Council (Environment Canterbury)	CRC
DPR-0266	Richard Graham	R Graham
DPR-0279	Rex Verity	R Verity
DPR-0287	Maria Carter	M Carter
DPR-0298	Trices Road Re-zoning Group	Trices Road
DPR-0301	Upper Waimakariri/Rakaia Group	UWRG
DPR-0316	David Tocker	D Tocker
DPR-0342	AgResearch Limited	AgResearch
DPR-0345	Porters Alpine Resort	Porters
DPR-0347	Richard Erskine & Trish Standfield	R Erskine & T Standfield
DPR-0353	Horticulture New Zealand	HortNZ

Submitter ID	Submitter Name	Abbreviation
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0359	Fire and Emergency New Zealand	FENZ
DPR-0362	John Ferguson	J Ferguson
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0364	B.A. Freeman Family Trust	BA Freeman Trust
DPR-0367	Orion New Zealand Limited	Orion
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	WKNZTA
DPR-0378	The Ministry of Education	MoE
DPR-0379	Jill Thomson	J Thomson
DPR-0381	Coleridge Downs Limited	Coleridge Downs
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0398	Fletcher Residential Limited	Fletcher Residential
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc.	Forest & Bird
DPR-0409	Hughes Developments Limited	Hughes
DPR-0410	Urban Estates Limited	Urban Estates
DPR-0411	Hughes Developments Limited	Hughes
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0415	Fulton Hogan Limited	Fulton Hogan
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FFNC
DPR-0424	Retirement Villages Association of New Zealand Incorporated	RVA
DPR-0425	Ryman Healthcare Limited	Ryman Healthcare
DPR-0427	Lou Sanson, Director-General of Conservation	DOC
DPR-0428	Ascot Park Limited (APL)	APL
DPR-0429	Cressy Properties Limited	CPL
DPR-0441	Trustpower Limited	Trustpower
DPR-0442	Castle Hill Community Association Inc.	Castle Hill CAI
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0448	New Zealand Defence Force	NZDF
DPR-0449	Bealey Developments Ltd	Bealey
DPR-0451	Kirwee Central Limited	Kirwee Central
DPR-0453	Midland Port, Lyttelton Port Company Limited	Midland & Lyttelton Ports
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars & Gould
DPR-0458	KiwiRail Holdings Limited	KiwiRail
DPR-0460	Marama Te Wai Ltd	Marama Te Wai
DPR-0461	Dunweavin 2020 Ltd	Dunweavin
DPR-0468	North Canterbury Fish and Game	Fish & Game
DPR-0481	Graeme and Viginia Adams	G & V Adams
DPR-0485	Rod Stuart	R Stuart
DPR-0486	Coleridge Downs Limited	Coleridge Downs
DPR-0488	Dally Family Trust and Julia McIlraith	Dally Trust & J McIlraith
DPR-0491	Paul & Sue Robinson	P & S Robinson
DPR-0492	Kevler Development Ltd	Kevler

Submitter ID	Submitter Name	Abbreviation
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	Gallina Nominees & Heinz-Wattie
DPR-0537	Stephen Lycett	S Lycett
DPR-0561	The Small Billing Home Trust	Small Billing Home Trust
DPR-0565	Shelley Street Holdings Ltd	Shelley Street Holdings
DPR-0568	Neil Milmine	N Milmine
DPR-0578	Elene (Helen) Anderson	E Anderson
DPR-0594	Andrew and Amanda Diehl	A & A Diehl

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

## Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CON	Controlled
CRPS	Canterbury Regional Policy Statement 2013
DIS	Discretionary
ECOP	Engineering Code of Practice
GIZ	General Industrial Zone
GRZ	General Residential Zone
GRUZ	General Rural Zone
hh/ha	Households per hectare
IMP	Mahaanui Iwi Management Plan 2013
KNOZ	Knowledge Zone
LLRZ	Large Lot Residential Zone
NC	Non complying
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
NZCPS	New Zealand Coastal Policy Statement 2010
PA	Public Access
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
PORTZ	Port Zone
RDIS	Restricted discretionary
RMA or Act	Resource Management Act 1991
SASM	Sites and Areas of Significance to Māori
SDP	Operative Selwyn District Plan
SETZ	Settlement Zone
SUB	Subdivision Chapter of the PDP



## 1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the Public Access, Subdivision and Development Area Chapters in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on these topics and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:
  - [Overview](#) s42A report that addresses the higher order statutory planning and legal context, prepared by Mr Robert Love;
  - [Strategic Directions](#) s42A report prepared by Mr Robert Love;
  - [Part 1](#) s42A report prepared by Ms Jessica Tuilaepa; and
  - [Transport s42A Report](#) prepared by Mr Jon Trewin.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2. Qualifications and experience

- 2.1 My full name is Rachael Margaret Carruthers. I am employed by the Council as a Strategy and Policy Planner. My qualifications include Master of Social Science (Hons) and Post Graduate Diploma in Resource and Environmental Planning, both from the University of Waikato. I am an Intermediate member of the New Zealand Planning Institute.
- 2.2 I have 19 years of experience as a planner with Selwyn District Council, with my experience including monitoring and compliance of consent conditions, processing and reporting on resource consent applications and private plan change requests, district plan formulation and policy advice for the Council. My role as part of the District Plan Review Team includes consultation, research and reporting. I am Topic Lead for the natural hazards, ecosystems and indigenous biodiversity, subdivision, public access and designations chapters of the PDP.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearing Panel.

## 3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to:
  - The whole of the *Public Access* Chapter
  - Development Areas included in the PDP

- All objectives, policies and rule requirements of the *Subdivision* Chapter, and the following rules:

Provision	Topic
SUB-R1	Subdivision in the Residential Zones
SUB-R2	Subdivision in the General Rural Zone
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-R9	Subdivision in Residential Zones to Facilitate Small Site Development
SUB-R10	Subdivision in Residential Zones of Comprehensive Development
SUB-R11	Open Space Subdivision
SUB-R12	Boundary Adjustment in All Zones
SUB-R13	Subdivision to Create Access, Reserve, or Infrastructure Sites in All Zones
SUB-R14	Subdivision to Create Emergency Services Facility Sites in All Zones
SUB-R15	Subdivision to Update Cross Leases, Company Leases, and Unit Titles in All Zones
SUB-R24	Subdivision and Public Access

3.2 Provisions of the *Subdivision* Chapter associated with other district-wide Chapters are not addressed in this report. The provisions that are not addressed in this report, and the s42A report where they are addressed are:

Provision	Topic	s42A report
SUB-R16	Subdivision and Electricity Transmission and Distribution Lines	<a href="#">Energy and Infrastructure</a>
SUB-R17	Subdivision and Natural Hazards	<a href="#">Natural Hazards</a>
SUB-R18	Subdivision and Historic Heritage	<a href="#">Historic Heritage and Notable Trees</a>
SUB-R19	Subdivision and Notable Trees	<a href="#">Historic Heritage and Notable Trees</a>
SUB-R20	Subdivision and Sites and Areas of Significance to Māori	<a href="#">Sites and Areas of Significance to Māori</a>
SUB-R21	Subdivision and Ecosystems and Indigenous Biodiversity	<a href="#">Ecosystems and Indigenous Biodiversity</a>
SUB-R22	Subdivision and Natural Character	<a href="#">Natural Character</a>
SUB-R23	Subdivision and Natural Features and Landscapes	<a href="#">Natural Features and Landscapes</a>
SUB-R25	Subdivision and the Coastal Environment	<a href="#">Coastal Environment</a>
SUB-R26	Subdivision and Noise	<a href="#">Noise</a>
SUB-R27	Subdivision and Urban Growth	<a href="#">Urban Growth</a>

3.3 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted.

3.4 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented

in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

## 4. Statutory requirements and planning framework

### ***Resource Management Act 1991***

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations<sup>1</sup>. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to these topics, being:
- [Strategic Directions](#)
  - [Transport](#)
  - [Public Access](#)
  - [Subdivision](#)
  - [Residential Zones](#)
  - [Residential Areas with Deferred Zoning](#)
  - [Rural Chapter](#)
  - [Commercial and Mixed Use Zones](#)
  - [General Industrial Zone & Port Zone](#)
  - [Special Purpose Dairy Processing Zone](#)
  - [Special Purpose Grasmere](#)
  - [Special Purpose Knowledge Zone](#)
  - [Kāinga Nohoanga](#)
  - [Porters Ski and Recreation Area](#)
  - [Special Purpose Terrace Downs](#)
  - [Rural Existing Development Areas](#)
  - [Emergency Services](#)

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<sup>1</sup> Section 74 RMA

4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report, where required.

4.5 'Subdivision' and 'allotment' are defined in s218 of the RMA as being:

(1) *In this Act, the term **subdivision of land** means—*

(a) *the division of an allotment—*

- (i) *by an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment; or*
- (ii) *by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or*
- (iii) *by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or*
- (iv) *by the grant of a company lease or cross lease in respect of any part of the allotment; or*
- (v) *by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate record of title for any part of a unit on a unit plan; or*

(b) *an application to the Registrar-General of Land for the issue of a separate record of title in circumstances where the issue of that record of title is prohibited by section 226,—*

*and the term **subdivide land** has a corresponding meaning.*

(2) *In this Act, the term **allotment** means—*

(a) *any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—*

- (i) *the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or*
- (ii) *a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or*

(b) *any parcel of land or building or part of a building that is shown or identified separately—*

- (i) *on a survey plan; or*
- (ii) *on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or*

(c) *any unit on a unit plan; or*

(d) *any parcel of land not subject to the Land Transfer Act 2017.*

(3) *For the purposes of subsection (2), an allotment that is—*

(a) *subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or*

(b) *not subject to that Act and was acquired by its owner under 1 instrument of conveyance— shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.*

(4) *For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.*

***New Zealand Coastal Policy Statement 2010 (NZCPS)***

- 4.6 The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The public access provisions of the PDP need to give effect to the NZCPS. Policies 18, 19 and 20 of the NZCPS provide clear direction on open space, walking access and vehicle access in relation to the coastal environment.

***National Policy Statement for Freshwater Management 2020 (NPS-FM)***

- 4.7 While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to the Council. Provisions relating to the management of the use and development of land to safeguard water will also be relevant to the PDP.

***National Policy Statement for Highly Productive Land 2022 (NPS-HPL)***

- 4.8 The National Policy Statement for Highly Productive Land came into force on 17 October 2022. As such, the provisions of the PDP as notified do not reflect the requirements of the NPS-HPL. The objective of the NPS-HPL is to protect highly productive land for use in land-based primary production, both now and for future generations. As a Schedule 1 process will be required to give effect to the NPS-HPL once regional mapping of highly productive land has been completed, transitional provisions for rural subdivision are included in the NPS-HPL to achieve the objective in advance of this process being completed. This includes an interim definition of highly productive land as being land that is both zoned General rural and that is Land Use Capability Class 1, 2, or 3.
- 4.9 Policy 7 requires that *The subdivision of highly productive land is avoided, except as provided in this National Policy Statement*, while Policy 8 requires that *Highly productive land is protected from inappropriate use and development*. Of relevance to the *Subdivision* chapter, within Part 3: Implementation, 3.8 Avoiding subdivision of highly productive land, the NPS-HPL requires:
- (1) *Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:*
    - (a) *the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term;*
    - (b) *the subdivision is on specified Māori land;*
    - (c) *the 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.*
  - (2) *Territorial authorities must take measures to ensure that any subdivision of highly productive land:*
    - (a) *avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
    - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*
  - (3) *In subclause (1), subdivision includes partitioning orders made under Te Ture Whenua Māori Act 1993.*
  - (4) *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

- 4.10 Recommendations are included in this report that give partial effect to the NPS-HPL, limited to matters within the scope of submissions. The Schedule 1 process mentioned above will be required in order to give full effect to the NPS.

### ***National Planning Standards***

- 4.11 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance to the Planning Standards.
- 4.12 The National Planning Standards require:
- that if provisions to maintain and enhance public access to and along the coastal marine area, lakes, and rivers are addressed, they must be located in the *Public Access* Chapter.
  - one or more chapters for subdivision. The provisions may include any technical subdivision requirements from Part 10 of the RMA and material incorporated by reference. Chapters under the *Subdivision* heading must include cross-references to any relevant provisions under the *Energy, Infrastructure and Transport* heading.
- 4.13 The National Planning Standard definition of ‘subdivision’ adopts the s218 RMA definition of ‘subdivision of land’ described above, while the National Planning Standard definition of ‘allotment’ adopts the s218 RMA definition of ‘allotment’.
- 4.14 The National Planning Standard definition of ‘site’ is:
- a. *an area of land comprised in a single record of title as per Land Transfer Act 2017; or*
  - b. *an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the council; or*
  - c. *the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per Land Transfer Act 2017 could be issued without further consent of the Council; or*
  - d. *except that in relation to each of sub clauses (a) to (c), in the case of land subdivided under the Unit Title Act 1972 or 2010 or a cross lease system, a site is the whole of the land subject to the unit development or cross lease.*

- 4.15 The National Planning Standard definition of ‘boundary adjustment’ (‘subdivision’ is defined in s218 RMA) is:

*Means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.*

- 4.16 National guidance documents relevant to individual zones and district wide matters are discussed in the s42A reports for those topics. Some of these have implications for subdivision, as set out in those reports.

## **5. Procedural matters**

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

- 5.2 Submission point DPR-0409.030 from Hughes was made in relation to TRAN-REQ19 Land Transport Infrastructure Formation Standards. As part of the s42A report for the Transport Chapter, it was determined that this submission point would be better considered as part of the s42A report for the *Residential* Chapter, as it relates to the provision of footpaths in relation to small site development and comprehensive development. On further reflection, however, the provision of footpaths is more a matter for initial subdivision than later residential development, so it is considered as part of this report.
- 5.3 Submission point DPR-0125.002 from BE Faulkner was incorrectly identified as relating to SUB-R11, when in fact it relates to SUB-R27 Subdivision and Urban Growth. SUB-R27 was considered as part of the Urban Growth s42A report, but this submission point was not included in that report. It is therefore considered as part of this report.
- 5.4 The following submission points and associated further submissions affect urban form, and so will be considered as part of the s42A report for the *Residential Zones* Chapter with other provisions affecting urban form, rather than the *Subdivision* Chapter as originally intended:

Submitter ID	Submitter Name	Submission Point	Plan Reference
DPR-0409	Hughes	005	SUB-R9
DPR-0209	M Singh	FS060	SUB-R9
DPR-0298	Trices Road	FS865	SUB-R9
DPR-0358	RWRL	FS113	SUB-R9
DPR-0363	IRHL	FS113	SUB-R9
DPR-0374	RIHL	FS113	SUB-R9
DPR-0384	RIDL	FS113	SUB-R9
DPR-0461	Dunweavin	FS053	SUB-R9
DPR-0492	Kevler	FS004	SUB-R9
DPR-0493	Gallina Nominees & Heinz-Wattie	FS764	SUB-R9
DPR-0409	Hughes	007	SUB-R10
DPR-0209	M Singh	FS066	SUB-R10
DPR-0298	Trices Road	FS867	SUB-R10
DPR-0358	RWRL	FS116	SUB-R10
DPR-0363	IRHL	FS116	SUB-R10
DPR-0374	RIHL	FS116	SUB-R10
DPR-0384	RIDL	FS116	SUB-R10
DPR-0461	Dunweavin	FS063	SUB-R10
DPR-0492	Kevler	FS010	SUB-R10
DPR-0493	Gallina Nominees & Heinz-Wattie	FS766	SUB-R10
DPR-0094	J James	001	SUB-REQ1
DPR-0298	Trices Road	FS347	SUB-REQ1
DPR-0358	RWRL	FS119	SUB-REQ1
DPR-0363	IRHL	FS119	SUB-REQ1
DPR-0374	RIHL	FS119	SUB-REQ1
DPR-0384	RIDL	FS119	SUB-REQ1
DPR-0095	J Jones	001	SUB-REQ1
DPR-0170	A & P Rosanowski	001	SUB-REQ1
DPR-0172	S, S & R Bensberg	002	SUB-REQ1
DPR-0187	G Stott	001	SUB-REQ1
DPR-0136	L & M Stewart, L & C Townsend & R Fraser	FS003	SUB-REQ1
DPR-0358	RWRL	FS120	SUB-REQ1
DPR-0363	IRHL	FS120	SUB-REQ1
DPR-0374	RIHL	FS120	SUB-REQ1
DPR-0384	RIDL	FS120	SUB-REQ1
DPR-0453	Midland & Lyttelton Ports	FS008	SUB-REQ1

Submitter ID	Submitter Name	Submission Point	Plan Reference
DPR-0488	Dally Trust & J McIlraith	FS004	SUB-REQ1
DPR-0491	P & S Robinson	FS003	SUB-REQ1
DPR-0561	Small Billing Home Trust	FS001	SUB-REQ1
DPR-0568	N Milmine	FS002	SUB-REQ1
DPR-0189	H Johnstone & L Feast	001	SUB-REQ1
DPR-0136	L & M Stewart, L & C Townsend & R Fraser	FS001	SUB-REQ1
DPR-0298	Trices Road	FS348	SUB-REQ1
DPR-0358	RWRL	FS121	SUB-REQ1
DPR-0363	IRHL	FS121	SUB-REQ1
DPR-0374	RIHL	FS121	SUB-REQ1
DPR-0384	RIDL	FS121	SUB-REQ1
DPR-0453	Midland & Lyttelton Ports	FS009	SUB-REQ1
DPR-0488	Dally Trust & J McIlraith	FS001	SUB-REQ1
DPR-0491	P & S Robinson	FS002	SUB-REQ1
DPR-0266	R Graham	005	SUB-REQ1
DPR-0136	L & M Stewart, L & C Townsend & R Fraser	FS002	SUB-REQ1
DPR-0298	Trices Road	FS346	SUB-REQ1
DPR-0358	RWRL	FS122	SUB-REQ1
DPR-0363	IRHL	FS122	SUB-REQ1
DPR-0374	RIHL	FS122	SUB-REQ1
DPR-0384	RIDL	FS122	SUB-REQ1
DPR-0488	Dally Trust & J McIlraith	FS003	SUB-REQ1
DPR-0491	P & S Robinson	FS001	SUB-REQ1
DPR-0561	Small Billing Home Trust	FS002	SUB-REQ1
DPR-0362	J Ferguson	006	SUB-REQ1
DPR-0358	RWRL	FS124	SUB-REQ1
DPR-0363	IRHL	FS124	SUB-REQ1
DPR-0374	RIHL	FS124	SUB-REQ1
DPR-0384	RIDL	FS124	SUB-REQ1
DPR-0449	Bealey	003	SUB-REQ1
DPR-0449	Bealey	004	SUB-REQ1
DPR-0451	Kirwee Central	003	SUB-REQ1
DPR-0485	R Stuart	001	SUB-REQ1
DPR-0409	Hughes	010	SUB-REQ4
DPR-0209	M Singh	FS158	SUB-REQ4
DPR-0298	Trices Road	FS870	SUB-REQ4
DPR-0358	RWRL	FS131	SUB-REQ4
DPR-0363	IRHL	FS131	SUB-REQ4
DPR-0374	RIHL	FS131	SUB-REQ4
DPR-0384	RIDL	FS131	SUB-REQ4
DPR-0461	Dunweavin	FS062	SUB-REQ4
DPR-0492	Kevler	FS013	SUB-REQ4
DPR-0493	Gallina Nominees & Heinz-Wattie	FS769	SUB-REQ4
DPR-0069	Paul McStay	002	SUB-REQ4
DPR-0358	RWRL	FS129	SUB-REQ4
DPR-0363	IRHL	FS129	SUB-REQ4
DPR-0374	RIHL	FS129	SUB-REQ4
DPR-0384	RIDL	FS129	SUB-REQ4
DPR-0414	Kāinga Ora	125	SUB-REQ4
DPR-0157	K & B Williams	FS191	SUB-REQ4
DPR-0209	M Singh	FS381	SUB-REQ4
DPR-0298	Trices Road	FS151	SUB-REQ4
DPR-0358	RWRL	FS132	SUB-REQ4



Submitter ID	Submitter Name	Submission Point	Plan Reference
DPR-0363	IRHL	FS132	SUB-REQ4
DPR-0374	RIHL	FS132	SUB-REQ4
DPR-0384	RIDL	FS132	SUB-REQ4
DPR-0461	Dunweavin	FS177	SUB-REQ4
DPR-0492	Kevler	FS547	SUB-REQ4
DPR-0493	Gallina Nominees & Heinz-Wattie	FS171	SUB-REQ4
DPR-0565	Shelley Street Holdings	FS062	SUB-REQ4
DPR-0409	Hughes	011	SUB-REQ7
DPR-0209	M Singh	FS159	SUB-REQ7
DPR-0298	Trices Road	FS871	SUB-REQ7
DPR-0358	RWRL	FS133	SUB-REQ7
DPR-0363	IRHL	FS133	SUB-REQ7
DPR-0374	RIHL	FS133	SUB-REQ7
DPR-0384	RIDL	FS133	SUB-REQ7
DPR-0461	Dunweavin	FS055	SUB-REQ7
DPR-0492	Kevler	FS003	SUB-REQ7
DPR-0493	Gallina Nominees & Heinz-Wattie	FS770	SUB-REQ7
DPR-0375	WKNZTA	109	New
DPR-0358	RWRL	FS097	New
DPR-0363	IRHL	FS097	New
DPR-0374	RIHL	FS097	New
DPR-0384	RIDL	FS097	New
DPR-0414	Kāinga Ora	FS100	New

5.5 The following submission points and associated further submissions relate to rezoning requests, and so will be considered with other rezoning requests, rather than the *Subdivision* Chapter as originally intended:

Submitter ID	Submitter Name	Submission Point	Plan Reference
DPR-0460	Marama Te Wai	004	SUB-REQ1
DPR-0216	M England	FS006	SUB-REQ1
DPR-0223	KJ Smith	FS007	SUB-REQ1
DPR-0347	R Erskine & T Standfield	FS004	SUB-REQ1
DPR-0537	S Lycett	FS004	SUB-REQ1
DPR-0578	E Anderson	FS022	SUB-REQ1
DPR-0594	A & A Diehl	FS004	SUB-REQ1
DPR-0460	Marama Te Wai	005	SUB-REQ1
DPR-0216	M England	FS007	SUB-REQ1
DPR-0223	KJ Smith	FS008	SUB-REQ1
DPR-0347	R Erskine & T Standfield	FS005	SUB-REQ1
DPR-0537	S Lycett	FS005	SUB-REQ1
DPR-0578	E Anderson	FS023	SUB-REQ1
DPR-0594	A & A Diehl	FS005	SUB-REQ1

## 6. Consideration of submissions

### **Overview of submissions**

6.1 Twelve original submissions were received in relation to the *Public Access* Chapter. The most comment was generated around whether access to and along the coastal marine area should be required, and the appropriate width of esplanades.

- 6.2 Fifty-two original submissions were received in relation to the *Subdivision* Chapter, with the provisions relating to subdivision in the *General Rural Zone* generating the most comment.
- 6.3 Twelve original submissions were received in relation to the Development Areas included in the PDP, with the Development Areas for Darfield generating the most comment.
- 6.4 No submissions were received in relation to any of:
- 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

#### ***Structure of this report***

- 6.5 The report follows the structure of the PDP in discussing first the submissions received in relation to the *Public Access* Chapter, followed by the *Subdivision* Chapter and finally the Development Areas.
- 6.6 The exceptions to this are:
- 6.6.1 Submissions relating to SUB-R24 Subdivision and Public Access are assessed at the end of the submissions on the *Public Access* Chapter, as SUB-R24 gives effect to the objectives and policies of the *Public Access* Chapter.
- 6.6.2 The submission point on TRAN-REQ19 Land Transport Infrastructure Formation Standards is considered after the consideration of SUB-R9 and SUB-R10, as these are the subdivision rules affected.
- 6.7 For each PDP Chapter, the report first discusses any relevant definitions and then addresses the higher order framework that affect the whole Chapter, followed by the provisions within the PDP.
- 6.8 The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendation and Amendments. Where an amendment is recommended the applicable s32AA assessment will follow on from the Recommendations section for that issue, where this is required.

## **PA Public Access Chapter**

### **7. PA Chapter, generally**

#### ***Submissions***

- 7.1 Four submission points and one further submission point were received in relation to the *Public Access* Chapter generally.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	064	Support In Part	Retain wording in the PA Chapter where provisions for public access only relate to waterbodies that contain permanent or seasonal water flows.
<i>DPR-0422</i>	<i>FFNC</i>	<i>FS120</i>	<i>Support</i>	<i>Allow the submission point.</i>
DPR-0212	ESAI	065	Oppose In Part	Delete all requirements for public access and esplanade reserves and strips in relation to rural zoned land. In the event that this option is not adopted then the alternative suggested options in DPR-212.066 - 072 are submitted for consideration.
DPR-0358	RWRL	193	Support	Retain as notified
DPR-0384	RIDL	200	Support	Retain as notified.

### ***Analysis***

- 7.2 ESAI<sup>2</sup> request that the wording in the PA Chapter that refers to provisions for public access as only relating to waterbodies that contain permanent or seasonal water flows be retained. On the basis that no change is requested, I recommend that this submission point be accepted.
- 7.3 ESAI<sup>3</sup> also request that all requirements for public access and esplanade reserves and strips in relation to rural zoned land be deleted. They consider that there are significant impracticalities in imposing public access over fragmented areas of rural land e.g. esplanade strips that are difficult to maintain and gain access to and may never be used for their intended purpose because of the difficulty in physically accessing them. I recommend that this submission point be rejected for the following reasons:
- 7.3.1 Public access is just one of the potential reasons for creating an esplanade reserve or strip. The other purposes set out in s229 RMA are to contribute to the protection of conservation values, or to enable public recreational use of the reserve or strip and the adjacent sea, river or lake, where the use is compatible with conservation values. These other purposes are reflected in proposed PA-P2.
- 7.3.2 The rural water bodies where esplanades are required have been selected for their strategic importance, so that, over time, connected networks are provided. If fragmented areas are not connected as the opportunity arises, the situation described by the submitter will not improve.
- 7.4 RWRL and RIDL<sup>4</sup> request that the Chapter be retained as notified. On the basis that I am recommending changes to various provisions within the Chapter, I recommend that these submission points be accepted be part.

### ***Recommendations***

- 7.5 I recommend, for the reasons given above, that the Hearing Panel make no changes to the *Public Access* Chapter as a result of these submission points.
- 7.6 I recommend that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>2</sup> DPR-0212.064 ESAI

<sup>3</sup> DPR-0212.065 ESAI

<sup>4</sup> DPR-0358.193 RWRL, DPR-0384.200 RIDL

## 8. Non-notification clause – Public Access Chapter

### **Submissions**

- 8.1 Four submission points and 29 further submission points were received in relation to standard non-notification clauses in the *Public Access Chapter*.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	408	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS194	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS925	Support	Accept submission
DPR-0371	CIAL	FS046	Support In Part	Accept in part
DPR-0375	WKNZTA	FS332	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS119	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS046	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS015	Support	Accept submission
DPR-0363	IRHL	433	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS228	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS959	Support	Accept submission
DPR-0371	CIAL	FS149	Support In Part	Accept in part
DPR-0375	WKNZTA	FS333	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS153	Support	Not Specified
DPR-0422	FFNC	FS206	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland & Lyttelton Ports	FS147	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS049	Support	Accept submission

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0374	RIHL	479	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS266	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS993	Support	<i>Accept submission</i>
DPR-0371	CIAL	FS080	Support In Part	<i>Accept in part</i>
DPR-0375	WKNZTA	FS334	Oppose	<i>Retain relevant provisions without a non-notification clause.</i>
DPR-0414	Kāinga Ora	FS187	Support	<i>Not Specified</i>
DPR-0453	Midland & Lyttelton Ports	FS080	Support In Part	<i>Accept in part</i>
DPR-0456	Four Stars & Gould	FS083	Support	<i>Accept submission</i>
DPR-0384	RIDL	512	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS301	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS1020	Support	<i>Accept submission</i>
DPR-0371	CIAL	FS113	Support In Part	<i>Accept in part</i>
DPR-0375	WKNZTA	FS335	Oppose	<i>Retain relevant provisions without a non-notification clause.</i>
DPR-0414	Kāinga Ora	FS221	Support	<i>Not Specified</i>
DPR-0453	Midland & Lyttelton Ports	FS113	Support In Part	<i>Accept in part</i>
DPR-0456	Four Stars & Gould	FS117	Support	<i>Accept the submission</i>

### Analysis

- 8.2 RWRL, IRHL RIHL and RIDL<sup>5</sup> have each requested the insertion of notification clauses to each rule, with the result that no application would be limited or publicly notified. I recommend that the submission points be rejected because the RMA notification tests allow for non-notification where it is appropriate,

<sup>5</sup> DPR-0358.408 RWRL, DPR-0363.433 IRHL, DPR-0374.479 RIHL, DPR-0384.512 RIDL

or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

### **Recommendations**

- 8.3 I recommend, for the reasons given above, that the Hearing Panel decline to insert generic non-notification clauses as sought by these submission points.
- 8.4 I recommend that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **9. PA-Overview**

### **Submissions**

- 9.1 Three submission points and three further submission points were received in relation to the Overview to the *Public Access* Chapter.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	063	Support	Retain the last paragraph of the PA-Overview as notified.
DPR-0422	FFNC	FS119	Support	Allow the submission point.
DPR-0379	J Thomson	043	Oppose In Part	Delete the second sentence and replace with ' <u>Esplanade strips can be created either through subdivision or at any other time by agreement between the landowner and Council. Access strips can only be created at any time between the landowner and Council by mutual agreement.</u> '
DPR-0422	FFNC	FS127	Support	Allow the submission point.
DPR-0422	FFNC	177	Support In Part	<p>Insert additional overview wording as follows:</p> <p><u>The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is a Matter of National Importance under s6(d) of the Act. This duty recognises the special place lakes and rivers hold in the values of mana whenua and many New Zealanders who love fishing, water sports and relaxing in and near water. We are fortunate to have many lakes and rivers in the District and while the Act enables esplanade reserves and strips to be created whenever land is subdivided, to maximize the benefit for public access, a strategic approach is required.</u></p> <p><u>Safe and suitable public access cannot always be provided to and along every part of every waterbody in the District. Some areas have sensitive ecological or cultural values which may be compromised by public access. Some areas are surrounded by private property and people's security or privacy may be unduly compromised. In addition, there is little value in spending resources trying to create public access to areas where there is no demand or where there is no public access from a formed legal road to the esplanade reserve or strip. Therefore, the plan provisions do not seek to provide esplanade reserves or strips upon any subdivision of land adjoining any waterbody but adopts a</u></p>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>strategic approach to maintaining or enhancing public access to and along lakes, river and the coast.</u>
DPR-0468	Fish & Game	FS033	Oppose	Oppose proposed changes

### Analysis

- 9.2 J Thomson<sup>6</sup> requests that the second sentence be replaced with their suggested text. While I agree that access strips can only be created by mutual agreement between the landowner and Council, this agreement can be reached at the time a subdivision application is made. I therefore recommend that the submission point be rejected.
- 9.3 FFNC<sup>7</sup> request that additional text be inserted into the Overview. While the requested text provides a wider context, it does not assist the understanding of the provisions, and so I recommend that the submission point be rejected.
- 9.4 ESAI<sup>8</sup> requests that the final paragraph of the PA-Overview be retained as notified.

### Recommendations

- 9.5 I recommend, for the reasons given above, that the Hearing Panel retain the provision as notified.
- 9.6 I recommend that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 10. PA-O1

### Submissions

- 10.1 Three submission points and three further submission points were received in relation to PA-O1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	120	Support	Retain as notified.
DPR-0422	FFNC	178	Support In Part	Amend as follows: <u>People have Selwyn's community has safe and appropriate access to and along key the District's lakes and rivers surface water bodies and the coastal marine area in the District which are valued for cultural, recreation, conservation, or amenity values.</u>
DPR-0468	Fish & Game	FS034	Oppose	Oppose proposed changes
DPR-0427	DOC	057	Oppose	Amend as follows: <u>Selwyn's community has Public access to and along the District Selwyn's surface water bodies and coastal marine area is maintained and enhanced.</u>
DPR-0301	UWRG	FS199	Support	Allow in full
DPR-0407	Forest & Bird	FS223	Support	Accept the submission

<sup>6</sup> DPR-0379.043 J Thomson

<sup>7</sup> DPR-0422.177 FFNC

<sup>8</sup> DPR-0212.063 ESAI

### ***Analysis***

- 10.2 FFNC and DOC<sup>9</sup> both request that PA-O1 be expanded to refer to people or the public in general, rather than just to Selwyn's community. Given that people who are not residents of Selwyn use the surface water bodies and coastal marine area of the district, I consider that this is an appropriate amendment. Whether access is safe and appropriate<sup>10</sup> is a matter for assessment, and need not be specified in the higher-order objective. Not every surface water body in the District has been identified in PA-SCHED1, PA-SCHED2 or PA-SCHED3, and so the inclusion of 'key' as requested by FFNC would clarify the instances in which the outcome is sought and should be included. sPublic access is not always compatible with cultural or conservation values, and so including these matters in PA-O1<sup>11</sup> would reduce the clarity of the objective. The maintenance and enhancement of existing access arrangements is implied in the objective that people have access, and so I consider that the additional text requested by DOC<sup>12</sup> is unnecessary.
- 10.3 I therefore recommend that the submission points of FFNC and DOC<sup>13</sup> be accepted in part.
- 10.4 CRC<sup>14</sup> requests that PA-O1 be retained as notified. Given the recommended text changes discussed above, I recommend that this submission point be accepted in part.

### ***Recommendations and Amendments***

- 10.5 I recommend, for the reasons given above, that the Hearing Panel amend PA-O1 as shown in **Appendix 2**, to better reflect the users of Selwyn's surface water bodies and coastal marine area.
- 10.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 10.7 The nature of the recommended change does not require a s32AA evaluation.

## **11. PA-O2**

### ***Submissions***

- 11.1 Four submission points and three further submission points were received in relation to PA-O2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	121	Support	Retain as notified.
DPR-0422	FFNC	179	Oppose	Delete as notified.
DPR-0468	Fish & Game	FS035	Oppose	Oppose proposed changes
DPR-0427	DOC	058	Oppose In Part	Amend as follows: <u>Ensure public open space and public access activities do not adversely affect The conservation natural character values and indigenous biodiversity values of the District's surface water bodies and coastal marine area are protected.</u>

<sup>9</sup> DPR-0422.178 FFNC, DPR-0427.057 DOC

<sup>10</sup> DPR-0422.178 FFNC

<sup>11</sup> DPR-0422.178 FFNC

<sup>12</sup> DPR-0427.057 DOC

<sup>13</sup> DPR-0422.178 FFNC, DPR-0427.057 DOC

<sup>14</sup> DPR-0260.120 CRC



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				It is noted that conservation values are referred to elsewhere in the proposed Plan and should be amended or 'conservation values' should be defined.
DPR-0301	UWRG	FS252	Support	Allow in full
DPR-0407	Forest & Bird	FS224	Support	Accept the submission
DPR-0441	Trustpower	134	Oppose	Delete entirely
DPR-0422	FFNC	FS190	Support	Allow the submission point

### ***Analysis***

- 11.2 DOC<sup>15</sup> request that PA-O2 be amended to give primacy to natural character and indigenous biodiversity values over public open space and public access activities. I consider it reasonable to amend PA-O2 to identify that, where there is conflict between conservation values and public access, conservation values take priority. This approach is consistent with the direction given in s229(c) RMA.
- 11.3 They also request that the term 'conservation values' be either replaced with 'natural character values and indigenous biodiversity values', or that the term 'conservation values' be defined. S229 RMA sets out the possible purposes of an esplanade reserve or esplanade strip. These functions are wider than 'natural character values and indigenous biodiversity values', and so I consider that it would be inappropriate to restrict esplanades to just natural character values and indigenous biodiversity values. I therefore recommend that the DOC<sup>16</sup> submission point be accepted in part.
- 11.4 CRC<sup>17</sup> requests that PA-O2 be retained as notified. Based on the above recommended amendment, I recommend that the submission point be accepted in part.
- 11.5 FFNC and Trustpower<sup>18</sup> request that it be deleted in full, because as notified it relates to protecting conservation values rather than the provision of public access. Based on the above recommended amendment, I recommend that the submission points be accepted in part.

### ***Recommendations and Amendments***

- 11.6 I recommend, for the reasons given above, that the Hearing Panel amend PA-O2 as shown in **Appendix 2**, to identify that where there is conflict between the protection of conservation values and the provision of public access, the protection of conservation values takes priority.
- 11.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 11.8 The nature of the recommended change does not require a s32AA evaluation.

## **12. PA-P1**

### ***Submissions***

- 12.1 Eight submission points and four further submission points were received in relation to PA-P1.

<sup>15</sup> DPR-0427.058 DOC

<sup>16</sup> DPR-0427.058 DOC

<sup>17</sup> DPR-0260.121 CRC

<sup>18</sup> DPR-0422.179 FFNC, DPR-0441.134 Trustpower

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	The Council	036	Oppose In Part	Amend as follows: Require public access to and along surface water bodies and the coastal marine area in and adjoining townships, and in specified rural areas, <u>as identified in PA-SCHED1, PA-SCHED2 or PA-SCHED3...</u>
DPR-0260	CRC	122	Support	Retain as notified.
DPR-0353	HortNZ	172	Oppose In Part	Retain as notified
DPR-0353	HortNZ	174	Oppose In Part	Amend as follows: Require public access to and along listed surface water bodies and the coastal marine area in and adjoining townships, and in specified rural areas, where: 1. .... <u>4. such access avoids versatile soils and does not materially reduce the productive potential of soils or established rural production activities; and</u> 5. ...
DPR-0422	FFNC	180	Support In Part	Amend as follows: <del>Require</del> <u>Enable</u> public access to and along <del>listed surface water bodies</del> lakes and rivers and the coastal marine area in and adjoining townships and those listed in PA-SCHED1, PA-SCHED2, PA-SCHED3 and the coastal marine area, and in specified rural areas, where:.... <u>5. public access will not create an unreasonable impact on the safety or privacy of landholders; and</u> <u>6. public access in rural areas will not adversely affect farming activities; and</u> <u>7. there is a demand for public access; and</u> <u>8. public access is available form a formed legal road to connect with the esplanade reserve or strip.</u>
<i>DPR-0468</i>	<i>Fish &amp; Game</i>	<i>FS036</i>	<i>Oppose</i>	<i>Oppose proposed changes</i>
DPR-0427	DOC	060	Oppose In Part	Amend as follows: ... 1. it will not adversely affect the natural character, <u>indigenous biodiversity conservation values</u> , or cultural values of the surface water body or the coastal marine area;
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS201</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest &amp; Bird</i>	<i>FS226</i>	<i>Support</i>	<i>Accept the submission</i>
<i>DPR-0407</i>	<i>Forest &amp; Bird</i>	<i>FS227</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0441	Trustpower	133	Support In Part	Amend as follows: .... <u>4. there is an acceptably low risk to public health or safety while recognising there may be circumstances where it is appropriate to exclude public access to allow for public health and safety.</u>

### ***Analysis***

- 12.2 The Council and FFNC<sup>19</sup> requests that reference to PA-SCHED1, PA-SCHED2 and PA-SCHED3 be included in PA-P1. This would more clearly identify where the listed and specified water bodies are listed and specified, and so I recommend that these submission points be accepted (The Council) and accepted in part (FFNC).
- 12.3 In the other part of their submission point, FFNC<sup>20</sup> request that public access be enabled, rather than required, and that four additional criteria for evaluating the appropriateness of public access be introduced. I recommend that this part of the submission point be rejected for the following reasons:
- 12.3.1 Council has identified the waterbodies where public access is desired, and the type of access in PA-SCHED1, PA-SCHED2 and PA-SCHED3. It is therefore appropriate for the policy to require that access in those instances.
  - 12.3.2 The appropriateness of public access is already listed in PA-MAT3 as a matter for discretion. A comparative loss of privacy can be expected when undertaking an activity that triggers the need for public access to be provided, and so including the requested criterion 5 is unnecessary.
  - 12.3.3 With the exception of Waikekewai Creek, Youngs Creek and the unnamed drain at McLachlans Road where access strips are required regardless of the adjoining site size, esplanades are only required where the site adjoining the water body is smaller than 4ha. Farming activities on sites smaller than 4ha are likely to be limited. The criterion suggested refers to there being no adverse effects on farming, which does not recognize that these effects could be managed or mitigated, and would be neither an effective approach to achieving the outcome sought; nor necessary to achieve the outcomes in the PDP relating to farming. I therefore consider it unnecessary to include the requested criterion 6.
  - 12.3.4 There is always demand for public access to significant surface water bodies and the coastal marine area, although the level of that demand differs from place to place and from time to time. I therefore consider it unnecessary to include the requested criteria 7.
  - 12.3.5 Public access to an esplanade reserve or strip can be provided in ways other than via a formed legal road. I therefore consider it unnecessary to include the requested criteria 8.
- 12.4 HortNZ<sup>21</sup> requests that PA-P1 be retained as notified, on the basis that it takes into account the risk to public health and safety but also that it be amended<sup>22</sup> so that public access avoids versatile soils and does not materially reduce the productive potential of soils or established rural production activities. They express concern about the potential for reverse sensitivity effects arising from members of the public complaining about noise, spray and visual amenity, thereby leading to limits on operation and consequential reduced production of fruit and vegetables. The provision of public access is a matter for control or discretion, and Schedule 10 RMA sets out how instruments for esplanade strips or easements for access strips may include provision for them to be closed from time to time. I therefore consider it

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<sup>19</sup> DPR-0207.037 The Council, DPR-0422.180 FFNC

<sup>20</sup> DPR-0422.180 FFNC

<sup>21</sup> DPR-0353.172 HortNZ

<sup>22</sup> DPR-0353.174 HortNZ

unnecessary to make the requested amendment, and so recommend that submission point DPR-0353.172 be accepted and that submission point DPR-0353.174 be rejected.

- 12.5 DOC<sup>23</sup> requests that PA-P1.1 be amended to refer to 'indigenous biodiversity', rather than 'conservation values'. As noted in Section 11 above, the functions of esplanades are wider than natural character, indigenous biodiversity values and cultural values, and so I consider that it would be inappropriate to restrict public access as requested. I therefore recommend that the submission point be rejected.
- 12.6 Trustpower<sup>24</sup> requests that PA-P1.4 be amended to acknowledge that there may be circumstances where it is appropriate to exclude public access to allow for public health and safety. The policy already requires public access where, among other things, there is an acceptably low risk to public health or safety. If the risk to public health or safety was unacceptable, it should not pass that test and would not be provided. I therefore consider that the requested amendment would not add clarity or certainty for Plan users and so should be rejected.
- 12.7 CRC<sup>25</sup> requests that PA-P1 be retained as notified. Based on my recommended amendments to PA-P1, I recommend that the submission point be accepted in part.

#### ***Recommendations and Amendments***

- 12.8 I recommend, for the reasons given above, that the Hearing Panel amend PA-P1 as set out in **Appendix 2**, to more clearly identify where the listed and specified water bodies are identified.
- 12.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 12.10 The nature of the recommended change does not require a s32AA evaluation.

### **13. PA-P2**

#### ***Submissions***

- 13.1 Four submission points and two further submission points were received in relation to PA-P2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	123	Support	Retain as notified.
DPR-0353	HortNZ	173	Support	Retain as notified
DPR-0422	FFNC	181	Oppose	Delete as notified.
DPR-0468	Fish & Game	FS037	Oppose	Oppose proposed changes
DPR-0427	DOC	061	Oppose	Amend as follows: Require the creation of esplanade strips or esplanade reserves to maintain and enhance water quality, riparian vegetation, and the natural character and margins of surface water bodies and the coastal marine area.
DPR-0301	UWRG	FS202	Support	Allow in full

<sup>23</sup> DPR-0427.060 DOC

<sup>24</sup> DPR-0441.133 Trustpower

<sup>25</sup> DPR-0260.122 CRC

### **Analysis**

- 13.2 DOC<sup>26</sup> requests that PA-P2 be amended to recognise that esplanades maintain and enhance the margins of surface water bodies and the coastal marine area, not just the water bodies themselves. I agree, and recommend that the provision be amended.
- 13.3 CRC and HortNZ<sup>27</sup> request that PA-P2 be retained as notified, while FFNC<sup>28</sup> requests that it be deleted in full. Based on my recommendation above, I recommend that the CRC and HortNZ<sup>29</sup> submission points be accepted in part, and that the FFNC<sup>30</sup> submission point be rejected.

### **Recommendations and Amendments**

- 13.4 I recommend, for the reasons given above, that the Hearing Panel amend PA-P2 as shown in **Appendix 2**, to better recognise the functions of esplanades in relation to the margins of water bodies.
- 13.5 I recommend that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 13.6 The nature of the recommended change does not require a s32AA evaluation.

## **14. PA-REQ1 Creation of Esplanade Reserves**

### **Submissions**

- 14.1 Two submission points and one further submission point were received in relation to PA-REQ1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	176	Support	Retain as notified
DPR-0353	HortNZ	178	Oppose In Part	Amend as follows: 3. Except as provided for in PA-REQ1.4., every esplanade reserve shall contain all the following characteristics: a. Provide public access <u>where there is low risk to public health and safety</u> ; and b. Have a reserve width of at least 20m.
DPR-0422	FFNC	FS043	Support	Allow the submission point

### **Analysis**

- 14.2 HortNZ<sup>31</sup> requests that PA-REQ1 be retained as notified, but also request<sup>32</sup> that PA-REQ1.3 be amended so that public access is only provided where there is low risk to public health and safety. I recommend that their first submission point be accepted and the second rejected for the following reasons:

- 14.2.1 The requested amendment inserts the exercise of a level of judgement into the standard, making it less certain whether compliance with PA-REQ1 has been achieved, and therefore the activity status.

<sup>26</sup> DPR-0427.061 DOC

<sup>27</sup> DPR-0260.123 CRC, DPR-0353.173 HortNZ

<sup>28</sup> DPR-0422.181 FFNZ-NC

<sup>29</sup> DPR-0260.123 CRC, DPR-0353.173 HortNZ

<sup>30</sup> DPR-0422.181 FFNZ-NC

<sup>31</sup> DPR-0353.176 HortNZ

<sup>32</sup> DPR-0353.178 HortNZ

- 14.2.2 Where public access is proposed not to be provided, that is a matter for consideration in PA-REQ1.6.c, which links to PA-MAT3 Access to Reserves and Strips. In making that assessment, consideration would need to be given to PA-P1.4, which requires public access to be provided where there is an acceptably low risk to public health and safety

### **Recommendations**

- 14.3 I recommend, for the reasons given above, that the Hearing Panel retain PA-REQ1 as notified.
- 14.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **15. PA-REQ2 Land Adjoining an Existing Esplanade Reserve or Land Otherwise Set Aside**

### **Submissions**

- 15.1 One submission point and one further submission point were received in relation to PA-REQ2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	179	Oppose In Part	Amend as follows: 1. Where any allotment adjoins any land that has previously been set aside as an esplanade reserve or otherwise as described in s236 RMA, and that land has a width of less than required by PA-REQ1 Creation of Esplanade Reserves: a. An esplanade reserve, <u>or strip or public access</u> , shall be provided adjoining the land previously set aside or reserved, which shall be of the width required by PA-REQ1 <del>Creation of Esplanade Reserves</del> , <u>PA-REQ4 or PA-REQ5 (whichever is relevant)</u> less the width of the land previously set aside or reserved.
DPR-0422	FFNC	FS044	Support	Allow the submission point

### **Analysis**

- 15.2 When a subdivision borders an existing reserve of a type specified in s236 RMA, which in turn borders a surface water body or the coastal marine area, PA-REQ2 provides for the width of that reserve to be 'topped up' to the required width.
- 15.3 HortNZ<sup>33</sup> request that the requirement be amended so that the 'topping up' can be by any of an esplanade reserve, esplanade strip or access strip. S236 RMA only provides for esplanade reserves to be created in these circumstances, and so I recommend that the submission point be rejected.

### **Recommendations**

- 15.4 I recommend, for the reasons given above, that the Hearing Panel retain PA-REQ2 as notified.
- 15.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>33</sup> DPR-0353.179 HortNZ

## 16. PA-REQ3 Allotments Containing River or Lake Bed or the Coastal Marine Area

### ***Submissions***

16.1 One submission point and two further submission points were received in relation to PA-REQ3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0427	DOC	062	Support	Retain as notified
DPR-0301	UWRG	FS203	Support	Allow in full
DPR-0407	Forest & Bird	FS228	Support	Accept the submission

### ***Analysis***

16.2 DOC<sup>34</sup> requests that PA-REQ3 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and PA-REQ3 be retained as notified.

### ***Recommendations***

16.3 I recommend, for the reasons given above, that the Hearing Panel retain the provision as notified.

16.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 17. PA-REQ4 Esplanade Strips

### ***Submissions***

17.1 Three submission points and one further submission point were received in relation to PA-REQ4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	066	Oppose In Part	Amend as follows: 2. Every esplanade strip shall contain all of the following features: a. Public access <u>via public land or waterbody</u> ; and
DPR-0353	HortNZ	180	Support	Retain as notified
DPR-0422	FFNC	182	Oppose In Part	Amend as follows and make any necessary consequential amendments: 2. Every esplanade strip shall contain all of the following features: a. Public access <u>via public land or waterbody</u> ; and b. Strip width <u>no more than at least</u> 10m.
DPR-0468	Fish & Game	FS038	Oppose	Oppose proposed changes

### ***Analysis***

17.2 ESAI and FFNC<sup>35</sup> both request that public access be required to be provided to esplanade strips, via public land or water body, as a matter of course. This removes the option of offering to provide public access over private land as part of the standard, and so I recommend that the submission points be rejected. I note that where public access is proposed not to be provided, this becomes a matter of discretion in PA-REQ4.4.c.

<sup>34</sup> DPR-0427.062 DOC

<sup>35</sup> DPR-0212.066 ESAI, DPR-0422.182 FFNC

- 17.3 FFNC<sup>36</sup> also request that the strip width be amended to a maximum of 10m, rather than a minimum. This could result in situations where a strip of ineffective width is provided as part of a proposal, with Council not in a position to require it to be increased. I therefore recommend that this part of their submission point also be rejected, noting that where a width less than 10m is proposed, the suitable width in the circumstances of that proposal is a matter of discretion in PA-REQ4.4.b.
- 17.4 HortNZ<sup>37</sup> requests that PA-REQ4 be retained as notified. Based on my recommendation above, I recommend that the submission point be accepted.

### **Recommendations**

- 17.5 I recommend, for the reasons given above, that the Hearing Panel retain PA-REQ4 as notified.
- 17.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **18. PA-REQ5 Access Strips**

### **Submissions**

- 18.1 Four submission points and two further submission point were received in relation to PA-REQ5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	067	Oppose	Delete as notified. Alternatively, amend as resolved by consulting the affected landholders and rūnanga representatives.
DPR-0353	HortNZ	181	Support	Retain as notified
DPR-0379	J Thomson	044	Oppose	Delete as notified.
DPR-0422	FFNC	FS128	Support	Allow the submission point.
DPR-0422	FFNC	183	Oppose	Delete or amend once proper consultation has been conducted with affected landholders and the Rūnanga.
DPR-0468	Fish & Game	FS039	Oppose	Oppose proposed changes

### **Analysis**

- 18.2 The intention of PA-REQ5 is to provide for public access, limited to members of local Rūnanga. PA-REQ5 is consistent with the provisions of the Operative District Plan in its use of access strips.
- 18.3 J Thomson<sup>38</sup> requests that PA-REQ5 be deleted as notified, on the basis that access strips can be created by agreement only, and that anything other than mutual agreement implies that the Council is holding subdivision consents hostage to obtain agreement. I agree that s237B RMA<sup>39</sup> provides for the creation of access strips where there is agreement between the local authority and the registered owner of any land. While I consider that this was primarily intended to allow for the creation of such strips outside of a subdivision consent process, I acknowledge that the wording is potentially unclear in this respect.

<sup>36</sup> DPR-0422.182 FFNC

<sup>37</sup> DPR-0353.180 HortNZ

<sup>38</sup> DPR-0379.044 J Thomson

<sup>39</sup> **S237B Access strips**

(1) A local authority may agree with the registered owner of any land to acquire an easement over the land, and may agree upon the conditions upon which such an easement may be enjoyed.

...



- 18.4 On that basis, I recommend that the submission point be accepted in part by deleting the requirements for access strips in the locations specified in PA-SCHED3, but by instead requiring esplanade strips of the same width in these locations, with amendments to PA-REQ5 and consequential amendments to PA-SCHED3 as shown in **Appendix 2**. This would overcome the objection raised by J Thomson about the legality of requiring access strips in these locations, while still providing for access between Ngāti Moki Marae at Taumutu and nearby SASM.
- 18.5 FFNC<sup>40</sup> request that either PA-REQ5 be deleted, or amended once proper consultation has been conducted with affected landowners and the Rūnanga. PA-REQ5 is essentially a ‘rollover’ of provisions that have been in place for over 20 years, and that have been part of consultation during the preparation of the PDP. While further consideration of s6(e) RMA matters has occurred through the s42A report for the *Sites and Areas of Significance to Māori* Chapter, I consider that there has been sufficient consultation, if not agreement, to recommend that this submission point be rejected.
- 18.6 HortNZ<sup>41</sup> requests that PA-REQ5 be retained as notified. Based on my recommended amendments, I recommend that this submission point be accepted in part.

#### ***Recommendations and Amendments***

- 18.7 I recommend, for the reasons given above, that the Hearing Panel amend PA-REQ5, with consequential amendments to PA-SCHED3, as shown in **Appendix 2** in order to avoid any doubt about the legality of the requirement to provide for the relationship of relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga through the provision of access between Ngāti Moki Marae and three identified SASM.
- 18.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 18.9 The nature of the recommended change does not require a s32AA evaluation.

## **19. PA-MAT1 Purpose of Esplanade Reserve or Esplanade Strip**

#### ***Submissions***

- 19.1 One submission point was received in relation to PA-MAT1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	182	Support	Retain as notified

#### ***Analysis***

- 19.2 HortNZ requests that PA-MAT1 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and PA-MAT1 be retained as notified.

#### ***Recommendations***

- 19.3 I recommend, for the reasons given above, that the Hearing Panel retain PA-MAT1 as notified.

<sup>40</sup> DPR-0422.183 FFNC

<sup>41</sup> DPR-0353.181 HortNZ

- 19.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 20. PA-MAT2 Width of Reserve or Strip

### ***Submissions***

- 20.1 Two submission points and one further submission point were received in relation to PA-MAT2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	183	Support	Retain as notified
DPR-0422	FFNC	184	Oppose	Delete as notified.
DPR-0468	<i>Fish &amp; Game</i>	<i>FS040</i>	<i>Oppose</i>	<i>Oppose proposed changes</i>

### ***Analysis***

- 20.2 HortNZ<sup>42</sup> requests that PA-MAT2 be retained, while FFNC<sup>43</sup> requests that it be deleted in full because they consider that the starting point for consideration of esplanades should be a maximum width rather than a minimum. PA-MAT2 allows for esplanades less than the minimum to be considered, while ensuring that the identified purpose of the esplanade can still be achieved through consideration of PA-MAT1. I therefore recommend that the HortNZ<sup>44</sup> submission point be accepted and the FFNC<sup>45</sup> submission point be rejected, with PA-MAT2 being retained as notified.

### ***Recommendations***

- 20.3 I recommend, for the reasons given above, that the Hearing Panel retain PA-MAT2 as notified.
- 20.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 21. PA-MAT3 Access to Reserves and Strips

### ***Submissions***

- 21.1 Two submission points and one further submission point were received in relation to PA-MAT3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	171	Oppose In Part	Retain as notified
DPR-0422	FFNC	185	Support In Part	Amend as follows:..... <u>2. whether there is an acceptably low risk to public health and/or safety.</u>
DPR-0468	<i>Fish &amp; Game</i>	<i>FS041</i>	<i>Oppose</i>	<i>Oppose proposed changes</i>

### ***Analysis***

- 21.2 FFNC<sup>46</sup> request that PA-MAT3 be amended to specifically include an assessment of the risk to public health and/or safety. Subject to a minor wording amendment for consistency with Plan provisions, this

<sup>42</sup> DPR-0353.183 HortNZ

<sup>43</sup> DPR-0422.184 FFNC

<sup>44</sup> DPR-0353.183 HortNZ

<sup>45</sup> DPR-0422.184 FFNC

<sup>46</sup> DPR-0422.185 FFNC

would improve consistency with PA-P1.4, and so I recommend that the submission point be accepted in part.

- 21.3 HortNZ<sup>47</sup> requests that PA-MAT3 be retained as notified. Based on my recommendation above, I recommend that the submission point be accepted in part.

### **Recommendations**

- 21.4 I recommend, for the reasons given above, that the Hearing Panel amend PA-MAT3 as shown in **Appendix 2** to improve consistency with PA-P1.
- 21.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 21.6 The nature of the recommended change does not require a s32AA evaluation.

## **22. PA-SCHED1 Water Bodies Where Esplanade Reserve Required**

### **Submissions**

- 22.1 Three submission points and one further submission point were received in relation to PA-SCHED1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	068	Oppose In Part	Insert new Schedule to read: <u>PA-SCHEDX – Water Bodies Where Esplanade Reserve Required</u> <u>Te Waihora/Lake Ellesmere – Whole Lake – Public Access Required – Maximum Width – 20m</u> <u>Waikirikiri/Selwyn River – Chamberlains Ford to Selwyn Lake Road – Public Access Required – Maximum Width – 20m</u>
DPR-0353	HortNZ	175	Support	Retain as notified
DPR-0422	FFNC	186	Oppose In Part	Amend as follows: <del>Minimum</del> <u>Maximum</u> width Retain the numbers listed in these columns. Make consequential amendments, if any.
DPR-0468	Fish & Game	FS042	Oppose	Oppose proposed changes

### **Analysis**

- 22.2 ESAI<sup>48</sup> request, firstly, that the requirement for esplanade reserves be retained only around Te Waihora/Lake Ellesmere and Waikirikiri/Selwyn River from Chamberlains Ford to Selwyn Lake Road. This would result in rural Whakamatau/Lake Coleridge and all rivers within townships being removed from the list. This would not achieve s6(d) RMA or PA-O1, and so I recommend that this part of the submission point be rejected.
- 22.3 Secondly, ESAI, together with FFNC<sup>49</sup>, request that the 20m width listed in PA-SCHED1 be a maximum width, rather than a minimum width. This could result in situations where a reserve of ineffective width is provided as part of a proposal, with Council not being in a position to require it to be increased. I

<sup>47</sup> DPR-0353.171 HortNZ

<sup>48</sup> DPR-0212.068 ESAI

<sup>49</sup> DPR-0212.068 ESAI, DPR-0422.186 FFNC

therefore recommend that these submission points also be rejected, noting that where a width less than 20m is proposed, the suitable width in the circumstances of that proposal is a matter of discretion in PA-REQ1.6.b.

- 22.4 HortNZ<sup>50</sup> requests that PA-SCHED1 be retained as notified. Based on my recommendations above, I recommend that the submission point be accepted.

### **Recommendations**

- 22.5 I recommend, for the reasons given above, that the Hearing Panel retain PA-SCHED1 as notified.
- 22.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **23. PA-SCHED2 Water Bodies Where Esplanade Strip Required**

### **Submissions**

- 23.1 Three submission points and one further submission point were received in relation to PA-SCHED2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	069	Oppose In Part	Insert new Schedule to read: <u>PA-SCHEDX – Water Bodies Where Esplanade Strips Required</u> <u>Boggy Creek – Lake Road to Te Waihora/Lake Ellesmere – Public Access Required along true left bank – Maximum Width – 6m, Minimum width 3m.</u> <u>Harts Creek – Hills Road to Te Waihora/Lake Ellesmere – Public Access Required along true right bank – Maximum Width – 6m, Minimum width 3m.</u> <u>Irwell Creek – Leeston Road to Te Waihora/Lake Ellesmere along true right bank – Maximum Width – 6m, Minimum width 3m.</u> <u>Waikirikiri/Selwyn River – Chamberlains Ford to Selwyn Lake Road – Public Access Required along true left bank – Maximum Width – 10m</u>
DPR-0353	HortNZ	177	Support	Retain as notified
DPR-0422	FFNC	187	Oppose In Part	Amend as follows: <del>Minimum</del> <u>Maximum</u> width Retain the numbers listed in these columns. Make consequential amendments, if any.
DPR-0468	Fish & Game	FS043	Oppose	Oppose proposed changes

### **Analysis**

- 23.2 ESAI<sup>51</sup> request that esplanade strip requirements be deleted for the Ararira/LII River, Hurutini/Halswell River, and Hororata River. In their submission, esplanade strip requirements, along one side of each river and with reduced widths, would be retained for Boggy Creek, Harts Creek, and Irwell Creek.

<sup>50</sup> DPR-0353.175 HortNZ

<sup>51</sup> DPR-0212.069 ESAI

- 23.3 In addition to their submission point discussed in Section 22 above<sup>52</sup>, ESAI<sup>53</sup> request that esplanade strip requirements be removed for the Waikirikiri/Selwyn River from Whitecliffs to Chamberlains Ford, and that an esplanade strip be required along the true left bank of the Waikirikiri/Selwyn River from Chamberlains Ford downstream to Te Waihora/Lake Ellesmere.
- 23.4 Similarly, and consistent with their earlier submission point<sup>54</sup>, FFNC<sup>55</sup> request that the references to esplanade strip widths be a maximum width of 10m, rather than a minimum. I recommend that this submission point be rejected for the same reasons as set out in Section 22 above.
- 23.5 HortNZ<sup>56</sup> requests that PA-SCHED2 be retained as notified. Based on my recommendations above, I recommend that this submission point be accepted.

### **Recommendations**

- 23.6 I recommend, for the reasons given above, that the Hearing Panel retain PA-SCHED2 as notified.
- 23.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **24. PA-SCHED3 Water Bodies Where Access Strip Required**

### **Submissions**

- 24.1 Five submission points and two further submission points were received in relation to PA-SCHED3, which sets out the water bodies near Ngāti Moki Marae at Taumutu where access strips (recommended to be amended to esplanade strips in Section 18 above) are required.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	070	Oppose	Delete as notified.
DPR-0212	ESAI	071	Oppose	Delete PA-FIG2 as notified.
DPR-0212	ESAI	072	Oppose	Delete PA-FIG3 as notified.
DPR-0379	J Thomson	045	Oppose	Delete the access strip requirements for the Unnamed Drain at McLachlan's Road.
DPR-0422	FFNC	FS129	Support	Allow the submission point.
DPR-0379	J Thomson	077	Oppose	Delete the access strip requirements for the Unnamed Drain at McLachlan's Road.
DPR-0422	FFNC	FS130	Support	Allow the submission point.
DPR-0422	FFNC	188	Oppose In Part	Amend as follows: <del>Minimum</del> <u>Maximum</u> width Retain the numbers listed in these columns. Make consequential amendments, if any.
DPR-0468	Fish & Game	FS044	Oppose	Oppose proposed changes

<sup>52</sup> DPR-0212.068 ESAI

<sup>53</sup> DPR-0212.069 ESAI

<sup>54</sup> DPR-0422.186 FFNC

<sup>55</sup> DPR-0422.187 FFNC

<sup>56</sup> DPR-0353.177 HortNZ

### Analysis

- 24.2 ESAI<sup>57</sup> request that PA-SCHED3, including Figures PA-FIG2 and PA-FIG3 that illustrate the extent of the access strip requirements, be deleted on the basis that the minimum width of 10m is excessive. On a similar note and consistent with their earlier submission points<sup>58</sup>, FFNC<sup>59</sup> request that the schedule be amended so that the listed widths are maximum requirements rather than minimums. I recommend that these submission points be rejected for the same reasons as discussed in Section 22 above.
- 24.3 J Thomson<sup>60</sup> objects to the use of access strips, and further requests that the access strip requirements for the Unnamed Drain at McLachlan's Road be removed, on the basis that it is not a natural watercourse. I recommend in Section 18 above that esplanade strips continue to be used in this circumstance, rather than move to access strips, and so recommend that this part of the submission point be accepted in part.
- 24.4 The RMA definition of a 'water body' is *means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area*, while the RMA definition of a 'river' is *means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse...* As with the majority of drains in the district, the Unnamed Drain at McLachlan's Road is a modified watercourse (it also forms part of SASM 42 Te Awapunapuna, including Te Waipupu/ McLachlan's Drain as shown on the planning maps), and so is a river. Because it is a river, it is a water body, and the esplanade provisions of the RMA, and by extension the PDP, apply. I therefore recommend that this part of the J Thomson<sup>61</sup> submission points be rejected, and so that the submission point be accepted in part overall.

### Recommendations and Amendments

- 24.5 I recommend, for the reasons given above, that the Hearing Panel amend PA-SCHED3 as shown in **Appendix 2**, to anticipate the use of esplanade strips in these locations rather than access strips.
- 24.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 24.7 The nature of the recommended change does not require a s32AA evaluation.

## 25. SUB-R24 Subdivision and Public Access

### Submissions

- 25.1 Ten submission points and 24 further submission points were received in relation to SUB-R24.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	081	Oppose In Part	Delete SUB-R24.9 or amend to address those changes proposed by the submitter in relation to requested decisions on the <i>Public Access</i> Chapter (submission points DPR-212.63 - DPR-212.072).

<sup>57</sup> DPR-0212.070, DPR-0212.071, DPR-0212.072 ESAI

<sup>58</sup> DPR-0422.186, DPR-0422.187 FFNC

<sup>59</sup> DPR-0422.188 FFNC

<sup>60</sup> DPR-0379.045, DPR-0379.077 J Thomson

<sup>61</sup> DPR-0379.045, DPR-0379.077 J Thomson

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	082	Oppose In Part	Delete SUB-R24.13 or amend to address those changes proposed by the submitter in relation to requested decisions on the <i>Public Access</i> Chapter (submission points DPR-212.63 - DPR-212.072).
DPR-0212	ESAI	083	Oppose In Part	Delete SUB-R24.17 or amend to address those changes proposed by the submitter in relation to requested decisions on the <i>Public Access</i> Chapter (submission points DPR-212.63 - DPR-212.072).
DPR-0212	ESAI	084	Oppose In Part	Amend the Activity Status in SUB-R24.20 to Controlled.
DPR-0358	RWRL	226	Support	Retain as notified
DPR-0157	K & B Williams	FS428	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS515	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS472	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS519	Support In Part	Accept submission in part
DPR-0492	Kevler	FS762	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS495	Support In Part	Accept the submission in part.
DPR-0363	IRHL	215	Support	Retain as notified
DPR-0157	K & B Williams	FS760	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS686	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS639	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS679	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS294	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	221	Support	Retain as notified
DPR-0157	K & B Williams	FS575	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS942	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS790	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS822	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS138	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS699	Support In Part	Accept the submission in part.
DPR-0384	RIDL	233	Support	Retain as notified
DPR-0414	Kāinga Ora	118	Support	Retain as notified
DPR-0157	K & B Williams	FS184	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS374	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS144	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS171	Oppose In Part	Reject submission
DPR-0492	Kevler	FS540	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS164	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS055	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>as are consistent with enabling our MDH proposal.</i>
DPR-0422	FFNC	213	Oppose In Part	Delete as notified.

### ***Analysis***

- 25.2 ESAI<sup>62</sup> object to SUB-R24 on the basis that they do not agree with the provisions of the *Public Access* Chapter. On the basis that I am not recommending substantial changes to any of that Chapter, I recommend that these submission points be rejected.
- 25.3 ESAI<sup>63</sup> also request that the activity status in SUB-R24.20 be amended from RDIS to CON. SUB-R24.20 covers the creation of allotments smaller than 4ha, where such allotments adjoin a water body not listed in PA-SCHED1, PA-SCHED2 or PA-SCHED3, and require an assessment of whether an esplanade, although unanticipated, is required in the circumstances. Such water bodies are not those that Council identified as having strategic importance to the District in terms of requiring esplanades, but a CON status would not enable Council to require an esplanade, if one were warranted in the circumstances but the applicant was not in agreement. I therefore recommend that the submission point be rejected.
- 25.4 FFNC seeks the deletion of SUB-R24.20, in order to ensure efficient and effective use of Council's limited resources. The provision requires only an assessment of whether an esplanade is required, not that one be provided in all cases. On the basis of my recommendation in relation to the ESAI<sup>64</sup> submission point on SUB-R24.20, I therefore recommend that the submission point be accepted in part.
- 25.5 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>65</sup> each request that SUB-R24 be retained as notified. On the basis of my recommended amendments above, I recommend that these submission points be accepted in part.

### ***Recommendations and Amendments***

- 25.6 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R24 as shown in **Appendix 2**, to recognise that the water bodies covered by SUB-R24.20 are less likely to require an esplanade of some sort.
- 25.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 25.8 The nature of the recommended change does not require a s32AA evaluation.

<sup>62</sup> DPR-0212.081, DPR-0212.082, DPR-0212.083 ESAI

<sup>63</sup> DPR-0212.084 ESAI

<sup>64</sup> DPR-0212.084 ESAI

<sup>65</sup> DPR-0358.226 Kāinga Ora, DPR-0363.216 IRHL, DPR-0374.221 RIHL, DPR-384.233 RIDL, DPR-0414.118 Kāinga Ora



## SUB-Subdivision Chapter

### 26. Definitions

#### **Balance Land**

#### ***Submissions***

- 26.1 Two submission points and one further submission points were received in relation to the definition of 'balance land'.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0379	J Thomson	021	Oppose	Amend 'balance land' with a term that will not be confused with similar terminology in 'allotment'. Amend definitions and plan to ensure that terms 'allotment' and 'site' are not used interchangeably.
DPR-0422	FFNC	028	Oppose In Part	Delete, or amend to ensure it is more readily understood and easier for plan users to interpret
DPR-0407	Forest & Bird	FS074	Support In Part	Accept

#### ***Analysis***

- 26.2 J Thomson<sup>66</sup> is concerned about the potential for confusion between 'balance land' as defined in the PDP and 'balance site', as the term is used in the definition of 'allotment'. 'Balance land' and 'balance site' are different terms with different meanings, and the loophole referred to in the submission point is addressed in the relevant rules. I therefore recommend that this part of the submission point be rejected.
- 26.3 J Thomson<sup>67</sup> also requests that the PDP be reviewed so that in this definition and elsewhere in the PDP, the terms 'allotment' and 'site' are not used interchangeably and randomly. I agree that 'site' is generally the smallest unit of land management, and so should be the term generally used. 'Allotment' is used in the following PDP locations, with amendment recommendations and reasons for each recommendation:

Provision	Analysis/Reason for recommendation	Recommendation
HPW13 - Growth Management, last issue	The issue relates to subdivision to create undersized sites, rather than undersized allotments that may form part of a larger site	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
Definition of 'allotment'	NPS definition, unable to be altered as part of this process	Retain as notified
Definition of 'boundary adjustment'	NPS definition, unable to be altered as part of this process	Retain as notified
Definition of 'ground level'	NPS definition, unable to be altered as part of this process	Retain as notified
Definition of 'site'	NPS definition, unable to be altered as part of this process	Retain as notified
Definition of 'subdivision'	NPS definition, unable to be altered as part of this process	Retain as notified

<sup>66</sup> DPR-0379.021 J Thomson

<sup>67</sup> DPR-0379.021 J Thomson

Provision	Analysis/Reason for recommendation	Recommendation
Term and definition of 'undersized allotment'	The definition relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend term and definition to refer to 'site' rather than 'allotment', consistent with the title of the relevant rules
EI-REQ22.7 Fencing and Outdoor Storage	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
EIB-SCHED2 - Biodiversity Management Plan Requirements	Areas managed as a single farm may differ from site boundaries	Retain as notified
Public Access Chapter	The provisions reflect ss229 -237H RMA, which refer to the creation of allotments	Retain as notified, in relation to the use of 'site' and 'allotment'
SUB-R7.1.e Subdivision in the Porters Ski Zone	The provision relates to the subdivision to create sites, rather than allotments.	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
SUB-R24 Subdivision and Public Access	The provisions reflect ss229 -237H RMA, which refer to the creation of allotments	Retain as notified, in relation to the use of 'site' and 'allotment'
GRUZ-P2	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'undersized site' rather than 'undersized allotment' as shown in <b>Appendix 2</b>
GRUZ-R5.2.e Residential Unit (Including Relocated Residential Units) on an Undersized Site	The provision relates to activities on sites, rather than activities on allotments	Amend to refer to 'undersized site' rather than 'undersized allotment' as shown in <b>Appendix 2</b>
GRUZ-SCHED1 Mineral Extraction Sites Subject to a Reverse Sensitivity Buffer	The schedule refers to sites rather than to allotments, which should be reflected in the note at the beginning of the schedule	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
NCZ-REQ4.1 Fencing and Outdoor Storage	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
LCZ-REQ5.1 Fencing and Outdoor Storage	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
LFRZ-R5 Office Activities	This was a deliberate decision on the part of plan drafters, to provide for instances where sites contain more than one allotment	Retain as notified, in relation to the use of 'site' and 'allotment'
GIZ-REQ5.5 Landscaping – Road Boundaries	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
PORTZ-REQ5.2 Landscaping – Road Boundaries	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
SKIZ-R2.1.c Residential Unit	The provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
DEV-PR2 - Prebbleton 2 Development Area	The provision relates to future activities on sites, rather than relying on whether sites comprise one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
DEV-RO1 - Rolleston 1 Development Area	The provision relates to future activities on sites, rather than relying on whether sites comprise one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>

Provision	Analysis/Reason for recommendation	Recommendation
DEV-RO7 - Rolleston 7 Development Area	The provision relates to future activities on sites, rather than relying on whether sites comprise one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
DEV-RO8 - Rolleston 8 Development Area	The provision relates to future activities on sites, rather than relying on whether sites comprise one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>
APP1 – How to apply for a Private Plan Change	The provisions relates to future activities on sites, rather than relying on whether sites comprise one or more allotments	Amend to refer to 'site' rather than 'allotment' as shown in <b>Appendix 2</b>

26.4 The associated term 'lot', a shortened version of 'allotment', is also used in the following locations (not including the Planning Standards zone name 'Large Lot Residential Zone', or where 'Lot' forms part of the legal description of a site), with amendment recommendations and reasons for each recommendation:

Provision	Analysis/Reason for recommendation	Recommendation
HPW20 Residential Zone Descriptions, description of Large Lot Residential Zone	The description is the Planning Standards description	Retain as notified
Definition of 'Accessway'	An 'access lot' is a specialist type of allotment.	Retain as notified
Definition of 'Net Density'	The provision relates to activities on sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
TRAN-P6	The provision relates to activities on rear sites, rather than relying on whether that site comprises one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
SASM 1	'Lots' is used in the context of 'many'	Retain as notified
SASM 10	'Lots' is used in the context of 'many'	Retain as notified
SASM 39	'Lots' is used in the context of 'many'	Retain as notified
UG-SCHED1.3 – Residential Growth Area ODP Criteria	The provision relates to future activities on sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
RESZ-MAT7 Fences	The provision relates to activities on sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
DEV-DA6 – Darfield 6 Development Area	The provision relates to future sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
DEV-DA7 – Darfield 7 Development Area	The provision relates to future sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
DEV-LI3 - Lincoln 3 Development Area	The provision relates to future sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
DEV-LI7 - Lincoln 7 Development Area	The provision relates to future sites, rather than relying on whether sites comprise one or more lots	Amend to refer to 'site' rather than 'lot' as shown in <b>Appendix 2</b>
APP3 – Height in Relation to Boundary	The provision relates to boundaries with access lots, which are a specialized type of allotment that may form part of a wider site. In this case, it is the access lot where the provision applies, not the wider site	Retain as notified

- 26.5 Overall, I recommend that the J Thomson<sup>68</sup> submission point be accepted in part.
- 26.6 FFNC<sup>69</sup> request that the definition be deleted, or alternatively consider that clarification is needed about what is intended in relation to whether Crown Pastoral Lease land can be included in ‘balance land’, or not. I consider that the definition is necessary to assist in the interpretation of rules in both the *Subdivision* and *General Rural Zone* Chapters. However, I agree that the current wording is unclear on the point of Crown Pastoral Lease land, and so I recommend that the submission point be accepted in part and the definition be amended to clarify that Crown Pastoral Lease land can be ‘balance land’, unless it is also: the bed of a lake or river; a road; or a reserve; consistent with the operative District Plan provisions.

### ***Recommendations and Amendments***

- 26.7 I recommend, for the reasons given above, that the Hearing Panel amend the definition of ‘balance land’ as shown in **Appendix 2**, to provide better clarity and certainty for Plan users.
- 26.8 I recommend, for the reasons given above, that the Hearing Panel amend the term and definition of ‘undersized allotment’ as shown in **Appendix 2**, to provide better clarity and certainty for Plan users.
- 26.9 I recommend, for the reasons given above, that the Hearing Panel amend each of the following provisions as shown in **Appendix 2**, because each provision relates to an activity on a site, rather than relying on whether that site comprises one or more allotments or lots.
- HPW13 - Growth Management
  - HPW20 Residential Zone Descriptions, description of Large Lot Residential Zone
  - EI-REQ22.7 Fencing and Outdoor Storage
  - TRAN-P6
  - SUB-R7.1.e Subdivision in the Porters Ski Zone
  - UG-SCHED1.3 – Residential Growth Area ODP Criteria
  - RESZ-MAT7 Fences
  - GRUZ-P2
  - GRUZ-R5.2.e Residential Unit (Including Relocated Residential Units) on an Undersized Site
  - GRUZ-SCHED1 Mineral Extraction Sites Subject to a Reverse Sensitivity Buffer
  - NCZ-REQ4.1 Fencing and Outdoor Storage
  - LCZ-REQ5.1 Fencing and Outdoor Storage
  - GIZ-REQ5.5 Landscaping – Road Boundaries
  - PORTZ-REQ5.2 Landscaping – Road Boundaries
  - SKIZ-R2.1.c Residential Unit
  - Each of Development Areas DEV-DA6, DEV-DA7, DEV-LI3, DEV-LI7, DEV-PR2, DEV-RO1, DEV-RO7, DEV-RO8
  - APP1 – How to apply for a Private Plan Change

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<sup>68</sup> DPR-0379.021 J Thomson

<sup>69</sup> DPR-0422.028 FFNC

26.10 I recommend, for the reasons given above, that the Hearing Panel retain each of the following provisions, in relation to the use of 'site', 'allotment' and 'lot', due to the context that these terms are used in:

- Definitions of each of 'accessway', 'allotment', 'boundary adjustment', 'ground level', 'net density' 'site', and 'subdivision'
- SASM 1, SASM 10, SASM 39
- EIB-SCHED2 - Biodiversity Management Plan Requirements
- *Public Access* Chapter
- SUB-R24 Subdivision and Public Access
- LFRZ-R5 Office Activities
- APP3 – Height in Relation to Boundary

26.11 I recommend that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

26.12 The nature of the recommended changes do not require a s32AA assessment.

### **Boundary adjustment**

#### ***Submissions***

26.13 One submission point was received in relation to the definition of 'boundary adjustment'.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0379	J Thomson	023	Oppose	Delete as notified and replace with: <u>Boundary adjustment: means an alteration of boundaries between two or more allotments or records of title, that will result in each of the allotments or records of title having substantially the same area, shape and access as before, but does not include an alteration of boundaries which:</u> <u>- results in a principal building becoming part of a different allotment; or</u> <u>- results in a non-compliance with this Plan; or</u> <u>- results in an increase of an existing non-compliance with a rule or rules of this Plan.</u>

#### ***Analysis***

26.14 J Thomson requests that the definition be amended. 'Boundary adjustment' is a term used in the Definitions List of the Planning Standards, and is used in the same context as that definition.

26.15 The Planning Standards state that district plans must use the definitions set out in Standard 14 'Definitions List'. Any terms incorporated into the PDP must have the meaning as set out in Standard 14. There is no discretion for Council to choose whether to apply the definition, nor is there discretion for Council to alter the meaning of any term set out in the Definitions List. Similarly, synonyms of the terms defined in the Definitions List cannot be used, if the term is used in the same context, then the definition applies. Council is unable to consider requests to alter these definitions and therefore I recommend that the submission point be rejected.

### ***Recommendations***

26.16 I recommend, for the reasons given above, that the Hearing Panel retain the definition of ‘boundary adjustment’ as notified.

26.17 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### **Cluster**

#### ***Submissions***

26.18 One submission point and one further submission point were received in relation to the definition of ‘cluster’.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0371	CIAL	004	Neither Support Nor Oppose	Retain as notified
DPR-0353	HortNZ	FS069	Oppose	Reject

### ***Analysis***

26.19 CIAL<sup>70</sup> requests that the definition of ‘cluster’ be retained as notified. On the basis that no changes to the definition have been requested, I recommend that the submission point be accepted and the definition be retained as notified.

### ***Recommendations***

26.20 I recommend, for the reasons given above, that the Hearing Panel retain the definition of ‘cluster’ as notified.

26.21 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **27. Subdivision Chapter, generally**

### ***Submissions***

27.1 Two submission points and three further submission points were received in relation to the *Subdivision* Chapter, generally.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0266	R Graham	006	Oppose In Part	Amend to add provisions for graduated non-compliances to enable minor matters to be assessed as restricted discretionary or discretionary and more significant breaches as non-complying.
DPR-0287	M Carter	002	Oppose In Part	Request strict rules and limited subdivisions.
DPR-0358	RWRL	FS099	Oppose	Reject
DPR-0363	IRHL	FS099	Oppose	Reject
DPR-0374	RIHL	FS099	Oppose	Reject
DPR-0384	RIDL	FS099	Oppose	Reject

<sup>70</sup> DPR-0371.004 CIAL

### Analysis

- 27.2 R Graham<sup>71</sup> requests that provisions provide for graduated non-compliances to enable minor non-compliances to be assessed as RDIS or DIS, with more significant breaches as non-complying. The PDP provisions have been drafted to consider the effects of breaches and their resulting statuses have been determined with that in mind. I therefore recommend that this submission point be rejected.
- 27.3 M Carter<sup>72</sup> requests that the PDP contain strict rules that limit subdivisions. This would prevent appropriate subdivisions in appropriate locations, which would in turn limit the ability of people and communities to provide for their social, economic, and cultural well-being. I therefore recommend that the submission point be rejected.

### Recommendations

- 27.4 I recommend, for the reasons given above, that the Hearing Panel retain the chapter as notified, subject to recommendations in the remainder of this report.
- 27.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 28. Non-notification clause – Subdivision Chapter

### Submissions

- 28.1 Four submission points and 48 further submission points were received in relation to a blanket approach preventing limited or public notification for subdivision applications.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	414	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS200	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0157	K & B Williams	FS475	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS580	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS931	Support	Accept submission
DPR-0371	CIAL	FS052	Support In Part	Accept in part
DPR-0375	WKNZTA	FS336	Oppose	Retain relevant provisions without a non-notification clause.

<sup>71</sup> DPR-0266.006 R Graham

<sup>72</sup> DPR-0287.002 M Carter

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0381	Coleridge Downs	FS106	Support In Part	Allow
DPR-0414	Kāinga Ora	FS125	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS052	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS021	Support	Accept submission
DPR-0461	Dunweavin	FS581	Support In Part	Accept submission in part
DPR-0486	Coleridge Downs	FS106	Support In Part	Allow
DPR-0492	Kevler	FS155	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS562	Support In Part	Accept the submission in part.
DPR-0363	IRHL	434	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS229	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0157	K & B Williams	FS866	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS732	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS960	Support	Accept submission
DPR-0371	CIAL	FS150	Support In Part	Accept in part
DPR-0375	WKNZTA	FS337	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0381	Coleridge Downs	FS100	Support In Part	Allow
DPR-0414	Kāinga Ora	FS154	Support	Not Specified
DPR-0422	FFNC	FS207	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland & Lyttelton Ports	FS148	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS050	Support	Accept submission
DPR-0461	Dunweavin	FS724	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0486	Coleridge Downs	FS100	Support In Part	Allow
DPR-0492	Kevler	FS346	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	480	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS267	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0157	K & B Williams	FS663	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS994	Support	Accept submission
DPR-0371	CIAL	FS081	Support In Part	Accept in part
DPR-0375	WKNZTA	FS338	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS188	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS081	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS084	Support	Accept submission
DPR-0461	Dunweavin	FS868	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS190	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS752	Support In Part	Accept the submission in part.
DPR-0384	RIDL	513	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS302	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS1021	Support	Accept submission
DPR-0371	CIAL	FS114	Support In Part	Accept in part
DPR-0375	WKNZTA	FS339	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0381	Coleridge Downs	FS103	Support In Part	Allow
DPR-0414	Kāinga Ora	FS222	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS114	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS118	Support	Accept the submission

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0486	Coleridge Downs	FS103	Support In Part	Allow

### Analysis

28.2 RWRL, IRHL, RIHL and RIDL<sup>73</sup> each request that non-notification clauses be inserted to all controlled and restricted discretionary subdivision rules, with the result that no application would be limited or publicly notified. I recommend that the submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

28.3 I note that the PDP as notified includes non-notification clauses in each of SUB-R1 – SUB-R8, for complying subdivisions in zones, SUB-R12 for boundary adjustments, SUB-R13 for subdivision to create access, reserve or infrastructure sites, SUB-R14 for subdivision to create sites for emergency services facilities, and SUB-R15, which provides for the updating of cross leases, company leases and unit titles. Non-notification has been identified as being appropriate in these instances.

### Recommendations

28.4 I recommend, for the reasons given above, that the Hearing Panel decline to insert additional generic non-notification clauses as sought by these submission points

28.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 29. SUB-Overview

### Submissions

29.1 Seven submission points and 25 further submission points were received in relation to the Overview to the *Subdivision* Chapter.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	194	Support	Retain as notified
DPR-0157	K & B Williams	FS396	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS483	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS440	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS527	Support In Part	Accept submission in part
DPR-0492	Kevler	FS780	Support	Accept submission in part
DPR-0363	IRHL	183	Support	Retain as notified
DPR-0157	K & B Williams	FS729	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS654	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS607	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS647	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS262	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.

<sup>73</sup> DPR-0358.414 RWRL, DPR-0363.434 IRHL, DPR-0374.480 RIHL, DPR-0384.513 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0374	RIHL	189	Support	Retain as notified
DPR-0157	K & B Williams	FS543	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS911	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS758	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS790	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS106	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS667	Support In Part	Accept the submission in part.
DPR-0384	RIDL	201	Support	Retain as notified
DPR-0414	Kāinga Ora	078	Support	Retain as notified
DPR-0157	K & B Williams	FS145	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS324	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS105	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS131	Oppose In Part	Reject submission
DPR-0492	Kevler	FS730	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS125	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS015	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	189	Support In Part	Amend to provide guidance as to how the district wide and area wide subdivision matters relate to each other; and Request Council consider repositioning plan sections to include all objectives, policies and rules relating to subdivision within one Chapter of the plan.
DPR-0381	Coleridge Downs	FS058	Support	Allow
DPR-0486	Coleridge Downs	FS058	Support	Allow
DPR-0456	Four Stars & Gould	001	Oppose	Amend as follows:: These documents are not incorporated by reference into the District Plan.

### Analysis

29.2 FFNC<sup>74</sup> requests that the Overview be amended to provide guidance as to how the district wide and area wide subdivision matters relate to each other. As noted in the first paragraph of the Overview, 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. As such, subdivision in areas subject to rules SUB-R16 to SUB-R27 will need consent under two (or more) rules. I consider that the

<sup>74</sup> DPR-0422.189 FFNZ-NC

current explanation in the Overview accurately describes the relationship between the district-wide and area wide subdivision matters and as such, I recommend that the submission point be rejected.

- 29.3 FFNC<sup>75</sup> also requests Council consider repositioning plan sections to include all objectives, policies and rules relating to subdivision within one Chapter of the plan. Subdivision is not generally an end in itself, but rather a precursor to further development. As such, the objectives and policies of other Chapters are also applicable to subdivision in the areas where they overlap, and it would be inefficient, and potentially lead to inconsistencies, to replicate those objectives and policies in the *Subdivision* Chapter. All rules are located in the *Subdivision* Chapter, but rule requirements and matters for control or discretion sit in the Chapters with the objectives and policies they respond to. I therefore recommend that the submission point be rejected.
- 29.4 Four Stars and Gould<sup>76</sup> request that the documents listed in the Overview be incorporated by reference into the PDP. The decision to not incorporate these documents was a deliberate one, as they are technical guidance of how a standard is to be reached rather than the standard itself, technical documents are updated over time and incorporating them by reference would require a plan change before the updated guidance could be used, and the list is not exhaustive. I therefore recommend that the submission point is rejected.
- 29.5 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>77</sup> all request that the SUB-Overview be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

- 29.6 I recommend, for the reasons given above, that the Hearing Panel retain the SUB-Overview as notified.
- 29.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **30. SUB-O1**

### **Submissions**

- 30.1 Seven submission points and 35 further submission points were received in relation to SUB-O1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	023	Oppose In Part	Delete as notified.
DPR-0358	RWRL	195	Support In Part	Amend as follows: Subdivision design and layout maintains or enhances the amenity values <u>intended for</u> of the zone.
DPR-0157	K & B Williams	FS397	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS484	Support In Part	Accept the submission in part

<sup>75</sup> DPR-0422.189 FFNZ-NC

<sup>76</sup> DPR-0456.001 Four Stars and Gould

<sup>77</sup> DPR-0358.194 RWRL, DPR-0363.183 IRHL, DPR-0374.189 RIHL, DPR-0384.201 RIDL, DPR-0414.078 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road	FS441	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS488	Support In Part	Accept submission in part
DPR-0492	Kevler	FS779	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS464	Support In Part	Accept the submission in part.
DPR-0363	IRHL	184	Support In Part	Amend as follows: Subdivision design and layout maintains or enhances the amenity values <u>intended for</u> of the zone.
DPR-0157	K & B Williams	FS730	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS655	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS608	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS648	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS263	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0370	Fonterra	050	Support In Part	Amend as follows: Subdivision design and layout maintains or enhances the amenity values of the zone <u>and appropriately manages issues at interzone boundaries.</u>
DPR-0142	NZ Pork	FS022	Support	Allow in full
DPR-0209	M Singh	FS782	Oppose In Part	Reject submission in part
DPR-0358	RWRL	FS101	Support	Adopt
DPR-0363	IRHL	FS101	Support	Adopt
DPR-0374	RIHL	FS101	Support	Adopt
DPR-0384	RIDL	FS101	Support	Adopt
DPR-0374	RIHL	190	Support In Part	Amend as follows: Subdivision design and layout maintains or enhances the amenity values <u>intended for</u> of the zone.
DPR-0157	K & B Williams	FS544	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS912	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS759	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS791	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS107	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS668	Support In Part	Accept the submission in part.
DPR-0384	RIDL	202	Support In Part	Amend as follows: Subdivision design and layout maintains or enhances the amenity values <u>intended for</u> of the zone.
DPR-0414	Kāinga Ora	079	Support In Part	Amend as follows: Subdivision design and layout <del>maintains or enhances the amenity values of</del> <u>results in the efficient use of land and is</u>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>compatible with the role, function and planned form of the zone.</u>
DPR-0157	K & B Williams	FS315	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS325	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS303	Oppose In Part	Reject submission
DPR-0358	RWRL	FS102	Support	Adopt
DPR-0363	IRHL	FS102	Support	Adopt
DPR-0374	RIHL	FS102	Support	Adopt
DPR-0384	RIDL	FS102	Support	Adopt
DPR-0461	Dunweavin	FS132	Oppose In Part	Reject submission
DPR-0492	Kevler	FS690	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS340	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS016	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	190	Support	Retain as notified.

### Analysis

30.2 Kāinga Ora<sup>78</sup> request that SUB-O1 be amended 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. I recommend that the submission be accepted for the following reasons:

30.2.1 Subdivision is generally a precursor to land development in some form, and so it is appropriate that the resulting use be efficient. This is relevant regardless of the zone. Where a subdivision follows land development, there is still a need for sites to be efficiently used.

30.2.2 Sites need to provide for their anticipated use. In the case of SUB-O1, this includes through being of sufficient size and dimension to allow the planned form of the zone to be achieved. This would in turn allow the anticipated amenity values of the zone to be maintained or enhanced when the resulting development occurs.

30.3 NZ Pork<sup>79</sup> request that SUB-O1 be deleted, on the basis that a better structure would not focus on sites but ensure overall outcomes result in efficient use of land and achieves development that is compatible with the character of each zone. Based on my recommendation in relation to the Kāinga Ora<sup>80</sup> submission point, I recommend that this submission point be accepted in part.

<sup>78</sup> DPR-0414.079 Kāinga Ora

<sup>79</sup> DPR-0142.023 NZ Pork

<sup>80</sup> DPR-0414.079 Kāinga Ora

- 30.4 RWRL, RIHL and RIDL<sup>81</sup> each request that SUB-O1 be amended to clarify that the objective refers to intended amenity values, rather than existing amenity values. Based on my recommendation in relation to the Kāinga Ora<sup>82</sup> submission point, I recommend that this submission point be accepted in part.
- 30.5 FFNC<sup>83</sup> requests that SUB-O1 be retained as notified. Based on my recommendation in relation to the Kāinga Ora<sup>84</sup> submission point, I recommend that this submission point be accepted in part.
- 30.6 Fonterra<sup>85</sup> considers that subdivision design and layout should be more considered at inter zone boundaries. The efficient use of land includes the consideration of any interzone boundary issues, and so based on my recommendation in relation to the Kāinga Ora submission point, I recommend that this submission point be accepted in part.

### **Recommendations and Amendments**

- 30.7 I recommend, for the reasons given above, that the Hearing Panel amend SUB-O1 as shown in **Appendix 2**, to better reflect the language of the NPS-US and to better reflect that subdivision should assist in achieving the land use objectives of all zones.
- 30.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 30.9 The nature of the recommended change does not require a s32AA evaluation.

## **31. SUB-O2**

### **Submissions**

- 31.1 Ten submission points and 33 further submission points were received in relation to SUB-O2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	024	Oppose In Part	Amend SUB-O2 to an objective that requires infrastructure to be planned to service proposed subdivision and development and to connect with the wider infrastructure network in an integrated, efficient, coordinated and future-proofed manner as is provided at the time of subdivision.
DPR-0358	RWRL	FS103	Oppose	Reject
DPR-0363	IRHL	FS103	Oppose	Reject
DPR-0374	RIHL	FS103	Oppose	Reject
DPR-0384	RIDL	FS103	Oppose	Reject
DPR-0358	RWRL	196	Support	Retain as notified
DPR-0157	K & B Williams	FS398	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS485	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS442	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS489	Support In Part	Accept submission in part
DPR-0492	Kevler	FS778	Support	Accept submission in part

<sup>81</sup> DPR-0358.195 RWRL, DPR-0374.190 RIHL, DPR-0384.202 RIDL

<sup>82</sup> DPR-0414.079 Kāinga Ora

<sup>83</sup> DPR-0422.190 FFNC

<sup>84</sup> DPR-0414.079 Kāinga Ora

<sup>85</sup> DPR-0370.050 Fonterra



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS465	Support In Part	Accept the submission in part.
DPR-0359	FENZ	046	Support	Retain as notified
DPR-0363	IRHL	185	Support	Retain as notified
DPR-0157	K & B Williams	FS731	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS656	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS609	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS649	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS264	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	089	Support	Retain as notified.
DPR-0407	Forest & Bird	FS658	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	191	Support	Retain as notified
DPR-0157	K & B Williams	FS545	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS913	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS760	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS792	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS108	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS669	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	100	Support	Retain as notified.
DPR-0384	RIDL	203	Support	Retain as notified
DPR-0414	Kāinga Ora	080	Support In Part	Amend as follows: <u>Every site created by subdivision has the characteristics, infrastructure, and facilities appropriate for the intended use of the land. Subdivision is designed to:</u> <u>a. Respond to the sites' physical characteristics;</u> <u>b. Be accessible, integrated and connected to the surrounding neighbourhood;</u> <u>c. Incorporate sustainable stormwater management and water sensitive design;</u> <u>d. Provide accessible and well-designed open space.</u> <u>e. Protect Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes.</u>
DPR-0157	K & B Williams	FS146	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS326	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS106	Oppose In Part	Reject submission
DPR-0358	RWRL	FS104	Oppose	Reject
DPR-0363	IRHL	FS104	Oppose	Reject
DPR-0374	RIHL	FS104	Oppose	Reject
DPR-0384	RIDL	FS104	Oppose	Reject
DPR-0461	Dunweavin	FS133	Oppose In Part	Reject submission
DPR-0492	Kevler	FS731	Oppose In Part	Reject submission points in part



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS126	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS017	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	191	Support	Retain as notified.

### Analysis

- 31.2 NZ Pork<sup>86</sup> considers that SUB-O2 is too narrow in its scope, and that the objective should be amended to require infrastructure to be planned to service proposed subdivision and development and to connect with the wider infrastructure network in an integrated, efficient, coordinated and future-proofed manner. I recommend that the submission point be rejected, because the strategic provision of infrastructure is the subject of UG-O1. Following on from that strategic function of UG-O1, SUB-O2 relates to the site-specific servicing required at the time of subdivision.
- 31.3 Kāinga Ora<sup>87</sup> request that SUB-O2 be re-written in order to more clearly state the design objectives sought through the subdivision provisions. These more finely grained outcomes are better positioned as policies. I recommend that the submission point be rejected for the following reasons:
- 31.3.1 Requested SUB-O2.a limits consideration to a site's physical characteristics, without consideration of other characteristics such as the context of the site, or to less tangible but equally importance characteristics such as cultural significance. The matters in requested SUB-O2.a are subject to SUB-P6.
- 31.3.2 Requested SUB-O2.b, SUB-O2.c and SUB-O2.d are appropriate considerations in the urban context, but SUB-O2 also applies across the large rural area of the district, where these outcomes are either less important or not possible to achieve.
- 31.3.3 TRAN-O1 and the associated TRAN policies set out the expectations for safe, efficient, and convenient land transport corridors, which is well integrated with land use activities and subdivision development. Requested SUB-O2.b is therefore not required.
- 31.3.4 The matters in requested SUB-O2.c are subject to SUB-P3.6 and the matters in requested SUB-O2.d are subject to SUB-P7. SUB-O2.c and SUB-O2.d are therefore not required.
- 31.3.5 As noted in SUB-Overview, *Subdivision* Chapter Rules SUB-R16 – SUB-R27 are provisions that sit alongside the other SUB rules, responding to the objectives and policies of other district-wide Chapters. Requested SUB-O2.e might differ from those objectives and policies, resulting in uncertainty about the level of management or intervention that might be required. As an

<sup>86</sup> DPR-0142.024 NZ Pork

<sup>87</sup> DPR-0414.080 Kāinga Ora

example, Kāinga Ora request that ecosystems and indigenous biodiversity be protected through the *Subdivision* Chapter, yet EIB-O1 requires that these areas instead be managed.

31.4 RWRL, FENZ, IRHL, Orion, RIHL, WKNZTA, RIDL and FFNC<sup>88</sup> all request that SUB-O2 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

31.5 I recommend, for the reasons given above, that the Hearing Panel retain SUB-O2 as notified.

31.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **32. SUB-O3**

### **Submissions**

32.1 Eleven submission points and 40 further submission points were received in relation to SUB-O3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	025	Oppose In Part	Amend SUB-O3 to an objective that seeks to achieve subdivision outcomes that result in the efficient use of land and achieves patterns of development which are compatible with the role, function and predominant character of each zone.
DPR-0358	RWRL	FS105	Oppose	Reject
DPR-0363	IRHL	FS105	Oppose	Reject
DPR-0374	RIHL	FS105	Oppose	Reject
DPR-0384	RIDL	FS105	Oppose	Reject
DPR-0279	R Verity	004	Oppose	Amend the Objective to prioritise environmental, social and economic sustainability and resilience, appropriate to the locality and the soils and to take into account factors other than simply the size of the parcel of land.
DPR-0375	WKNZTA	FS120	Oppose In Part	Retain the objective as notified.
DPR-0353	HortNZ	188	Oppose In Part	Amend zone objectives to clearly identify the anticipated development outcomes of the zones.
DPR-0358	RWRL	FS106	Oppose	Reject
DPR-0363	IRHL	FS106	Oppose	Reject
DPR-0374	RIHL	FS106	Oppose	Reject
DPR-0384	RIDL	FS106	Oppose	Reject
DPR-0358	RWRL	197	Support	Retain as notified
DPR-0157	K & B Williams	FS399	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS486	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS443	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS490	Support In Part	Accept submission in part
DPR-0492	Kevler	FS777	Support	Accept submission in part

<sup>88</sup> DPR-0358.196 RWRL, DPR-0359.046 FENZ, DPR-0363.185 IRHL, DPR-0367.089 Orion, DPR-0374.191 RIHL, DPR-0375.100 WKNZTA, DPR-0384.203 RIDL, DPR-0422.191 FFNC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS466	Support In Part	Accept the submission in part.
DPR-0363	IRHL	186	Support	Retain as notified
DPR-0157	K & B Williams	FS732	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS657	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS610	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS650	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS265	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0370	Fonterra	051	Oppose	Retain as notified
DPR-0209	M Singh	FS783	Oppose In Part	Reject submission in part
DPR-0371	CIAL	034	Support	Retain as notified
DPR-0353	HortNZ	FS097	Oppose	Reject
DPR-0374	RIHL	192	Support	Retain as notified
DPR-0157	K & B Williams	FS546	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS914	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS761	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS793	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS109	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS670	Support In Part	Accept the submission in part.
DPR-0384	RIDL	204	Support	Retain as notified
DPR-0414	Kāinga Ora	081	Support In Part	Amend as follows: Site sizes <u>for vacant lot subdivision</u> reflect the anticipated development outcomes of the zone <u>or</u> <u>enable creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with District-wide and zone rules.</u>
DPR-0157	K & B Williams	FS147	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS327	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS107	Oppose In Part	Reject submission
DPR-0375	WKNZTA	FS121	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS134	Oppose In Part	Reject submission
DPR-0492	Kevler	FS732	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS127	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS018	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	FFNC	192	Support In Part	Amend SUB-O3 to enable a plan user to readily understand what is meant by 'the anticipated development outcomes of the zone'.
DPR-0358	RWRL	FS107	Oppose	Reject
DPR-0363	IRHL	FS107	Oppose	Reject
DPR-0374	RIHL	FS107	Oppose	Reject
DPR-0384	RIDL	FS107	Oppose	Reject

### Analysis

- 32.2 NZ Pork<sup>89</sup> requests that SUB-O3 be amended to an objective that seeks to achieve subdivision outcomes that result in the efficient use of land and achieves patterns of development which are compatible with the role, function and predominant character of each zone. In a similar fashion, R Verity<sup>90</sup> requests that the objective be amended to prioritise environmental, social and economic sustainability and resilience, appropriate to the locality and the soils and to take into account factors other than simply the size of the parcel of land. Once the efficient use of land has been identified through the zoning/rezoning process, these other matters are addressed in SUB-O1 and SUB-O2, and so I recommended that the submission points be rejected.
- 32.3 HortNZ<sup>91</sup> request that zone objectives be amended to clearly identify the anticipated development outcomes of the zones, while FFNC<sup>92</sup> makes the same request in relation to SUB-O3. I recommend that the submission points be rejected because the content of zone Chapters to clearly identify the anticipated development outcomes of each zone will be addressed through the s42A reports for each zone, and so SUB-O3 does not require amendment.
- 32.4 Kāinga Ora<sup>93</sup> request that the objective only apply to vacant site subdivision, and that an exemption be provided for the creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with District-wide and zone rules. I recommend that the submission point be rejected for the following reasons:
- 32.4.1 Limiting the applicability of SUB-O3 to vacant sites removes the expectation that sites containing an existing residential unit or other building also need to comply with site sizes and other relevant development outcomes
- 32.4.2 Uses that are in accordance with an approved land use consent and where there is compliance with district-wide and zone rules (although in that instance a resource consent would not have been required) have already been determined to be in keeping with the development outcomes of the zone, and so do not need to be specified separately.
- 32.4.3 Objectives are outcome statements which are then implemented through policies and rules. It is not good planning practise for objectives to therefore refer to rules

<sup>89</sup> DPR-0142.025 NZ Pork

<sup>90</sup> DPR-0279.004 R Verity

<sup>91</sup> DPR-0353.188 HortNZ

<sup>92</sup> DPR-0422.192 FFNC

<sup>93</sup> DPR-0414.081 Kāinga Ora

32.5 RWRL, IRHL, Fonterra, CIAL, RIHL, and RIDL<sup>94</sup> all request that SUB-O3 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

32.6 I recommend, for the reasons given above, that the Hearing Panel retain SUB-O3 as notified.

32.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **33. SUB – New objective requested**

### **Submissions**

33.1 Two submission points and ten further submission points were received in relation to requests for new objectives to be included in the *Subdivision* Chapter.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora	082	Support	Insert new objective as follows: <u>Infrastructure is planned to service proposed subdivision and development and to connect with the wider infrastructure network in an integrated, efficient, and coordinated manner that is provided at the time of subdivision.</u>
DPR-0157	K & B Williams	FS148	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS328	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS108	Oppose In Part	Reject submission
DPR-0359	FENZ	FS009	Support	Accept the new infrastructure objective if submission point 080 is also accepted.
DPR-0375	WKNZTA	FS122	Support	Accept the proposed amendment.
DPR-0461	Dunweavin	FS135	Oppose In Part	Reject submission
DPR-0492	Kevler	FS733	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS128	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS019	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0448	NZDF	039	Support In Part	Inset new objective as follows: <u>Subdivision and development occurs in a manner that recognises the presence, ongoing operation and strategic importance of Defence facilities.</u>
DPR-0414	Kāinga Ora	FS083	Oppose	Not specified

<sup>94</sup> DPR-0358.197 RWRL, DPR-0363.186 IRHL, DPR-0370.051 Fonterra, DPR-0371.034 CIAL, DPR-0384.204 RIDL

### Analysis

- 33.2 Kāinga Ora<sup>95</sup> requests the insertion of a new *Subdivision* Chapter objective regarding the planning of infrastructure. I recommend that the submission point be rejected, because the strategic provision of infrastructure is the subject of UG-O1.
- 33.3 NZDF<sup>96</sup> requests the insertion of a new *Subdivision* Chapter objective to recognize the presence, ongoing operation and strategic importance of Defence facilities, particularly the West Melton Rifle Range. Subdivision in the West Melton Noise Control Overlays is subject to SUB-R26, which gives effect to NOISE-O1 and NOISE-O2. An additional objective in the *Subdivision* Chapter is unnecessary, and so I recommend that the submission point be rejected.

### Recommendations

- 33.4 I recommend, for the reasons given above, that the Hearing Panel decline to insert additional objectives as requested.
- 33.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 34. SUB-P1

### Submissions

- 34.1 Ten submission points and 30 further submission points were received in relation to SUB-P1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	198	Oppose In Part	Delete as notified and replace with: <u>Ensure that every site created by subdivision can contain a permitted or controlled activity.</u>
DPR-0157	K & B Williams	FS400	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS487	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS444	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS491	Support In Part	Accept submission in part
DPR-0492	Kevler	FS776	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS467	Support In Part	Accept the submission in part.
DPR-0363	IRHL	187	Oppose In Part	Delete as notified and replace with: <u>Ensure that every site created by subdivision can contain a permitted or controlled activity.</u>
DPR-0157	K & B Williams	FS733	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS658	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS611	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS651	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS266	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	091	Support In Part	Amend as follows: Avoid the creation of any site that cannot contain a residential unit as a permitted or controlled

<sup>95</sup> DPR-0414.082 Kāinga Ora

<sup>96</sup> DPR-448-039 NZDF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				activity, unless the site: 1. .... 3. shall be used only for provision of infrastructure to house 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.
DPR-0375	WKNZTA	FS125	Support	Accept the proposed amendment.
DPR-0407	Forest & Bird	FS660	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra	052	Support In Part	Amend as follows: Avoid the creation of any site that cannot contain a residential unit as a permitted or controlled activity, unless the site: 1. is in the General Rural Zone <u>(but outside the Fonterra Noise Control Boundary overlay)</u> or Māori Purpose Zone, the overall residential density of the subdivision ....
DPR-0209	M Singh	FS784	Oppose In Part	Reject submission in part
DPR-0371	CIAL	036	Support In Part	Amend as follows: Avoid the creation of any site that cannot contain a residential unit as a permitted or controlled activity, unless the site: 1. is in the General Rural Zone or Māori Purpose Zone <u>and does not fall within the 50 dB Ldn Air Noise Contour</u> , 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. ....
DPR-0353	HortNZ	FS099	Oppose	Reject
DPR-0374	RIHL	193	Oppose In Part	Delete as notified and replace with: <u>Ensure that every site created by subdivision can contain a permitted or controlled activity.</u>
DPR-0157	K & B Williams	FS547	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS915	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS762	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS123	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS794	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS110	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS671	Support In Part	Accept the submission in part.
DPR-0384	RIDL	205	Oppose In Part	Delete as notified and replace with: <u>Ensure that every site created by subdivision can contain a permitted or controlled activity.</u>
DPR-0375	WKNZTA	FS124	Oppose	Retain as notified.
DPR-0414	Kāinga Ora	083	Support In Part	Amend as follows: Avoid the creation of any <del>site</del> vacant site that cannot contain a residential unit as a permitted or



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				controlled activity, unless the site: ...
DPR-0157	K & B Williams	FS149	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS329	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS109	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS136	Oppose In Part	Reject submission
DPR-0492	Kevler	FS734	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS129	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS020	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	193	Oppose In Part	Delete as notified.
DPR-0453	Midland & Lyttelton Ports	055	Support In Part	Amend as follows: Avoid the creation of any site that cannot contain a residential unit as a permitted or controlled activity, unless the site: 1. is in the General Rural Zone or Māori Purpose Zone <u>and does not fall within the 45 dB LAeq Port Zone Noise Control Overlay</u> , and 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 ...

### Analysis

- 34.2 RWRL, IRHL, RIHL and RIDL<sup>97</sup> request that SUB-P1 be deleted and replaced with a policy that requires only that every site created by subdivision can contain a permitted or controlled activity of any sort. This would defeat the intent of the policy, which is to ensure that a residential unit can be erected on any bare site created unless the specific nature of the zone or site (as described in SUB-P1.2 and SUB-P1.3) means that a residential unit unlikely to be required at some point. SUB-P1.1 specifically allows for the creation of undersized sites as described in more detail in SUB-R11. I therefore recommend that these submission points be rejected.
- 34.3 Orion<sup>98</sup> request that SUB-P1.3 be amended to clarify that infrastructure need not be 'housed' on a site for it to be provided on the site. I consider that the requested amendment would improve understanding and clarity for Plan users, and recommend that the submission point be accepted.
- 34.4 Fonterra, CIAL and Midland & Lyttelton Ports<sup>99</sup> all request that SUB-P1.1 be amended so that undersized sites are not created within the Dairy Processing Zone Noise Control Boundary Overlay, the Christchurch International Airport 50 dB Ldn Noise Control Overlay, or the Port Zone 45 dB LAeq Noise Control

<sup>97</sup> DPR-0358.198 RWRL, DPR-0363.187 IRHL, DPR-0374.193 RIHL, DPR-0384.205 RIDL

<sup>98</sup> DPR-0367.091 Orion

<sup>99</sup> DPR-0370.052 Fonterra, DPR-0371.036 CIAL, DPR-0453.55 Midland & Lyttelton Ports



Overlay. I note, however, that the establishment of new noise sensitive activities (which include residential units) in these overlays is permitted in the *Noise* Chapter, subject to conditions. Subdivision in these areas would also be subject to SUB-R26, and so such an application would also be assessed against the objectives and policies of the *Noise* Chapter, including NOISE-P3, NOISE-P4 and NOISE-P5. I therefore recommend that the submission points be rejected.

- 34.5 Kāinga Ora<sup>100</sup> request that SUB-P1 be amended so that it applies only to vacant sites. Limiting the applicability of SUB-P1 to vacant sites removes the expectation that sites containing an existing residential unit or other building also need to comply with site sizes, and so I recommend that the submission point be rejected.
- 34.6 FFNC<sup>101</sup> express concern that the 'avoid' directive of the policy would unreasonably restrict subdivision for purposes such as boundary relocation or boundary adjustment where the pattern of land use activity is not being intensified and no residential unit is being proposed. They consider that it is unclear how this policy and SUB-P8 (boundary adjustments) work together. They argue that the policy should be more appropriately focused on enabling or encouraging the activities with desired outcomes rather than unreasonably restricting activities with no more than minor effects. They therefore request that SUB-P1 be deleted.
- 34.7 Residential units on undersized sites in the GRUZ are only permitted where they meet the criteria set out in GRUZ-R5. This includes a criterion that the site existed prior to the decision date of the PDP. Any future rural boundary adjustment creating a vacant site smaller than set out in GRUZ-SCHED2 would create a situation where a residential unit could not be established as a permitted or controlled activity (because the site did not exist on the specified date), and so would be contrary to SUB-P1, unless the overall density of the subdivision complied. Other policies enable and encourage development, but the purpose of SUB-P1 is to set a clear bottom line, above which flexibility in subdivision design and layout is possible.
- 34.8 SUB-P8 provides an alternative route to approval to recognize that, where residential units have already been established on each site subject to a boundary adjustment, undertaking a boundary adjustment in such a way that no further residential development is possible, has no effect on the potential residential density. On the basis of the above, I recommend that the FFNC<sup>102</sup> submission point be rejected.

#### ***Recommendations and Amendments***

- 34.9 I recommend, for the reasons given above, that the Hearing Panel amend SUB-P1 as shown in **Appendix 2**, in order to increase clarity and certainty for Plan users.
- 34.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 34.11 The nature of the proposed amendments do not require a s32AA assessment.

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<sup>100</sup> DPR-0414.083 Kāinga Ora

<sup>101</sup> DPR-0422.192 FFNC

<sup>102</sup> DPR-0422.192 FFNC

## 35. SUB-P2

### ***Submissions***

35.1 Eight submission points and 26 further submission points were received in relation to SUB-P2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	199	Support	Retain as notified
DPR-0157	K & B Williams	FS401	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS488	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS445	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS492	Support In Part	Accept submission in part
DPR-0492	Kevler	FS775	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS468	Support In Part	Accept the submission in part.
DPR-0359	FENZ	047	Support	Retain as notified
DPR-0363	IRHL	188	Support	Retain as notified
DPR-0157	K & B Williams	FS911	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS659	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS612	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS652	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS267	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	194	Support	Retain as notified
DPR-0157	K & B Williams	FS548	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS916	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS763	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS795	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS111	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS672	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	101	Support	Retain as notified.
DPR-0384	RIDL	206	Support	Retain as notified
DPR-0414	Kāinga Ora	085	Support	Retain as notified
DPR-0157	K & B Williams	FS151	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS331	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS111	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS138	Oppose In Part	Reject submission
DPR-0492	Kevler	FS736	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS131	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS022	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	194	Oppose In Part	Amend as follows: Ensure that every site created by subdivision has <u>potential for</u> safe and

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				efficient access for motorists, pedestrians, and cyclists, consistent with that required for the intended use of the site.
DPR-0359	FENZ	FS010	Oppose In Part	Reject the proposed amendment.
DPR-0375	WKNZTA	FS126	Oppose	Retain as notified.

### Analysis

35.2 FFNC<sup>103</sup> request that SUB-P2 be amended so that the policy requires the potential for the provision of safe access to sites, and that the type of access be specified to include motorists, pedestrians and cyclists, consistent with that required for the intended use of the site. Given that the provision of access is almost always done after a subdivision is completed, I consider that the requested amendment would increase clarity and ease of interpretation for Plan users and so should be accepted. The resulting amendment to SUB-P2 is shown in **Appendix 2**.

35.3 RWRL, FENZ, IRHL, RIHL, WKNZTA, RIDL and Kāinga Ora<sup>104</sup> all request that SUB-P2 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted in part.

### Recommendations and Amendments

35.4 I recommend, for the reasons given above, that the Hearing Panel amend SUB-P2 as shown in **Appendix 2**, to increase clarity and ease of interpretation for Plan users.

35.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

35.6 The scale of the recommended amendment is such that a s32AA assessment is not required.

## 36. SUB-P3

### Submissions

36.1 Twelve submission points and 32 further submission points were received in relation to SUB-P3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0279	R Verity	007	Support In Part	Insert new policies and/or amend this one.
DPR-0353	HortNZ	189	Oppose In Part	Amend as follows: ... 2. Adequate size and appropriate shape to contain a building square <u>within the required setback for the zone</u> . ...
DPR-0375	WKNZTA	FS127	Support In Part	Accept the proposed amendment in part but use the word outside rather than within.
DPR-0358	RWRL	200	Oppose	Delete as notified.
DPR-0157	K & B Williams	FS402	Support In Part	Accept the submission in part

<sup>103</sup> DPR-0422.194 FFNC

<sup>104</sup> DPR-0358.199 RWRL, DPR-0359.047 FENZ, DPR-0363.188 IRHL, DPR-0374.194 RIHL, DPR-0375.101 WKNZTA, DPR-0384.206 RIDL, DPR-0414.085 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0209	M Singh	FS489	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS446	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS128	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS493	Support In Part	Accept submission in part
DPR-0492	Kevler	FS774	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS469	Support In Part	Accept the submission in part.
DPR-0359	FENZ	048	Support In Part	Amend as follows: 8. In those areas of the General Rural Zone and Māori Purpose Zone where a reticulated water supply is unavailable, sufficient suitable land to accommodate on-site potable water supply <u>and firefighting water supply in accordance with SNZ PAS 4509 2008</u> ; and
DPR-0212	ESAI	FS078	Oppose	Disallow in full
DPR-0363	IRHL	189	Oppose	Delete as notified.
DPR-0157	K & B Williams	FS734	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS660	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS613	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS129	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS653	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS268	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	090	Support	Retain as notified.
DPR-0407	Forest & Bird	FS659	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	195	Oppose	Delete as notified.
DPR-0157	K & B Williams	FS549	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS917	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS764	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS130	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS796	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS112	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS673	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	102	Oppose In Part	Amend Policy to include that properties contain appropriate measures to address reverse sensitivity effects.
DPR-0414	Kāinga Ora	FS098	Oppose In Part	Not specified
DPR-0384	RIDL	207	Oppose	Delete as notified.
DPR-0375	WKNZTA	FS131	Oppose	Retain as notified.
DPR-0414	Kāinga Ora	086	Support In Part	Amend as follows: <u>Ensure sites Other than infrastructure sites or reserve sites, ensure that every site created by subdivision, which are capable of containing a building on which a building may be erected has</u> have all of the following features: 1. Access to sunlight; 2. ...

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0157	K & B Williams	FS152	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS332	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS112	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS139	Oppose In Part	Reject submission
DPR-0492	Kevler	FS737	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS132	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS023	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	195	Support In Part	Amend as follows: Other than <u>boundary adjustments</u> , infrastructure sites or reserve sites, ensure that every site created by subdivision on which a building may be erected has potential to provide all of the following features: ...
DPR-0446	Transpower	108	Support	Retain as notified

### Analysis

- 36.2 Kāinga Ora<sup>105</sup> request that the stem of the policy be amended to read “*Ensure sites created by subdivision on which a building may be erected has all of the following features...*”, so that infrastructure sites and reserve sites are also required to comply. I note that infrastructure sites on which a building may be erected do not, for example, require access to sunlight or provision for outdoor living spaces, while reserve sites may not require on-site effluent disposal. I consider that it would be inefficient to require infrastructure sites and reserve sites to have all the listed features as a matter of course, and so recommend that the submission point be rejected.
- 36.3 FFNC<sup>106</sup> request that the stem of the policy be amended to include boundary adjustments in the list of exemptions to the policy. I consider that sites created by boundary adjustment where a building may be erected are no different to sites created by other forms of subdivision, and so recommend that the submission point be rejected.
- 36.4 HortNZ<sup>107</sup> requests that SUB-P3.2 be amended to clarify that the building square needs to be within the required setbacks for the zone. ‘Building square’ is a defined term in the PDP, and *means a nominated area for the erection of a residential unit or principal building, clear of any:*
- setback relevant to the site;*
  - easement; or*
  - surface water body*

<sup>105</sup> DPR-0414.086 Kāinga Ora

<sup>106</sup> DPR-0422.195 FFNC

<sup>107</sup> DPR-0353.189 HortNZ

I therefore consider that, as a building square is clear of any setback relevant to the site, no amendment is required to SUB-P3, and so recommend that the submission point be rejected.

36.5 FENZ<sup>108</sup> request that SUB-P3.8 be amended to include reference to firefighting water supply in accordance with SNZ PAS 4509 2008. I recommend that the submission point be rejected for the following reasons:

36.5.1 Sufficient provision of and access to suitable water supply for firefighting is already required, in all zones (not just the GRUZ and MPZ where SUB-P3.8 applies), in SUB-P3.4.

36.5.2 SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is for urban fire districts. It was not written for use in rural areas such as the GRUZ or MPZ.

36.6 R Verity<sup>109</sup> supports points 1 to 8 of SUB-P3 but in relation to point 9 considers that reticulated services dependent on hard infrastructure are vulnerable to widespread failure. Because of the risk of natural hazards, they consider that services should therefore be as local and independent as possible, preferably property-based and if not, then neighbourhood-based. Resilience to natural hazards is just one factor in infrastructure design, together with the ability to gain regional resource consent, cost, and environmental impact. Economies of scale mean that the shared provision of services are generally both more cost effective and allowing of higher treatment options to minimize environmental impacts. I therefore consider that it would be inappropriate to amend the policy as requested and recommend that the submission point be rejected.

36.7 WKNZTA<sup>110</sup> supports the intentions of this policy but seeks that it also includes recognition of potential reverse sensitivity effects from transport infrastructure. The areas of the district where there are potential reverse sensitivity effects from transport infrastructure are identified in the Rail Network Reverse Sensitivity Overlay and the State Highway Noise Sensitivity Overlay. Subdivision in these areas is subject to SUB-R26 and would be assessed in light of the objectives and policies of the Noise Chapter, including NOISE-P2. I therefore consider that no additional provision is required in SUB-P3, and therefore that the submission point be rejected.

36.8 RWRL, IRHL, RIHL and RIDL<sup>111</sup> request that SUB-P3 be deleted as notified. They consider that the policy is seeking to 'ensure' a number of potentially subjective outcomes and would effectively be administered as a rule. They therefore seek that it be deleted, or substantially amended to simplify and clarify its intent. The policy as notified would indeed guide the assessment of subdivision consent applications – that is the intent of the policy. I therefore recommend that the submission points be rejected.

36.9 Transpower and Orion<sup>112</sup> each request that SUB-P3 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### ***Recommendations***

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<sup>108</sup> DPR-0359.048 FENZ

<sup>109</sup> DPR-0279.007 R Verity

<sup>110</sup> DPR-0375.102 WKNZTA

<sup>111</sup> DPR-0358.200 RWRL, DPR-0363.189 IRHL, DPR-0374.195 RIHL, DPR-0384.207 RIDL

<sup>112</sup> DPR-0446.108 Transpower, DPR-0367.090 Orion

36.10 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P3 as notified.

36.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 37. SUB-P4

### *Submissions*

37.1 Nine submission points and 40 further submission points were received in relation to SUB-P4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	201	Support	Retain as notified
DPR-0157	K & B Williams	FS403	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS447	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS494	Support In Part	Accept submission in part
DPR-0492	Kevler	FS773	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS470	Support In Part	Accept the submission in part.
DPR-0363	IRHL	190	Support	Retain as notified
DPR-0157	K & B Williams	FS735	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS661	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS614	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS654	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS269	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0370	Fonterra	053	Support	Retain as notified
DPR-0209	M Singh	FS785	Oppose In Part	Reject submission in part
DPR-0371	CIAL	037	Support In Part	Amend as follows Provide for a variety of site sizes within a subdivision, while achieving <del>an average a</del> a net site size no smaller than that specified for the zone. Alternatively, amend the plan to ensure that this policy does not apply to land within the 50 dB Ldn Air Noise Contour.
DPR-0353	HortNZ	FS100	Oppose	Reject
DPR-0374	RIHL	196	Support	Retain as notified
DPR-0157	K & B Williams	FS550	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS918	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS765	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS797	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS113	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS674	Support In Part	Accept the submission in part.
DPR-0384	RIDL	208	Support	Retain as notified
DPR-0409	Hughes	001	Support In Part	Amend as follows: Provide for a variety of <del>site sizes</del> <u>frontage widths</u> within a subdivision, while achieving an average net site size no smaller than that specified for the zone.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0209	M Singh	FS062	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS861	Support In Part	Accept submission in part
DPR-0358	RWRL	FS108	Oppose	Reject
DPR-0363	IRHL	FS108	Oppose	Reject
DPR-0374	RIHL	FS108	Oppose	Reject
DPR-0384	RIDL	FS108	Oppose	Reject
DPR-0461	Dunweavin	FS056	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS006	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS760	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	087	Support In Part	Amend as follows: Provide for a variety of site sizes within a <u>vacant site</u> subdivision, while achieving an average net site size no smaller than that specified for the zone.
DPR-0157	K & B Williams	FS153	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS333	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS113	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS140	Oppose In Part	Reject submission
DPR-0492	Kevler	FS738	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS133	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS024	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	196	Support	Retain as notified.

### Analysis

37.2 CIAL<sup>113</sup> opposes the application of this provision to sites within the 50 dB Ldn Air Noise Contour, and a policy direction that would allow for latitude in site size on the basis that “on average” in a subdivision the net site size is achieved. Residential density, and therefore subdivision, within the 50dB Ldn Christchurch International Airport Noise Control Overlay is subject to NOISE-P3, and so no amendment to SUB-P4 is required. I therefore recommend that the submission point be rejected.

37.3 Hughes<sup>114</sup> considers that site frontage has a greater influence on variety than area and, as such, in order to achieve variety in housing choice, typology and character, there should be a shift away from the reliance on site area. I agree that variation in site frontage plays a role in achieving variety in urban subdivision, but recommend that the submission point be rejected for the following reasons:

37.3.1 Site size also plays an important part in providing for variety in housing choice, typology and character.

<sup>113</sup> DPR-0371.037 CIAL

<sup>114</sup> DPR-0409.001 Hughes



37.3.2 SUB-P4 applies across the whole district, not just urban areas. Beyond the need to provide for a building square, frontage widths are less important in rural subdivision than site size.

37.4 Kāinga Ora<sup>115</sup> request that SUB-P4 be amended so that it only applies to vacant sites. Limiting the applicability of SUB-P4 to vacant sites removes the expectation that sites containing an existing residential unit or other building also need to comply with site sizes, and so I recommend that the submission point be rejected.

37.5 RWRL, IRHL, Fonterra, RIHL, RIDL and FFNC<sup>116</sup> all request that SUB-P4 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

37.6 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P4 as notified.

37.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **38. SUB-P5**

### **Submissions**

38.1 Seven submission points and 33 further submission points were received in relation to SUB-P5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	202	Support	Retain as notified
DPR-0157	K & B Williams	FS404	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS491	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS448	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS495	Support In Part	Accept submission in part
DPR-0492	Kevler	FS772	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS471	Support In Part	Accept the submission in part.
DPR-0363	IRHL	191	Support	Retain as notified
DPR-0157	K & B Williams	FS736	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS662	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS615	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS655	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS270	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	197	Support	Retain as notified
DPR-0157	K & B Williams	FS551	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS919	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS766	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS798	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS114	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS675	Support In Part	Accept the submission in part.

<sup>115</sup> DPR-0414.087 Kāinga Ora

<sup>116</sup> DPR-0358.201 RWRL, DPR-0363.190 IRHL, DPR-0370.053 Fonterra, DPR-0374.196 RIHL, DPR-0384.208 RIDL, DPR-0422.196 FFNZ-NC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0384	RIDL	209	Support	Retain as notified
DPR-0409	Hughes	002	Support In Part	Amend as follows: Where land is subject to an Outline Development Plan, manage subdivision <u>of land</u> to ensure that the outcomes <u>intended for that land identified within the Outline Development Plan</u> are met.
DPR-0209	M Singh	FS063	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS862	Support In Part	Accept submission in part
DPR-0358	RWRL	FS109	Support	Adopt
DPR-0363	IRHL	FS109	Support	Adopt
DPR-0374	RIHL	FS109	Support	Adopt
DPR-0384	RIDL	FS109	Support	Adopt
DPR-0461	Dunweavin	FS057	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS007	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS761	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	088	Support	Retain as notified
DPR-0157	K & B Williams	FS154	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS344	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS114	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS141	Oppose In Part	Reject submission
DPR-0492	Kevler	FS823	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS134	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS025	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	197	Support	Retain as notified

### Analysis

38.2 Hughes<sup>117</sup> considers that key outcomes within an ODP are predominantly site specific and the onus to achieve outcomes not relevant to sites within an ODP should not be foisted on sites being subdivided where these outcomes are not directly relevant. I do not consider that the requested amendment is necessary, and consider that the suggested wording makes the policy repetitive. I therefore recommend that the submission point be rejected.

38.3 RWRL, IRHL, RIHL, RIDL, Kāinga Ora and FFNC<sup>118</sup> all request that SUB-P5 be retained as notified. Based on my recommendation above, I recommend that these submission points are accepted.

### Recommendations and Amendments

<sup>117</sup> DPR-0409.002 Hughes

<sup>118</sup> DPR-0358.202 RWRL, DPR-0363.191 IRHL, DPR-0374.197 RIHL, DPR-0384.209 RIDL, DPR-0414.088 Kāinga Ora, DPR-0422.197 FFNC

38.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P5 as notified.

38.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 39. SUB-P6

### *Submissions*

39.1 Seven submission points and 35 further submission points were received in relation to SUB-P6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	203	Support	Retain as notified
DPR-0157	K & B Williams	FS405	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS492	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS449	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS496	Support In Part	Accept submission in part
DPR-0492	Kevler	FS771	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS472	Support In Part	Accept the submission in part.
DPR-0363	IRHL	192	Support	Retain as notified
DPR-0157	K & B Williams	FS737	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS663	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS616	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS656	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS271	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	198	Support	Retain as notified
DPR-0157	K & B Williams	FS552	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS920	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS767	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS799	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS115	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS676	Support In Part	Accept the submission in part.
DPR-0384	RIDL	210	Support	Retain as notified
DPR-0409	Hughes	003	Support In Part	Amend as follows: The subdivision layout to respond to and follow natural and physical features such as the underlying landscape, topography, and established vegetation <u>where appropriate</u> .
DPR-0209	M Singh	FS064	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS863	Support In Part	Accept submission in part
DPR-0358	RWRL	FS110	Support	Adopt
DPR-0363	IRHL	FS110	Support	Adopt
DPR-0374	RIHL	FS110	Support	Adopt
DPR-0381	Coleridge Downs	FS070	Support	Allow
DPR-0384	RIDL	FS110	Support	Adopt
DPR-0461	Dunweavin	FS058	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0486	Coleridge Downs	FS070	Support	Allow
DPR-0492	Kevler	FS008	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS762	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	089	Support	Retain as notified
DPR-0157	K & B Williams	FS155	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS345	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS115	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS142	Oppose In Part	Reject submission
DPR-0492	Kevler	FS739	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS135	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS026	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	198	Support	Retain as notified

### Analysis

- 39.2 Hughes<sup>119</sup> considers that the policy needs to recognise that the retention of established vegetation is very difficult when undertaking land development; subdivision layouts typically respond to established vegetation by seeking to align such areas with reserve locations. I agree that the retention of rural vegetation such as shelterbelt trees can be difficult or inefficient when undertaking greenfield urban subdivision, but the policy requires only that the layout respond to these features, not that they be retained in all circumstances. The policy as notified allows scope for features not to be retained, but their loss needs to be justified, whereas the requested amendment starts from the assumption that they will not be retained. I therefore recommend that the submission point be rejected.
- 39.3 RWRL, IRHL, RIHL, RIDL, Kāinga Ora and FFNC<sup>120</sup> all request that SUB-P6 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

- 39.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P6 as notified.
- 39.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 40. SUB-P7

### Submissions

- 40.1 Seven submission points and 24 further submission points were received in relation to SUB-P7.

<sup>119</sup> DPR-0409.003 Hughes

<sup>120</sup> DPR-0358.203 RWRL, DPR-0363.192 IRHL, DPR-0374.198 RIHL, DPR-0384.210, DPR-0414.089 Kāinga Ora, DPR-0422.198 FFNC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	204	Support	Retain as notified
DPR-0157	K & B Williams	FS406	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS493	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS450	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS497	Support In Part	Accept submission in part
DPR-0492	Kevler	FS751	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS473	Support In Part	Accept the submission in part.
DPR-0363	IRHL	193	Support	Retain as notified
DPR-0157	K & B Williams	FS738	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS664	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS617	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS657	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS272	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	199	Support	Retain as notified
DPR-0157	K & B Williams	FS553	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS921	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS768	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS800	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS116	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS677	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	104	Support	Retain as notified.
DPR-0384	RIDL	211	Support	Retain as notified
DPR-0414	Kāinga Ora	090	Support In Part	Amend as follows: Manage the form of land to be taken for reserves provision of open space, including having regard to the: 1. Council's need for the land based on adopted provision and distribution standards; 2. proximity of the land to other reserves and public open spaces, and to other desirable features; 3. Council's capacity to pay for maintenance and improvements; ...
DPR-0157	K & B Williams	FS156	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS346	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS116	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS143	Oppose In Part	Reject submission
DPR-0492	Kevler	FS740	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS136	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS027	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>provisions as are consistent with enabling our MDH proposal.</i>
DPR-0422	FFNC	199	Support	Retain as notified

### Analysis

- 40.2 Kāinga Ora generally supports the policy as proposed. Amendments are proposed to recognise that the provision of open space is an important aspect of building well-functioning urban environments. They consider that Council's ability to maintain open space should not be used to determine if open space is required as part of a subdivision. I disagree. The subdivision process is where Council has the opportunity to decline to accept a reserve or other open space where it does not align with Council strategies about where reserves are wanted, or where maintenance would place too high a burden on ratepayers. I therefore recommend that the submission point be rejected.
- 40.3 RWRL, IRHL, RIHL, WKNZTA, RIDL and FFNC<sup>121</sup> all request that SUB-P7 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted in part.

### Recommendations and Amendments

- 40.4 I recommend, for the reasons given above, that the Hearing Panel amend SUB-P7 retained as notified.
- 40.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 41. SUB-P8

### Submissions

- 41.1 Ten submission points and 26 further submission points were received in relation to SUB-P8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0279	R Verity	005	Oppose In Part	Amend the Policy to prioritise environmental, social and economic sustainability and resilience, appropriate to the locality and the soils and to take into account factors other than simply the size of the parcel of land.
DPR-0358	RWRL	205	Support	Retain as notified
DPR-0157	K & B Williams	FS407	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS494	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS451	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS498	Support In Part	Accept submission in part
DPR-0492	Kevler	FS752	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS474	Support In Part	Accept the submission in part.
DPR-0363	IRHL	194	Support	Retain as notified
DPR-0157	K & B Williams	FS739	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS665	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS618	Support In Part	Accept submission in part

<sup>121</sup> DPR-0358.204 RWRL, DPR-0363.193 IRHL, DPR-0374.199 RIHL, DPR-0375.104 WKNZTA, DPR-0384.211 RIDL, DPR-0422 FFNC



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS658	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS273	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0370	Fonterra	054	Support In Part	Amend as follows: <del>Manage</del> <u>Avoid</u> the subdivision of sites with existing residential units, or boundary adjustments between sites with existing residential units, ....
DPR-0209	M Singh	FS786	Oppose In Part	Reject submission in part
DPR-0371	CIAL	038	Support In Part	Amend as follows <del>Manage</del> <u>Avoid</u> 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, to ensure that the subdivision does not create any potential for additional residential development. Alternatively, retain the policy as worded but apply the stricter wording sought above to land within the 50 dB Ldn Air Noise Contour.
DPR-0353	HortNZ	FS101	Oppose	Reject
DPR-0374	RIHL	200	Support	Retain as notified
DPR-0157	K & B Williams	FS554	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS922	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS769	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS801	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS117	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS678	Support In Part	Accept the submission in part.
DPR-0384	RIDL	212	Support	Retain as notified
DPR-0414	Kāinga Ora	091	Support In Part	Delete as notified and replace with: <u>Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with District-wide and zone rules.</u>
DPR-0157	K & B Williams	FS157	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS347	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS117	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS144	Oppose In Part	Reject submission
DPR-0492	Kevler	FS741	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS137	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS028	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	200	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0453	Midland & Lyttelton Ports	056	Support In Part	Amend as follows: <del>Manage</del> <u>Avoid</u> 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, to ensure that the subdivision does not create any potential for additional residential development.

### Analysis

- 41.2 Policy SUB-P8 provides an alternative policy path for subdivision or boundary adjustments where there are existing residential units, but where the site sizes or density requirements of the zone are not met. This is to recognize that such subdivision or boundary adjustment does not create any potential for additional residential development and so the effects on the environment are much more limited than other forms of subdivision.
- 41.3 R Verity<sup>122</sup> opposes SUB-P8 as he believes that the rules in place are inappropriate for the stated objectives and inappropriate to enhance resilience to adverse events or to advance sustainability (social, environmental and financial). SUB-P8 provides for subdivision or boundary adjustments where there is no potential for further residential development. I therefore recommend that the submission point be rejected.
- 41.4 Kāinga Ora<sup>123</sup> are of the view that site size and density does not influence the development outcomes for the zone. I disagree. They request that the policy be deleted and replaced with alternative wording. I recommend that the submission point be rejected because the requested wording requires compliance with district-wide and zone rules. The purpose of SUB-P8 is to provide for subdivision that does not comply with site size rules in circumstances where compliance is not necessary because the residential development already exists.
- 41.5 Fonterra, CIAL and Midland & Lyttelton Ports<sup>124</sup> request that SUB-P8 be amended to start ‘avoid’, rather than ‘manage’. CIAL request, in the alternative, that the policy be retained as notified but amended to apply stricter wording to land within the sites within the 50 dB Ldn Air Noise Contour. SUB-P8 provides for subdivision or boundary adjustments where there are existing noise sensitive residential units, and where there is no potential to increase the number of residential units and therefore no potential to increase the noise sensitive activities. I therefore consider that the requested amendment is unnecessary to achieve the outcomes sought, and so that the submission points be rejected.
- 41.6 RWRL, IRHL, RIHL, RIDL and FFNC<sup>125</sup> all request that SUB-P8 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

<sup>122</sup> DPR-0279.005 R Verity

<sup>123</sup> DPR-0414.091 Kāinga Ora

<sup>124</sup> DPR-0370.054 Fonterra, DPR-0414.091 Kāinga Ora, DPR-0453.056 Midland & Lyttelton Ports

<sup>125</sup> DPR-0358.205 RWRL, DPR-0363.194 IRHL, DPR-0374.200 RIHL, DPR-0384.212 RIDL, DPR-0422.200 FFNZ-NC



### Recommendations

41.7 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P8 as notified.

41.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 42. SUB-P9

### Submissions

42.1 Seven submission points and 33 further submission points were received in relation to SUB-P9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	206	Support	Retain as notified
DPR-0157	K & B Williams	FS408	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS495	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS452	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS499	Support In Part	Accept submission in part
DPR-0492	Kevler	FS753	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS475	Support In Part	Accept the submission in part.
DPR-0363	IRHL	195	Support	Retain as notified
DPR-0157	K & B Williams	FS740	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS666	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS619	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS659	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS274	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	201	Support	Retain as notified
DPR-0157	K & B Williams	FS555	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS923	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS770	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS802	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS118	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS679	Support In Part	Accept the submission in part.
DPR-0384	RIDL	213	Support	Retain as notified
DPR-0409	Hughes	004	Support In Part	Amend as follows: Provide for the creation of a point strip only where it will achieve <u>equitable</u> , efficient and effective development outcomes.
DPR-0209	M Singh	FS065	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS864	Support In Part	Accept submission in part
DPR-0358	RWRL	FS111	Support	Adopt
DPR-0363	IRHL	FS111	Support	Adopt
DPR-0374	RIHL	FS111	Support	Adopt
DPR-0384	RIDL	FS111	Support	Adopt
DPR-0461	Dunweavin	FS059	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0492	Kevler	FS009	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS763	Support In Part	Accept submission in part
DPR-0414	Kāinga Ora	092	Support	Retain as notified
DPR-0157	K & B Williams	FS158	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS348	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS118	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS145	Oppose In Part	Reject submission
DPR-0492	Kevler	FS742	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS138	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS029	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	201	Support	Retain as notified

### Analysis

- 42.2 Hughes<sup>126</sup> notes that that point strips are used as a legitimate mechanism for cost recovery in situations where one developer may benefit directly from the investment in infrastructure undertaken by another developer. I do not consider that the requested amendment would improve clarity and ease of interpretation for Plan users and therefore recommend that the submission point be rejected.
- 42.3 RWRL, IRHL, RIHL, RIDL, Kāinga Ora and FFNC<sup>127</sup> all request that SUB-P9 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations and Amendments

- 42.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P9 as notified.
- 42.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 43. SUB-P10

### Submissions

- 43.1 Six submission points and 24 further submission points were received in relation to SUB-P10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	207	Support	Retain as notified
DPR-0157	K & B Williams	FS409	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS496	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS453	Support In Part	Accept submission in part

<sup>126</sup> DPR-0409.004 Hughes

<sup>127</sup> DPR-0358.206 RWRL, DPR-0363.195 IRHL, DPR-0374.201 RIHL, DPR-0384.213 RIDL, DPR-0414.092 Kāinga Ora, DPR-0422.201 FFNC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS500	Support In Part	Accept submission in part
DPR-0492	Kevler	FS754	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS476	Support In Part	Accept the submission in part.
DPR-0363	IRHL	196	Support	Retain as notified
DPR-0157	K & B Williams	FS741	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS667	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS620	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS660	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS275	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	202	Support	Retain as notified
DPR-0157	K & B Williams	FS556	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS924	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS771	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS803	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS119	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS680	Support In Part	Accept the submission in part.
DPR-0384	RIDL	214	Support	Retain as notified
DPR-0414	Kāinga Ora	093	Support	Retain as notified
DPR-0157	K & B Williams	FS159	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS349	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS119	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS146	Oppose In Part	Reject submission
DPR-0492	Kevler	FS515	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS139	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS030	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	202	Support	Retain as notified

### Analysis

43.2 RWRL, IRHL, RIHL, RIDL, Kāinga Ora and FFNC<sup>128</sup> all request that SUB-P10 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and the text of SUB-P10 be retained as notified. The location of this policy within the PDP is discussed further in Section 75 of this report.

<sup>128</sup> DPR-0358.207 RWRL, DPR-0363.196 IRHL, DPR-0374.202 RIHL, DPR-0384.214 RIDL, DPR-0414.093 Kāinga Ora, DPR-0422.202 FFNC

### Recommendations

- 43.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-P10 as notified.
- 43.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 44. SUB – New policies requested

### Submissions

- 44.1 Eleven submission points and 30 further submission points were received in relation to requests for additional policies within the *Subdivision* Chapter

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	026	Oppose In Part	Insert policy as follows: <u>Rural subdivision</u> <u>Ensure that subdivision in the GRUZ results in lot sizes and lot configurations that:</u> <u>1. are appropriate for the development and land use intended by the zone;</u> <u>2. are compatible with the role, function and predominant character of the zone;</u> <u>3. maintain rural character and amenity; and</u> <u>4. are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and/or conflict with activities permitted in the zone.</u>
DPR-0370	Fonterra	FS010	Support In Part	Accept the submission in part as follows: ... <u>4. are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and/or conflict with activities permitted in the zone and/or adjoining zones.</u>
DPR-0371	CIAL	FS014	Support	Accept
DPR-0453	Midland & Lyttelton Ports	FS006	Support	Accept
DPR-0142	NZ Pork	071	Support	Insert as follows: <u>Require subdivision designs and layout in the GRUZ to respond positively to, and be integrated with the surrounding rural context, including by:</u> <u>1. incorporating physical site characteristics, constraints and opportunities into subdivision design;</u> <u>2. minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform;</u> <u>3. avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places;</u> <u>4. incorporating sufficient separation from zone boundaries, transport networks, rural activities and</u>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>rural industry to minimise potential for reverse sensitivity conflicts;</u> <u>5. incorporating sufficient separation between building platforms and identified features to minimise potential adverse effects on those features;</u> <u>6. promoting sustainable stormwater management through water sensitive design solutions</u>
DPR-0142	NZ Pork	072	Support	Insert as follows: <u>Ensure that rural subdivision in the GRZ maintains or enhances the attributes that contribute to rural character and amenity values, including:</u> <u>1. varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land,</u> <u>maintaining prominent ridgelines, natural features and landforms and predominant vegetation of varying types;</u> <u>2. low population density and scale of development relative to urban areas;</u> <u>3. on-site servicing and a lack of urban infrastructure; and</u> <u>4. The continued and efficient operation of rural activities and productive working landscapes.</u>
DPR-0353	HortNZ	190	Support	Insert as follows: <u>SUB-PX: Within the General rural zone ensure that subdivision does not compromise the use of highly productive land and versatile land for rural production activities.</u>
DPR-0157	K & B Williams	FS896	Oppose	Reject submission
DPR-0209	M Singh	FS302	Oppose	Reject submission
DPR-0260	CRC	FS003	Support In Part	Insert a new policy into the subdivision provisions that will provide for consideration of the effects of subdivision on highly productive land and rural production activities in the General Rural Zone.
DPR-0298	Trices Road	FS893	Oppose	Reject submission
DPR-0481	G & V Adams	FS016	Support	Allow all points
DPR-0370	Fonterra	055	Oppose	Insert as follows: <u>Ensure that operations and development of the Fonterra manufacturing site is not compromised by subdivision, which has the potential to enable incompatible development if not appropriately managed.</u>
DPR-0209	M Singh	FS787	Oppose In Part	Reject submission in part
DPR-0371	CIAL	035	Oppose	Insert as follows: <u>Ensure that the operation, use and development of Christchurch International Airport is not compromised by subdivision, including in relation to reverse sensitivity effects.</u>
DPR-0353	HortNZ	FS098	Oppose	Reject
DPR-0414	Kāinga Ora	FS070	Oppose	Not specified
DPR-0375	WKNZTA	103	Neither Support	Insert an additional policy which ensures the safe operation, maintenance and access to any transport

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
			Nor Oppose	infrastructure is adequately considered, including multi modal transport, taking into account the outcome of consultation with the operator of the transport infrastructure.
DPR-0358	RWRL	FS095	Support	Adopt
DPR-0363	IRHL	FS095	Support	Adopt
DPR-0374	RIHL	FS095	Support	Adopt
DPR-0384	RIDL	FS095	Support	Adopt
DPR-0414	Kāinga Ora	084	Support	Amend as follows: <u>Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with District-wide and zone rules.</u>
DPR-0157	K & B Williams	FS150	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS330	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS110	Oppose In Part	Reject submission
DPR-0370	Fonterra	FS011	Oppose	Reject the submission.
DPR-0371	CIAL	FS032	Support In Part	Accept in part.
DPR-0375	WKNZTA	FS132	Oppose	Reject the submission.
DPR-0461	Dunweavin	FS137	Oppose In Part	Reject submission
DPR-0492	Kevler	FS735	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS130	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS021	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0415	Fulton Hogan	011	Support	Add Policy SUB-PX: <u>Policy SUB-PX</u> <u>Ensure that subdivision not meeting the relevant rule requirements within the General Rural Zone does not prevent access to aggregate resource.</u>
DPR-0422	FFNC	203	Neither Support Nor Oppose	Insert as follows: <u>Ensure that subdivision does not compromise the use of highly productive land and versatile land for rural production activities.</u>
DPR-0260	CRC	FS005	Support In Part	Insert a new policy into the subdivision provisions that will provide for consideration of the effects of subdivision on highly productive land and rural production activities in the General Rural Zone.
DPR-0407	Forest & Bird	FS132	Support	Accept the submission
DPR-0414	Kāinga Ora	FS076	Oppose	Not specified
DPR-0481	G & V Adams	FS019	Support	Allow
DPR-0448	NZDF	040	Support In Part	Insert new policy as follows: <u>To avoid reverse sensitivity effects and ensure</u>

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>existing lawful uses and important infrastructure are not constrained by managing the establishment of noise sensitive activities, including within the West Melton Rifle Range Noise Overlay.</u>
DPR-0414	Kāinga Ora	FS084	Oppose	Not specified

### Analysis

44.2 NZ Pork<sup>129</sup> oppose the lack of policy that links to a district wide objective and Strategic Objective on the relationship of urban form and development and the rural environment and activities. They request the insertion of three new SUB policies to manage outcomes for subdivision in the GRZ (although from the text of that submission points it appears that they are intended to apply in the GRUZ). I recommend that the submission points be rejected for the following reasons:

44.2.1 Subdivision is also subject to the objectives and policies of other district-wide Chapters (for example the *Natural Character* Chapter, *Natural Features and Landscapes* Chapter, and the *Coastal Environment* Chapter) and zones. Provisions of other Chapters need not be repeated in the *Subdivision* Chapter.

44.2.2 The matters raised in the submission points that are not already covered in the objectives and policies of other Chapters are already covered in the objectives and policies of the *Subdivision* Chapter.

44.3 HortNZ and FFNC<sup>130</sup> each request the introduction of a new SUB policy to apply in the GRUZ, to ensure that rural subdivision does not compromise the use of highly productive land and versatile land for rural production activities. The requested wording would go some way towards giving effect to the NPS-HPL, and so I recommend that the submission points be accepted in part and a new policy shown as SUB-PA in Appendix 2, be included in the PDP. Given that the NPS-HPL uses the phrases ‘highly productive land’ and ‘land-based primary production’, I recommend amendments to the wording proposed by the submitters to refer only to ‘highly productive land’ rather than also including ‘versatile land’, and to limit rural production activities (‘rural production’ is a PDP defined term) to those that are reliant on the soil resources of the land, for consistency with the NPS-HPL definition of ‘land based primary production’ as *production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.*

44.4 Fonterra, CIAL, and NZDF<sup>131</sup> each request the insertion of a new SUB policy to address the potential for reverse sensitivity effects in relation to their activities. These areas are identified through overlays, and subdivision in these areas is subject to SUB-R26, which will include consideration of the *Noise* Chapter objectives and policies. I do not consider that additional SUB policies are required. I therefore recommend that these submission points be rejected.

44.5 WKNZTA<sup>132</sup> requests the insertion of an additional SUB policy which ensures the safe operation, maintenance and access to any transport infrastructure is adequately considered, including multi modal

<sup>129</sup> DPR-0142.026, DPR-0142.071, DPR-0142.072 NZ Pork

<sup>130</sup> DPR-0353.190 HortNZ, DPR-0422.203 FFNC

<sup>131</sup> DPR-0370.055 Fonterra, DPR-0371.035 CIAL, DPR-0448.040 NZDF

<sup>132</sup> DPR-0375.103 WKNZTA



transport, taking into account the outcome of consultation with the operator of the transport infrastructure. These matters are addressed in SUB-P2 and SUB-P3.3. Where Council is not the operator of the transport infrastructure, SUB-REQ6 triggers consideration of the effects on that infrastructure operator and the objectives and policies of the *Transport* Chapter. I do not consider that an additional SUB policy is required. I therefore recommend that the submission point be rejected.

- 44.6 Kāinga Ora<sup>133</sup> request a that a new SUB policy be inserted to provide for subdivision around existing development, where it enables the creation of sites for uses in accordance with an approved land use consent and where there is compliance with district-wide and zone rules. I recommend that the submission point be rejected for the following reasons:

44.6.1 Subdivision around existing development, whether permitted or established pursuant to a land use consent, is already subject to SUB-P8.

44.6.2 Where there is compliance with district-wide and zone rules, there is no need for a land use consent.

- 44.7 Fulton Hogan<sup>134</sup> considers that the risk of sterilization of land by inappropriate land use should be recognised when making decisions on resource consents for undersized subdivisions, and requests the insertion of a new SUB policy to ensure that subdivisions creating undersized sites do not prevent access to aggregate resources. The outcomes for the GRUZ are set out in the objectives and policies of the General Rural Zone Chapter, and the potential for reverse sensitivity effects arising from activities on adjoining sites is one of the matters of discretion in SUB-R11. I do not consider that an additional SUB policy is required. I therefore recommend that the submission point be rejected.

### ***Recommendations***

- 44.8 I recommend, for the reasons given above, that the Hearing Panel insert new Policy SUB-PA as shown in **Appendix 2**, in order to give partial effect to the NPS-HPL to the extent that is within the scope of submissions.
- 44.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

### ***Section 32AA assessment – highly productive land***

- 44.10 This s32AA assessment considers the proposed introduction of SUB-PA and SUB-MATA to give partial effect to the NPS-HPL, where it is within the scope of submissions to the PDP.

### ***Effectiveness and efficiency***

- 44.11 I consider that the amendments recommended in this report would be a more effective and efficient way to achieve the objectives of both the *Subdivision* chapter and the *General Rural Zone* chapter, compared to the notified version.

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<sup>133</sup> DPR-0414.084 Kāinga Ora

<sup>134</sup> DPR-0415.011 Fulton Hogan



### *Costs and benefits*

44.12 The amendments would have the benefit of giving partial effect to the NPS-HPL, within the scope of the PDP submissions, during the period before the Schedule 1 processes required to amend the regional and district provisions are completed. The NPS-HPL will apply in advance of the Schedule 1 processes anyway, and so there would be very little, if any, opportunity cost.

### *Risk of acting or not acting*

44.13 It is considered that there is a high level of knowledge of the issues and the need to identify and manage highly productive land, such that there is a low risk of acting in the manner proposed. Not making the recommended amendments could result in less clarity about the status of highly productive land.

### *Conclusion as to the most appropriate option*

44.14 The recommended amendments are considered to be the most appropriate way to achieve the SUB objectives, compared to the notified version.

## 45. SUB-R1 Subdivision in the Residential Zones

### *Submissions*

45.1 Seven submission points and 25 further submission points were received in relation to SUB-R1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	208	Support In Part	Amend activity status to CON rather than RDIS.
DPR-0157	K & B Williams	FS410	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS497	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS454	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS501	Support In Part	Accept submission in part
DPR-0492	Kevler	FS755	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS477	Support In Part	Accept the submission in part.
DPR-0359	FENZ	049	Support	Retain as notified.
DPR-0363	IRHL	197	Support In Part	Amend activity status to CON rather than RDIS.
DPR-0157	K & B Williams	FS742	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS668	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS621	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS661	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS276	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	092	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS661	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	203	Support In Part	Amend activity status to CON rather than RDIS.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0157	K & B Williams	FS557	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS925	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS772	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS804	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS120	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS681	Support In Part	Accept the submission in part.
DPR-0384	RIDL	215	Support In Part	Amend the activity status of this provision to CON, rather than RDIS.
DPR-0414	Kāinga Ora	094	Support In Part	Amend as follows: <u>Vacant Site</u> Subdivision in the Residential Zones Activity status: RDIS 1. Subdivision not subject to any of SUB-R12, SUB-R13, SUB-R14, or SUB-R15. Where this activity complies with the following rule requirements: SUB-REQ1 Site Area ... <del>SUB-REQ4 Road Frontage Width</del> ...
DPR-0157	K & B Williams	FS160	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS350	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS120	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS147	Oppose In Part	Reject submission
DPR-0492	Kevler	FS516	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS140	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS031	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 45.2 Orion<sup>135</sup> requests that an exemption to SUB-R1 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. SUB-R1 is an RDIS activity where, among other requirements, SUB-REQ1 Site Area is met. Within SUB-REQ1, neither the average net site size nor the minimum net site size requirements apply to sites used exclusively for access, reserves or network utility operations, or which are wholly subject to a designation. The outcome sought by Orion is therefore already provided for, and no amendment to the PDP is required. I therefore recommend that the submission point be rejected.

<sup>135</sup> DPR-0367.092 Orion

45.3 Kāinga Ora<sup>136</sup> request that SUB-R1 be amended to introduce the word 'vacant' to describe the standard, so as to clarify the relationship between the creation of vacant sites through subdivision, and the establishment of reduced site sizes that are deemed acceptable through an approved land use consent for multi-unit development. I recommend that the submission point be rejected for the following reasons:

45.3.1 These latter developments are not subject to SUB-R1, but rather to SUB-R9 and SUB-R10, which specifically provide for the development of smaller sites, either as vacant sites (SUB-R9), or as part of a land use consent for a multi-unit development (SUB-R10).

45.3.2 Including the term 'vacant' means that any site that is not vacant, because it contains an existing building, would not be subject to the rule. In my experience, subdivision in residential zones almost always contains an existing residential unit somewhere on the site, and so I consider that the requested amendment would undermine the integrity of the rule.

45.4 Kāinga Ora<sup>137</sup> also request that SUB-R1 be amended to remove the requirement to comply with SUB-REQ4 Road Frontage Width. This is discussed in Section 66 of this report.

45.5 RWRL, IRHL, RIHL and RIDL<sup>138</sup> all request that the activity status be amended to CON, rather than RDIS. The existing levels of development in the District are considered to be an indicator that the existing provisions for subdivision are not hindering development. Rather, the ability for Council to decline inappropriate applications means that applicants are willing to make changes to applications where this is required to implement the policy direction and achieve the outcomes sought – a significant proportion of consented residential subdivisions differ in some respect from the application initially lodged. I therefore recommend that these submission points be rejected.

45.6 FENZ<sup>139</sup> requests that SUB-R1 be retained as notified. Based on my recommendations above, I recommend that the submission point be accepted.

### **Recommendations**

45.7 I recommend, for the reasons given above, that there are no amendments to SUB-R1 in relation to the above submission points.

45.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **46. SUB-R2 Subdivision in the General Rural Zone**

### **Submissions**

46.1 Seventeen submission points and 34 further submission points were received in relation to SUB-R2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	027	Oppose In Part	Amend activity status to restricted discretionary. Add as a matter of discretion:

<sup>136</sup> DPR-0414.094 Kāinga Ora

<sup>137</sup> DPR-0414.094 Kāinga Ora

<sup>138</sup> DPR-0358.208 RWRL, DPR-0363.197 IRHL, DPR-0374.203 RIHL, DPR-0384.215 RIDL

<sup>139</sup> DPR-0359.049 FENZ

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>The potential reverse sensitivity effects with activities on surrounding sites.</u>
DPR-0342	AgResearch	FS004	Support	Allow in full
DPR-0370	Fonterra	FS012	Support	Accept the submission.
DPR-0212	ESAI	073	Support In Part	Retain as notified.
DPR-0353	HortNZ	191	Oppose In Part	Amend GRUZ-SCHED2 Residential density by moving from the GRUZ to SUB Chapter.
DPR-0358	RWRL	209	Support	Retain as notified
DPR-0157	K & B Williams	FS411	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS498	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS455	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS502	Support In Part	Accept submission in part
DPR-0492	Kevler	FS756	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS478	Support In Part	Accept the submission in part.
DPR-0359	FENZ	050	Support	Retain as notified.
DPR-0363	IRHL	198	Support	Retain as notified
DPR-0157	K & B Williams	FS743	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS669	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS622	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS662	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS277	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	093	Support	Retain as notified.
DPR-0407	Forest & Bird	FS662	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra	056	Support	Retain as notified
DPR-0209	M Singh	FS788	Oppose In Part	Reject submission in part
DPR-0371	CIAL	039	Support	Retain as notified
DPR-0353	HortNZ	FS102	Oppose	Reject
DPR-0371	CIAL	094	Support In Part	Retain the requirement that any site that is, or that is proposed to be as part of the application, subject to a legal mechanism restricting the number of residential units which may be erected on the site shall be of sufficient size to comply with the minimum net site area, excluding any area which cannot be used to erect a residential unit.
DPR-0353	HortNZ	FS148	Oppose	Reject
DPR-0374	RIHL	204	Support	Retain as notified
DPR-0157	K & B Williams	FS558	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS926	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS773	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS805	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS121	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS682	Support In Part	Accept the submission in part.
DPR-0384	RIDL	216	Support	Retain as notified
DPR-0414	Kāinga Ora	096	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0157	K & B Williams	FS162	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS352	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS122	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS149	Oppose In Part	Reject submission
DPR-0492	Kevler	FS518	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS142	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS033	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	205	Support In Part	Retain as notified
DPR-0448	NZDF	051	Support In Part	Retain as notified
DPR-0448	NZDF	052	Oppose	Amend the activity status to non-complying
DPR-0358	RWRL	FS112	Oppose	Reject
DPR-0363	IRHL	FS112	Oppose	Reject
DPR-0374	RIHL	FS112	Oppose	Reject
DPR-0384	RIDL	FS112	Oppose	Reject
DPR-0453	Midland & Lyttelton Ports	057	Support	Retain as notified

### Analysis

- 46.2 NZ Pork<sup>140</sup> request that the activity status be amended to RDIS, and that a matter for discretion be added to address potential reverse sensitivity effects. Complying subdivisions in the GRUZ need to provide a building square that is outside all building setbacks applicable to the site (SUB-REQ2 Building Square), which include setbacks from intensive primary production (GRUZ-REQ10) and mineral extraction activities (GRUZ-REQ11). These setbacks have been established to manage the potential for reverse sensitivity effects, and so I see no reason for a more restrictive activity status to apply where a complying building square can be provided.
- 46.3 However, I acknowledge that there may be other activities on adjoining sites that may result in reverse sensitivity effects, particularly in the General Rural Zone. I therefore recommend that the submission point be accepted in part and SUB-R2.2 be amended as shown in **Appendix 2** to allow the consideration of other potential reverse sensitivity effects and how these would be managed.
- 46.4 HortNZ<sup>141</sup> request that GRUZ-SCHED2 Residential Density be moved from the *General Rural Zone* Chapter to the *Subdivision* Chapter. GRUZ-SCHED2 responds to the objectives and policies of the GRUZ, and is primarily used to control residential density in that zone. I consider it is therefore appropriate to retain the schedule in the *General Rural Zone* Chapter and so I recommend that the submission point be rejected.

<sup>140</sup> DPR-0142.027 NZ Pork

<sup>141</sup> DPR-0353.191 HortNZ

- 46.5 CIAL<sup>142</sup> requests that SUB-R2 retain the requirement that any site that is, or that is proposed to be as part of the application, subject to a legal mechanism restricting the number of residential units which may be erected on the site, shall be of sufficient size to comply with the minimum net site area, excluding any area which cannot be used to erect a residential unit. Based on my recommendations above, I recommend that the submission point be accepted in part.
- 46.6 NZDF requests that the 4ha minimum site size in GRUZ-SCHED2 be retained<sup>143</sup>, but that where the minimum site size is not complied with, the activity status should be NC, rather than RDIS under SUB-R11 where certain criteria are met.<sup>144</sup> NZDF explain in their submission that their area of is around the West Melton Rifle Range, and so I recommend that SUB-R11 be amended so that the creation of undersized sites within the West Melton Noise Control Overlays is a NC activity, in the same way that they are within the Christchurch International Airport Noise Control Overlays. I note that subdivision in this area is also subject to SUB-R26 Subdivision and Noise, which has been considered as part of the s42A report for the *Noise* Chapter. I therefore recommend that the submission points be accepted in part.
- 46.7 ESAI, RWRL, FENZ, IRHL, Orion, Fonterra, CIAL, RIHL, RIDL, Kāinga Ora, FFNC, NZDF, and Midland & Lyttelton Ports<sup>145</sup> requests that SUB-R2 be retained as notified. Based on my recommendations above, I recommend that the submission point be accepted in part.

#### ***Recommendations and Amendments***

- 46.8 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R2 as shown in **Appendix 2**, to allow for the consideration of reverse sensitivity effects and how these would be managed.
- 46.9 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R11 as shown in **Appendix 2**, so that the creation of undersized sites within the West Melton Noise Control Overlays is a NC activity, in the same way that they are within the Christchurch International Airport Noise Control Overlays.
- 46.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 46.11 The nature of the changes are such that a s32AA evaluation is not required.

## **SUB-R3 Subdivision in the Commercial and Mixed Use Zones, General Industrial Zone, Knowledge Zone, and Port Zone**

#### ***Submissions***

- 47.1 Seven submission points and 26 further submission points were received in relation to SUB-R3.

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<sup>142</sup> DPR-0371.094 CIAL

<sup>143</sup> DPR-0448.051 NZDF

<sup>144</sup> DPR-0448.052 NZDF

<sup>145</sup> DPR-0212.073 ESAI, DPR-0358.209 RWRL, DPR-0359.050 FENZ, DPR-0363.198 IRHL, DPR-0367.093 Orion, DPR-0370.056 Fonterra, DPR-0371.039, DPR-0374.204 RIHL, DPR-0384.216 RIDL, DPR-0414.096 Kāinga Ora, DPR-0453.057 Midland & Lyttelton Ports

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	210	Support In Part	Amend the activity status to CON rather than RDIS.
DPR-0157	K & B Williams	FS412	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS490	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS499	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS456	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS503	Support In Part	Accept submission in part
DPR-0492	Kevler	FS757	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS479	Support In Part	Accept the submission in part.
DPR-0359	FENZ	051	Support	Retain as notified.
DPR-0363	IRHL	199	Support In Part	Amend activity status to CON rather than RDIS.
DPR-0157	K & B Williams	FS744	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS670	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS623	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS6623	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS278	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	086	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS655	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	205	Support In Part	Amend activity status to CON rather than RDIS.
DPR-0157	K & B Williams	FS559	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS927	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS774	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS806	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS122	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS683	Support In Part	Accept the submission in part.
DPR-0384	RIDL	217	Support In Part	Amend the activity status of this provision to CON, rather than RDIS.
DPR-0414	Kāinga Ora	097	Support	Retain as notified
DPR-0157	K & B Williams	FS163	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS353	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS123	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS150	Oppose In Part	Reject submission
DPR-0492	Kevler	FS519	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS143	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS034	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>provisions as are consistent with enabling our MDH proposal.</i>

### Analysis

- 47.2 Orion<sup>146</sup> requests that an exemption to SUB-R3 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. SUB-R3 is an RDIS activity where, among other requirements, SUB-REQ1 Site Area is met. Within SUB-REQ1, neither the average net site size nor the minimum net site size requirements apply to sites used exclusively for access, reserves or network utility operations, or which are wholly subject to a designation. The outcome sought by Orion is therefore already provided for, and no amendment to the PDP is required. I therefore recommend that the submission point be rejected.
- 47.3 RWRL, IRHL, RIHL and RIDL<sup>147</sup> all request that the activity status be amended to CON, rather than RDIS. The existing levels of development in the district are considered to be an indicator that the existing provisions for subdivision are not hindering development. Rather, the ability for Council to decline inappropriate applications means that applicants are willing to make changes to applications where this is required – a significant proportion of consented subdivisions differ in some respect from the application initially lodged. I therefore recommend that these submission points be rejected.
- 47.4 FENZ and Kāinga Ora<sup>148</sup> request that SUB-R3 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### Recommendations

- 47.5 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R3 as notified.
- 47.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 48. SUB-R4 Subdivision in the Dairy Processing Zone

### Submissions

- 48.1 Three submission points and nine further submission points were received in relation to SUB-R4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	094	Support	Retain as notified.
DPR-0407	Forest & Bird	FS663	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0370	Fonterra	057	Support	Retain as notified
DPR-0209	M Singh	FS789	Oppose In Part	Reject submission in part
DPR-0414	Kāinga Ora	098	Support	Retain as notified
DPR-0157	K & B Williams	FS164	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS354	Oppose In Part	Reject the submission in part

<sup>146</sup> DPR-0367.086 Orion

<sup>147</sup> DPR-0358.210 RWRL, DPR-0363.199 IRHL, DPR-0374.205 RIHL, DPR-0384.217 RIDL

<sup>148</sup> DPR-0359.051 FENZ, DPR-0414.097 Kāinga Ora



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road	FS124	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS151	Oppose In Part	Reject submission
DPR-0492	Kevler	FS520	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS144	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS035	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

48.2 Orion, Fonterra and Kāinga Ora<sup>149</sup> all request that SUB-R4 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-R4 be retained as notified.

### Recommendations

48.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R4 as notified.

48.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 49. SUB-R5 Subdivision in the Grasmere Zone

### Submissions

49.1 Three submission points and nine further submission points were received in relation to SUB-R5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	087	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS656	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	095	Support	Retain as notified.
DPR-0407	Forest & Bird	FS664	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora	099	Support	Retain as notified
DPR-0157	K & B Williams	FS165	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS355	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS125	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS152	Oppose In Part	Reject submission
DPR-0492	Kevler	FS521	Oppose In Part	Reject submission points in part

<sup>149</sup> DPR-0367.094 Orion, DPR-0370.057 Fonterra, DPR-0414.098 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS145	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS036	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 49.2 Orion<sup>150</sup> requests that an exemption to SUB-R5 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. SUB-R5 is an CON activity where, among other requirements, SUB-REQ1 Site Area is met. Within SUB-REQ1, neither the average net site size nor the minimum net site size requirements apply to sites used exclusively for access, reserves or network utility operations, or which are wholly subject to a designation. The outcome sought by Orion is therefore already provided for, and no amendment to the PDP is required. I therefore recommend that the submission point be rejected.
- 49.3 Orion<sup>151</sup> and Kāinga Ora<sup>152</sup> both request that SUB-R5 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

- 49.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R5 as notified.
- 49.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 50. SUB-R6 Subdivision in the Māori Purpose Zone

### Submissions

- 50.1 Two submission points and eight further submission points were received in relation to SUB-R6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	096	Support	Retain as notified.
DPR-0407	Forest & Bird	FS665	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora	100	Support	Retain as notified
DPR-0157	K & B Williams	FS166	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS356	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS126	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS153	Oppose In Part	Reject submission
DPR-0492	Kevler	FS522	Oppose In Part	Reject submission points in part

<sup>150</sup> DPR-0367.087 Orion

<sup>151</sup> DPR-0367.087 Orion DPR-0367.095 Orion appear to be conflicting submission points, but both are within the original submission

<sup>152</sup> DPR-0367.095 Orion, DPR-0414.099 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS146	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS037	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

50.2 Orion and Kāinga Ora<sup>153</sup> both request that SUB-R6 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-R6 be retained as notified.

### Recommendations

50.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R6 as notified.

50.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 51. SUB-R7 Subdivision in the Porters Ski Zone

### Submissions

51.1 Five submission points and 11 further submission points were received in relation to SUB-R7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0345	Porters	026	Oppose In Part	Not specified
DPR-0407	Forest & Bird	FS811	Oppose	Reject the submissions
DPR-0345	Porters	027	Oppose	Delete SUB-R7.1.c
DPR-0375	WKNZTA	FS133	Oppose	Retain as notified with the inclusion of the amendments requested in original submission from Waka Kotahi.
DPR-0407	Forest & Bird	FS812	Oppose	Reject the submissions
DPR-0367	Orion	097	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS666	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0375	WKNZTA	105	Support In Part	Amend as follows: 3. Any application arising from SUB-R7.1. shall <del>not</del> be subject to public or limited notification <u>with NZTA recognised as a directly affected party and shall be processed on a non-notified basis.</u>

<sup>153</sup> DPR-0367.096 Orion, DPR-0414.100 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora	101	Support	Retain as notified
DPR-0157	K & B Williams	FS167	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS357	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS127	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS154	Oppose In Part	Reject submission
DPR-0492	Kevler	FS523	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS147	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS038	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 51.2 Orion<sup>154</sup> requests that requests that an exemption to SUB-R7 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. There are no site size requirements in SUB-R7, and so an exemption is not required. I therefore recommend that the submission point be rejected.
- 51.3 Porters<sup>155</sup> consider that SUB-R7.1.b. should be clarified to reference requirements of New Zealand's Health and Safety legislation. This would involve incorporating the relevant legislation by reference into the PDP, and it may change over the life of the plan. The intent of the emergency management and response plan is that it be a living document that responds to changes over time (hence the requirement to update it for each subdivision application), and so I consider that it would be inefficient to fix its requirements to a particular piece or pieces of legislation. The submission point should therefore be rejected.
- 51.4 Porters<sup>156</sup> also consider that consideration of transport effects will be triggered by TRAN-R8, and that it is therefore inefficient to include SUB-R7.1.c. They also consider that SUB-R7.1.c is unreasonable in that the number of sites created by subdivision is not quantified and may only be one or two, in which case consequential development would not be sufficient to require the intersection to be upgraded. The PDP provisions are consistent with what was agreed through the SDP Plan Change 25 process, and TRAN-R8 does not apply to subdivision because it is not an activity listed in TRAN-TABLE2. I therefore recommend that the submission point be rejected.
- 51.5 WKNZTA<sup>157</sup> supports the approach of the State Highway 73 intersection upgrade occurring as a condition of any Controlled Activity subdivision and non-compliance with the requirements being a non-complying activity. They express concern that the provision includes that a non-compliance shall not be limited or publicly notified as this could potentially remove them from any consultation process. The notification clause at SUB-R7.3 applies only where all of SUB-R7.1, including the intersection upgrades

<sup>154</sup> DPR-0367.097 Orion

<sup>155</sup> DPR-0345.026 Porters

<sup>156</sup> DPR-0345.027 Porters

<sup>157</sup> DPR-0375.105 WKNZTA

at SUB-R7.1.c, are met. Where SUB-R7.3.c is not met, the activity has a NC status and no notification clause, meaning that the inclusion of WKNZTA in the process can be considered. I therefore recommend that the submission point be rejected.

- 51.6 Kāinga Ora<sup>158</sup> requests that SUB-R7 be retained as notified. Based on my recommendations above, I recommend that the submission point be accepted.

### **Recommendations**

- 51.7 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R7 as notified.
- 51.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **52. SUB-R8 Subdivision in the Terrace Downs Zone**

### **Submissions**

- 52.1 Three submission points and nine further submission points were received in relation to SUB-R8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	098	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS667	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	099	Support	Retain as notified.
DPR-0407	Forest & Bird	FS668	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0414	Kāinga Ora	102	Support	Retain as notified
DPR-0157	K & B Williams	FS168	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS358	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS128	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS155	Oppose In Part	Reject submission
DPR-0492	Kevler	FS524	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS148	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS039	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

<sup>158</sup> DPR-0414.101 Kāinga Ora

### Analysis

- 52.2 Orion<sup>159</sup> requests that an exemption to SUB-R8 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. SUB-R8 is a CON activity where, among other requirements, SUB-REQ1 Site Area is met. Within SUB-REQ1, neither the average net site size nor the minimum net site size requirements apply to sites used exclusively for access, reserves or network utility operations, or which are wholly subject to a designation. The outcome sought by Orion is therefore already provided for, and no amendment to the PDP is required. I therefore recommend that the submission point be rejected.
- 52.3 Orion<sup>160</sup> and Kainga Ora<sup>161</sup> both request that SUB-R8 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

- 52.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R8 as notified.
- 52.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 53. SUB-R9 Subdivision in Residential Zones to Facilitate Small Site Development

### Submissions

- 53.1 Ten submission points and 36 further submission points were received in relation to SUB-R9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0204	JP Singh	001	Support	Retain as notified
DPR-0358	RWRL	211	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS413	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS500	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS457	Support In Part	Accept submission in part
DPR-0411	Hughes	FS002	Support	Allow
DPR-0461	Dunweavin	FS504	Support In Part	Accept submission in part
DPR-0492	Kevler	FS758	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS480	Support In Part	Accept the submission in part.
DPR-0363	IRHL	200	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS745	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS671	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS624	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS664	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS279	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	100	Support	Retain as notified.

<sup>159</sup> DPR-0367.098 Orion

<sup>160</sup> DPR-0367.098 and DPR-0367.099 Orion are in conflict, but both are in the original submission

<sup>161</sup> DPR-0367.099 Orion, DPR-0414.102 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	FS669	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	101	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS670	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	CIAL	040	Neither Support Nor Oppose	Retain as notified
DPR-0353	HortNZ	FS103	Oppose	Reject
DPR-0374	RIHL	206	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS560	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS928	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS775	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS807	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS123	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS684	Support In Part	Accept the submission in part.
DPR-0384	RIDL	218	Support In Part	Amend the activity status of this provision to CON, rather than RDIS and insert a non-notification clause.
DPR-0414	Kāinga Ora	103	Oppose	Delete as notified
DPR-0157	K & B Williams	FS169	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS359	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS129	Oppose In Part	Reject submission
DPR-0358	RWRL	FS114	Oppose	Reject
DPR-0363	IRHL	FS114	Oppose	Reject
DPR-0374	RIHL	FS114	Oppose	Reject
DPR-0384	RIDL	FS114	Oppose	Reject
DPR-0461	Dunweavin	FS156	Oppose In Part	Reject submission
DPR-0492	Kevler	FS525	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS149	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS040	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0456	Four Stars & Gould	019	Oppose	Delete SUB-R9.2.c. as notified
DPR-0358	RWRL	FS115	Support	Adopt
DPR-0363	IRHL	FS115	Support	Adopt
DPR-0374	RIHL	FS115	Support	Adopt
DPR-0384	RIDL	FS115	Support	Adopt



### ***Analysis***

- 53.2 Kāinga Ora<sup>162</sup> request that SUB-R9 be deleted as notified. They oppose the provision consistent with their submission on the residential zones to enable the construction of up to three dwellings as a permitted activity. They consider that providing for small site development with different subdivision requirements adds an additional layer of complexity and assessment, and instead seek amendments to enable subdivision in accordance with an approved land use consent which enables a more comprehensive approach to subdivision.
- 53.3 As noted in the s32 report for the Residential Zones, the vast majority of demand for new residential units in the district is for three- and four-bedroom homes on individual sites, even though the provisions of the SDP provide for other forms of development. SUB-R9 allows for the creation of smaller sites than otherwise anticipated in certain residential zones within a wider subdivision (the minimum average site size requirement for the zone must still be met) where they are in suitable locations, without the need for appropriate locations to be shown on an outline development plan, or zoned differently. Once created, these sites can be developed as standalone properties in accordance with LRZ-R11, GRZ-R11 or SETZ-R11, without the need to coordinate design or construction between properties.
- 53.4 Overall, I consider that the SUB-R9 assists in the provision of a range of site types and sizes within a wider residential context, thereby creating variety and choice. I therefore recommend that the Kāinga Ora<sup>163</sup> submission point be rejected.
- 53.5 RWRL, IRHL, RIHL and RIDL<sup>164</sup> all request that the activity status be amended to CON from RDIS. I recommend that this part of each submission point be rejected because the existing levels of development in the district are considered to be an indicator that the existing provisions for subdivision are not hindering development. Rather, the ability for Council to decline inappropriate applications means that applicants are willing to make changes to applications where this is required – a significant proportion of consented residential subdivisions differ in some respect from the application initially lodged.
- 53.6 RWRL, IRHL, RIHL and RIDL<sup>165</sup> also all request that a non-notification clause be inserted in SUB-R9. I recommend that this part of these submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. Small site development is not anticipated to occur in all locations within the GRZ, LRZ and SETZ, and I consider that it would be inappropriate to prevent those who may be adversely affected by the details of a particular proposal from having the opportunity to participate in the process. Conversely, I note that the absence of a non-notification clause does not mean that public or limited notification will always be required.
- 53.7 I therefore recommend that the RWRL, IRHL, RIHL and RIDL<sup>166</sup> submission points be rejected.

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<sup>162</sup> DPR-0414.103 Kāinga Ora

<sup>163</sup> DPR-0414.103 Kāinga Ora

<sup>164</sup> DPR-0358.211 RWRL, DPR-0363.200 IRHL, DPR-0374.206 RIHL, DPR-0384.218 RIDL

<sup>165</sup> DPR-0358.211 RWRL, DPR-0363.200 IRHL, DPR-0374.206 RIHL, DPR-0384.218 RIDL

<sup>166</sup> DPR-0358.211 RWRL, DPR-0363.200 IRHL, DPR-0374.206 RIHL, DPR-0384.218 RIDL



- 53.8 Orion<sup>167</sup> requests that an exemption to SUB-R9 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. SUB-R9 is subject to SUB-REQ1.1 which addresses minimum average site sizes, but not to SUB-REQ1.2, which addresses minimum site sizes. Site size requirements in other equivalent SUB rules (such as SUB-R1) are not intended to apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation, because these sites are not intended for residential activities. For consistency with these other rules, I recommend that the submission point be accepted in part and SUB-R9 be amended as shown in **Appendix 2**, so that neither the minimum nor maximum site area standards apply to these sites.
- 53.9 Four Stars & Gould<sup>168</sup> request that SUB-R9.2.c be deleted, on the basis that, in order to achieve a residential density of 12hh/ha, the GRZ will require significant areas of small site development, which is discouraged by rules that require walkability to commercial and community facilities. They argue that, while this is desirable, it is not necessarily feasible, particularly in greenfield development areas where local shopping areas are generally built at a later stage once a critical catchment population has been reached. I recommend that the submission point be rejected for the following reasons:
- 53.9.1 Proximity to the features listed in SUB-R9.2.c are matters for discretion, not standards to be met. This allows the details of the proposal to be assessed against the existing and planned environment in that area – for example, that a shopping centre is planned or zoned for, but that the critical catchment population for its establishment has not yet been reached.
- 53.9.2 As noted above, ‘community facility’ is a defined term that includes public open space that is typically provided as part of a greenfield subdivision. Locating small site development lots near public open space allows the residents of those sites to compensate for the reduction of private open space around their own residential unit with the public space.
- 53.10 JP Singh, Orion,<sup>169</sup> and CIAL<sup>170</sup> all request that SUB-R9 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted in part.

#### ***Recommendations and Amendments***

- 53.11 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R9 as shown in **Appendix 2**, so that neither the minimum nor maximum site area standards apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation.
- 53.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 53.13 The nature of the recommended change does not require a s32AA evaluation.

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<sup>167</sup> DPR-0367.101 Orion

<sup>168</sup> DPR-0456.019 Four Stars & Gould

<sup>169</sup> DPR-0367.100 and DPR-0367.101 Orion have both been summarised correctly – there is inconsistency in the original submission

<sup>170</sup> DPR-0204.001 JP Singh, DPR-0367.100 Orion, DPR-0371.040 CIAL

## 54. SUB-R10 Subdivision in Residential Zones of Comprehensive Development

### **Submissions**

- 54.1 Seven submission points and 29 further submission points were received in relation to SUB-R10 that will be assessed in this report. Additional submission points and further submission points in relation to SUB-R10 will be assessed in the s42A report for the *Residential Zones* Chapter, as outlined in Section 5 of this report.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0204	JP Singh	002	Support	Retain as notified
DPR-0358	RWRL	212	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS414	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS501	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS458	Support In Part	Accept submission in part
DPR-0411	Hughes	FS013	Support	Allow
DPR-0461	Dunweavin	FS505	Support In Part	Accept submission in part
DPR-0492	Kevler	FS759	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS481	Support In Part	Accept the submission in part.
DPR-0363	IRHL	201	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS746	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS672	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS625	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS665	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS280	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	102	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS671	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	CIAL	041	Neither Support Nor Oppose	Retain as notified
DPR-0353	HortNZ	FS104	Oppose	Reject
DPR-0374	RIHL	207	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS561	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS929	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS776	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS808	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS124	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS685	Support In Part	Accept the submission in part.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0384	RIDL	219	Support In Part	Amend the activity status of this provision to CON, rather than RDIS and insert a non-notification clause.
DPR-0414	Kāinga Ora	104	Oppose	Delete as notified
DPR-0157	K & B Williams	FS170	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS360	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS130	Oppose In Part	Reject submission
DPR-0375	WKNZTA	FS134	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS157	Oppose In Part	Reject submission
DPR-0492	Kevler	FS526	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS150	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS041	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 54.2 Kāinga Ora<sup>171</sup> request that SUB-R10 be deleted. They oppose the provision consistent with their submission on the residential zones to enable the construction of up to three dwellings as a permitted activity. They consider that providing for comprehensive development with different subdivision requirements adds an additional layer of complexity and assessment, and instead seek amendments to enable subdivision in accordance with an approved land use consent which enables a more comprehensive approach to subdivision. SUB-R10 provides for subdivision in accordance with an approved land use consent. I therefore recommend that the Kāinga Ora<sup>172</sup> submission point be rejected.
- 54.3 RWRL, IRHL, RIHL and RIDL<sup>173</sup> each request that the activity status be amended to CON rather than RDIS. I recommend that this part of these submission points be rejected because the existing levels of development in the district are considered to be an indicator that the existing provisions for subdivision are not hindering development. Rather, the ability for Council to decline inappropriate applications means that applicants are willing to make changes to applications where this is required – a significant proportion of consented residential subdivisions differ in some respect from the application initially lodged.
- 54.4 RWRL, IRHL, RIHL and RIDL<sup>174</sup> also each request that a non-notification clause be inserted in SUB-R10. SUB-R10 is intended to be used in conjunction with a specific land use (comprehensive development), and it is the land use that has the potential to result in effects that might warrant notification. I therefore recommend that this part of these submission points be accepted.
- 54.5 I therefore recommend that the RWRL, IRHL, RIHL and RIDL<sup>175</sup> submission points be accepted in part.

<sup>171</sup> DPR-0414.104 Kāinga Ora

<sup>172</sup> DPR-0414.104 Kāinga Ora

<sup>173</sup> DPR-0358.212 RWRL, DPR-0363.201 IRHL, DPR-0374.207 RIHL, DPR-0384.219 RIDL

<sup>174</sup> DPR-0358.212 RWRL, DPR-0363.201 IRHL, DPR-0374.207 RIHL, DPR-0384.219 RIDL

<sup>175</sup> DPR-0358.212 RWRL, DPR-0363.201 IRHL, DPR-0374.207 RIHL, DPR-0384.219 RIDL

54.6 Orion<sup>176</sup> requests that an exemption to SUB-R10 be inserted, so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. SUB-R10 does not have a minimum site size requirement, but does have a maximum site size of 300m<sup>2</sup>. Site size requirements are not intended to apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation, because these sites are not intended for residential activities. I recommend that the submission point be accepted in part and SUB-R10 be amended as shown in **Appendix 2**, so that the maximum site area standards do not apply to these sites.

54.7 JP Singh and CIAL<sup>177</sup> both request that SUB-R10 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted in part.

#### ***Recommendations and Amendments***

54.8 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R10 as shown in **Appendix 2**, so that the maximum site area standards do not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation, and to introduce a non-notification clause where the requirements of the rule are met.

54.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

54.10 The nature of the recommended change does not require a s32AA evaluation.

## **55. TRAN-REQ19 Land Transport Infrastructure Formation Standards**

#### ***Submissions***

55.1 One submission point relating to TRANS-REQ19 has been allocated to the s42A for the *Subdivision* Chapter.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0409	Hughes	030	Oppose	Amend as follows:  4. Footpaths shall be formed on both sides of Local Roads in locations where: a. ... <del>b. The adjacent land contains Small Site Development and Comprehensive Development.</del>
DPR-0358	RWRL	FS076	Support	Adopt
DPR-0363	IRHL	FS076	Support	Adopt
DPR-0374	RIHL	FS076	Support	Adopt
DPR-0384	RIDL	FS076	Support	Adopt

<sup>176</sup> DPR-0367.102 Orion

<sup>177</sup> DPR-0204.002 JP Singh, DPR-0371.041 CIAL

### ***Analysis***

- 55.2 Hughes<sup>178</sup> submits that, as small site development or comprehensive development is not always provided for in the original subdivision design, footpaths may not be provided on both sides of the road and it is impractical to impose this provision where a road has already been constructed.
- 55.3 TRAN-REQ19 applies to land transport infrastructure works (TRAN-R1 and TRAN-R3), and not to the establishment of small site development or comprehensive development on adjoining sites. Where the works adjoin small site development or comprehensive development, footpaths on local roads are retrospectively required on both sides of the road – where they are usually required only on one side of local roads. As notified, the PDP only requires dual footpaths where the more intensive development has already occurred, and only where the road adjoins the more intensive development. Given that road formation generally precedes the establishment of residential units, I agree with the submitter that the provision as notified is impractical and that it could result in piecemeal footpaths where a block side contains a mix of residential densities.
- 55.4 In recognising that the location of small site development sites and comprehensive development sites are not always known at the time of initial subdivision, recognition must also be given to the fact these sites often are known at this initial stage. I recommend that TRAN-REQ19 be amended as shown in **Appendix 2** to provide clarity and ease of uses for Plan users by requiring footpaths to be provided along both sides of local roads where:
- 55.4.1 At the time of initial subdivision, any small site development site or comprehensive development site is shown on that block side, so that the whole of that block side has footpaths on both sides of the road, not just the portion immediately adjoining the small site development site or comprehensive development site.
- 55.4.2 Where small site development or comprehensive development has occurred after the initial layout of streets, at the time where an upgrade of that road occurs.

### ***Recommendations and Amendments***

- 55.5 I recommend, for the reasons given above, that the Hearing Panel amend TRAN-REQ19 as shown in **Appendix 2**, to provide clarity and ease of use for Plan users.
- 55.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 55.7 The nature of the recommended change does not require a s32AA evaluation.

## **56. SUB-R11 Open Space Subdivision**

### ***Submissions***

- 56.1 Fifteen submission points and 24 further submission points were received in relation to SUB-R11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0104	L Travnicek	003	Oppose	Amend clustering number from three to five.

<sup>178</sup> DPR-0409.030 Hughes

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0301	UWRG	FS007	Oppose	Disallow in full
DPR-0407	Forest & Bird	FS555	Oppose	Reject the submission
DPR-0128	Joyce Trust	001	Oppose In Part	Amend to make subdivision in GRUZ, within close proximity to LLRZ proposed/existing areas or where existing surrounding lots are already of LLRZ size guidelines, a discretionary activity (where otherwise not able to comply with rural density requirements). Alternatively, requests that Council should actively encourage coherent development to include surrounding affected parties, where individual landowners are not compromised, and where they do not have the resources or knowledge of a professional developer.
DPR-0128	Joyce Trust	FS002	Support	An additional decision Also identify our property at 184 Trices and our neighbour's property at 212 Trices along with the five aforementioned under size GRUZ lots as a potential future LLRZ. Plan outlining this is attached (sent by separate email)
DPR-0142	NZ Pork	028	Oppose In Part	Amend activity status to discretionary.
DPR-0205	Lincoln University	033	Support	Retain the matters of discretion when subdivision below 20ha is proposed.
DPR-0213	Plant and Food & Landcare	020	Support	Retain SUB-R11.4.c. as notified
DPR-0353	HortNZ	193	Oppose In Part	Amend as follows: SUB-R11 <del>Open Space Subdivision</del> <u>Subdivision where minimum standards not met.</u>
DPR-0353	HortNZ	194	Support In Part	Retain as notified
DPR-0363	IRHL	202	Support	Retain as notified
DPR-0157	K & B Williams	FS747	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS673	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS626	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS666	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS281	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	103	Neither Support Nor Oppose	Amend to include the following exemption: <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>
DPR-0407	Forest & Bird	FS672	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0367	Orion	104	Support	Retain as notified.
DPR-0407	Forest & Bird	FS673	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	CIAL	042	Support In Part	Amend as follows: Where: .... d. No cluster, nor any residential units forming

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<del>part of a cluster, shall be is located within the 50 dB Ldn Air Noise Contour a Christchurch International Airport Noise Control Overlay;</del>
DPR-0353	HortNZ	FS105	Oppose	Reject
DPR-0374	RIHL	208	Support	Retain as notified
DPR-0157	K & B Williams	FS562	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS930	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS777	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS809	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS125	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS686	Support In Part	Accept the submission in part.
DPR-0384	RIDL	220	Support	Retain as notified
DPR-0414	Kāinga Ora	105	Support	Retain as notified
DPR-0157	K & B Williams	FS171	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS361	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS131	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS158	Oppose In Part	Reject submission
DPR-0492	Kevler	FS527	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS151	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS042	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	206	Support	Retain as notified

### Analysis

- 56.2 HortNZ<sup>179</sup> request that SUB-R11 be renamed ‘Subdivision where minimum standards are not met’. I agree that the name of the rule could be clearer, but note that SUB-R11 only relates to the creation of undersized sites, it does not relate to not meeting other minimum standards. I therefore recommend that the submission point be accepted in part and the name of the rule amended to ‘Subdivision to Create Undersized Sites’ as shown in **Appendix 2**. This would also create consistency with GRUZ-R5 Residential Unit on an Undersized Site, to clarify that the provisions work as a package.
- 56.3 NZ Pork<sup>180</sup> request that the activity status be amended from RDIS to DIS. They support a specific matter of discretion to consider potential reverse sensitivity effects with activities on surrounding sites. I consider that the matters to be considered can be sufficiently identified to enable an activity status of RDIS rather than DIS, but consider that the rule should be widened to include factors consistent with the requirements for CON status subdivision in the GRUZ, DPZ and MPZ. I therefore recommend that the submission point be accepted in part and SUB-R11 be amended as shown in **Appendix 2**.

<sup>179</sup> DPR-0353.193 HortNZ

<sup>180</sup> DPR-0142.028 NZ Pork

- 56.4 Orion<sup>181</sup> request that SUB-R11 be amended so that the minimum net site area does not apply to sites used exclusively for access, reserves, or infrastructure, or which are wholly subject to a designation. This amendment is consistent with other subdivision rules, and so I recommend that it be accepted and that SUB-R11 be amended as shown in **Appendix 2**.
- 56.5 L Travnicek<sup>182</sup> requests that the maximum of three sites per cluster be increased to five, in recognition of the fact that staff are required to live on site at a high-country station due to the remoteness of these stations and therefore housing needs to be provided. I consider it reasonable to increase the number of undersized sites per cluster to five in SCA-RD7 – High Country/ Kā Tiritiri o Te Moana to recognize the unique circumstances of this area and the practicality of locating additional residential units in close proximity to each other to facilitate servicing, but I do not consider it necessary to increase the number of sites per cluster outside of SCA-RD7. I therefore recommend that the submission point be accepted in part and that SUB-R11 be amended as shown in **Appendix 2**.
- 56.6 The Joyce Trust<sup>183</sup> requests that SUB-R11 be amended to make subdivision in the GRUZ, within close proximity to LLRZ proposed/existing areas or where existing surrounding lots are already of LLRZ size guidelines, a discretionary activity where it is otherwise not able to comply with rural density requirements. In the alternative, they propose that council actively encourage coherent development to include surrounding affected parties, where individual landowners are not compromised, and where they do not have the resources or knowledge of a professional developer. I recommend that the submission point be rejected for the following reasons:
- 56.6.1 The area of interest to the submitter is within Greater Christchurch, and so is subject to CRPS Chapter 6. The amendment requested would be contrary to the provisions of this Chapter.
- 56.6.2 It is outside the function of a district plan to require council to encourage coordination between landowners in relation to unplanned-for development.
- 56.7 Lincoln University<sup>184</sup> support the retention of the matters of discretion. Plant and Food & Landcare<sup>185</sup> supports the retention of SUB-R11.4.c (consideration of reverse sensitivity effects) in particular. Based on my recommendations above, I recommend that these submission points be accepted.
- 56.8 CIAL<sup>186</sup> request that SUB-R11.4.d be amended to refer specifically to the 50 dB Ldn Air Noise Contour, rather than ‘a Christchurch International Airport Noise Control Overlay’. SUB-R11 as notified uses terminology consistent with the *Noise* Chapter, and so recommend that the submission point be rejected, subject to any recommendations otherwise arising out of the s42A report for the *Noise* Chapter.

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<sup>181</sup> DPR-0367.103 Orion

<sup>182</sup> DPR-0104.003 L Travnicek

<sup>183</sup> DPR-0128.001 Joyce Trust

<sup>184</sup> DPR-0205.033 Lincoln University

<sup>185</sup> DPR-0213.020 Plant and Food & Landcare

<sup>186</sup> DPR-0371.042 CIAL



56.9 HortNZ (subject to their submission point above) IRHL, Orion (subject to their submission point above), RIHL, RIDL, Kāinga Ora and FFNC<sup>187</sup> all request that SUB-R11 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted in part.

#### **Recommendations and Amendments**

56.10 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R11 as shown in **Appendix 2**, in order to:

- a) increase clarity and ease of use for Plan users;
- b) improve the consistency of provisions across the PDP; and
- c) recognize the unique circumstances of the High Country, including difficulties in servicing where clusters would otherwise need to be separated.

56.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

56.12 The nature of the recommended change does not require a s32AA evaluation.

## **57. SUB-R12 Boundary Adjustment in All Zones**

#### **Submissions**

57.1 Seven submission points and 25 further submission points were received in relation to SUB-R12.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	214	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS416	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS5033	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS460	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS507	Support In Part	Accept submission in part
DPR-0492	Kevler	FS761	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS483	Support In Part	Accept the submission in part.
DPR-0363	IRHL	203	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS748	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS674	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS627	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS667	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS282	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0371	CIAL	043	Support	Retain as notified
DPR-0353	HortNZ	FS106	Oppose	Reject
DPR-0374	RIHL	209	Support In Part	Amend the activity status to CON rather than RDIS and insert a non-notification clause.
DPR-0157	K & B Williams	FS563	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS931	Support In Part	Accept the submission in part

<sup>187</sup> DPR-0353.194 HortNZ, DPR-0363.202 IRHL, DPR-0367.104 Orion, DPR-0374.208 RIHL, DPR-0384.220 RIDL, DPR0414.105 Kāinga Ora, DPR-0422.206 FFNZ-NC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road	FS778	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS810	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS126	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS687	Support In Part	Accept the submission in part.
DPR-0384	RIDL	221	Support In Part	Amend the activity status of this provision to CON, rather than RDIS and insert a non-notification clause.
DPR-0414	Kāinga Ora	106	Support	Retain as notified
DPR-0157	K & B Williams	FS172	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS362	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS132	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS159	Oppose In Part	Reject submission
DPR-0492	Kevler	FS528	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS152	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS043	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	207	Support In Part	Amend as follows: .... 5. When compliance with any of SUB-R12.1.b. or SUB-R12.1.c. is not achieved: <del>NE</del> <u>DIS</u> ....

### Analysis

- 57.2 RWRL, IRHL, RIHL, and RIDL<sup>188</sup> each request that the activity status be amended to CON, rather than RDIS. The activity status for boundary adjustments in each zone matches the activity status for complying subdivision in that zone. The existing levels of development in the district are considered to be an indicator that the existing provisions for subdivision are not hindering development. Rather, the ability for Council to decline inappropriate applications means that applicants are willing to make changes to applications where this is required. A CON activity status is already proposed in GRUZ, DPZ, MPZ, GRAZ, SKIZ, and TEZ. RDIS is proposed only in RESZ, CMUZ, GIZ, KNOZ and PORTZ – a significant proportion of consented subdivisions in these zones differ in some respect from the application initially lodged. I therefore recommend that this part of these submission points be rejected.
- 57.3 RWRL, IRHL, RIHL, and RIDL<sup>189</sup> also each request that a non-notification clause be inserted into the rule. Non-notification statements already exist for complying boundary adjustments, and so no amendment is required.

<sup>188</sup> DPR-0358.214 RWRL, DPR-0363.203 IRHL, DPR-0374.209 RIHL, DPR-0384.221 RIDL

<sup>189</sup> DPR-0358.214 RWRL, DPR-0363.203 IRHL, DPR-0374.209 RIHL, DPR-0384.221 RIDL

57.4 I therefore recommend that the whole of the RWRL, IRHL, RIHL, and RIDL<sup>190</sup> submission points be rejected.

57.5 FFNC<sup>191</sup> request that rural boundary adjustments that create sites smaller than the smallest existing site, or that increase the potential residential density of the application site, have a DIS activity status, rather than NC, as they consider that the latter status is unduly onerous. Given that the relevant policy SUB-P8 requires council to ensure that the subdivision does not create any potential for additional residential development, which is the positive phrasing of an 'avoid' policy, I consider that NC is an appropriate status and therefore that the submission point should be rejected.

57.6 CIAL and Kāinga Ora<sup>192</sup> both request that SUB-R12 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

57.7 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R12 as notified.

57.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

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

### **Submissions**

58.1 Eight submission points and 26 further submission points were received in relation to SUB-R13.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	215	Support	Retain as notified
DPR-0157	K & B Williams	FS417	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS504	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS461	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS508	Support In Part	Accept submission in part
DPR-0492	Kevler	FS781	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS484	Support In Part	Accept the submission in part.
DPR-0363	IRHL	204	Support	Retain as notified
DPR-0157	K & B Williams	FS749	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS675	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS628	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS668	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS283	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	105	Support In Part	Amend SUB-R13 as follows: 3. Subdivision to create any site to be used solely for provision of infrastructure to house infrastructure.

<sup>190</sup> DPR-0358.214 RWRL, DPR-0363.203 IRHL, DPR-0374.209 RIHL, DPR-0384.221 RIDL

<sup>191</sup> DPR-0422.207 FFNC

<sup>192</sup> DPR-0371.043 CIAL, DPR-0414.106 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0407	Forest & Bird	FS674	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	210	Support	Retain as notified
DPR-0157	K & B Williams	FS564	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS932	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS779	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS811	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS127	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS688	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	106	Support	Retain as notified.
DPR-0384	RIDL	222	Support	Retain as notified
DPR-0414	Kāinga Ora	107	Support	Retain as notified
DPR-0157	K & B Williams	FS173	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS363	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS133	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS160	Oppose In Part	Reject submission
DPR-0492	Kevler	FS529	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS153	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS044	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0446	Transpower	109	Support In Part	Amend as follows: Activity status: <del>CON</del> <u>PER</u> .... Matters of control: 4. The exercise of control under SUB-R13.1., SUB-R13.2. and SUB-R13.3. is reserved over the following matters: a. If legal access is to be to a State Highway; b. any adverse effects, including cumulative effects, on traffic safety, and flow; c. whether access can be obtained of an alternative road that is not a State Highway; and d. the design and siting of any accessway or vehicle crossing. b. Whether any site needs to be supplied with any infrastructure or services, and if so: i. SUB-MAT3 Infrastructure ii. SUB-MAT4 Telecommunications and Electricity c. The size and shape of every site created by the subdivision, considering all of: i. the proposed use of the site; and ii. any adverse effects of surrounding land

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<p><del>uses on the site.</del></p> <p><del>d. Where any site listed in SUB-R13.1, SUB-R13.2 or SUB-R13.3 does not comply with any of SUB-REQ1 Site Area or SUB-REQ2 Building Square, the on-going mechanism by which the establishment of a residential unit on that site will be prevented.</del></p> <p><del>e. SUB-MAT11 Easements</del></p> <p><del>f. SUB-MAT12 Development Constraints Notification:</del></p> <p><del>5. Any application arising from SUB-R13.1, SUB-13.2 or SUB-R13.3 shall not be subject to public notification. If legal access is to be to 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.</del></p>
DPR-0375	WKNZTA	FS135	Support	Accept the proposed amendment.

### Analysis

- 58.2 Transpower request that SUB-R13 be amended so that these forms of subdivision are a permitted activity where the listed requirements are complied with. This approach was considered as Option 4 in the [Preferred Option Report to District Plan Committee – Subdivision \(Technical\)](#) referred to in the s32 report for Subdivision, but not progressed because it was considered an ineffective method of ensuring that subdivision achieves the community outcomes sought. The cost of obtaining a certificate of compliance would be comparable to those associated with obtaining resource consent for a controlled subdivision, because the information standards for the certificate of compliance and the level of acceptable workmanship for any infrastructure installation would be the same. In addition to a permitted activity status requiring the same amount of information and assessment as a controlled activity, such a status would muddy the water in relation to the activity status. Permitted status generally means ‘doesn’t require council approval’, but in relation to subdivision would instead mean ‘needs a different sort of council approval’. Where an application is made for a certificate of compliance that is unable to be issued (because a permitted standard is not met), then a new application for a resource consent is required, resulting in additional time and expense to the applicant. In contrast, if resource consent is sought for a controlled activity but the application in fact has a more restrictive status, then processing of the initial application can continue, subject to the additional assessment required by the higher status. I therefore recommend that the submission point be rejected.
- 58.3 Orion<sup>193</sup> requests that SUB-R13.3 be amended to recognize that not all infrastructure sites ‘house’ infrastructure. I consider that the requested amendment would improve clarity and ease of use for Plan users, and therefore that the submission point be accepted and SUB-R13 amended as shown in **Appendix 2.**

<sup>193</sup> DPR-0367.105 Orion

58.4 RWRL, IRHL, RIHL, WKNZTA, RIDL and Kāinga Ora<sup>194</sup> all request that SUB-R13 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted in part.

#### **Recommendations and Amendments**

58.5 I recommend, for the reasons given above, that the Hearing Panel amend SUB-R13 as shown in **Appendix 2**, to improve clarity and ease of use for Plan users.

58.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

58.7 The nature of the recommended changes are such that a s32AA assessment is not required.

## **59. SUB-R14 Subdivision to Create Emergency Services Facility Sites in All Zones**

#### **Submissions**

59.1 Six submission points and 23 further submission points were received in relation to SUB-R14.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	216	Support	Retain as notified
DPR-0157	K & B Williams	FS418	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS505	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS462	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS509	Support In Part	Accept submission in part
DPR-0492	Kevler	FS782	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS485	Support In Part	Accept the submission in part.
DPR-0359	FENZ	052	Support	Retain as notified.
DPR-0363	IRHL	205	Support	Retain as notified
DPR-0157	K & B Williams	FS750	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS676	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS629	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS669	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS284	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	211	Support	Retain as notified
DPR-0157	K & B Williams	FS565	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS933	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS780	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS812	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS128	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS689	Support In Part	Accept the submission in part.
DPR-0384	RIDL	223	Support	Retain as notified
DPR-0414	Kāinga Ora	108	Support	Retain as notified
DPR-0157	K & B Williams	FS174	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS134	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS161	Oppose In Part	Reject submission

<sup>194</sup> DPR-0358.215 RWRL, DPR-0363.204 IRHL, DPR-0374.210 RIHL, DPR-0375.106 WKNZTA, DPR-0384.222 RIDL, DPR0414.107 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0492	Kevler	FS530	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS154	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS045	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

59.2 RWRL, FENZ, IRHL, RIHL, RIDL and Kāinga Ora<sup>195</sup> all request that SUB-R14 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-R14 be retained as notified.

### Recommendations

59.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R14 as notified.

59.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 60. SUB-R15 Subdivision to Update Cross Leases, Company Leases, and Unit Titles in All Zones

### Submissions

60.1 Six submission points and 25 further submission points were received in relation to SUB-R15.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	217	Support	Retain as notified
DPR-0157	K & B Williams	FS419	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS506	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS463	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS510	Support In Part	Accept submission in part
DPR-0492	Kevler	FS784	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS486	Support In Part	Accept the submission in part.
DPR-0359	FENZ	053	Support In Part	Amend as follows: 1. .... b. Every title or leased area is supplied with a potable and firefighting water supply.
DPR-0212	ESAI	FS079	Oppose	Disallow in full
DPR-0363	IRHL	206	Support	Retain as notified
DPR-0157	K & B Williams	FS751	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS677	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS630	Support In Part	Accept submission in part

<sup>195</sup> DPR-0358.216 RWRL, DPR-0359.052 FENZ, DPR-0363.205 IRHL, DPR-00374.211 RIHL, DPR-0384.RIDL, DPR-0414.108 Kāinga Ora



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS670	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS285	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	212	Support	Retain as notified
DPR-0157	K & B Williams	FS566	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS846	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS781	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS813	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS129	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS690	Support In Part	Accept the submission in part.
DPR-0384	RIDL	224	Support	Retain as notified
DPR-0414	Kāinga Ora	109	Support	Retain as notified
DPR-0157	K & B Williams	FS175	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS365	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS135	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS162	Oppose In Part	Reject submission
DPR-0492	Kevler	FS531	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS155	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS046	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

60.2 FENZ<sup>196</sup> request that SUB-R15 be amended to require firefighting water to be supplied to each title or lease area in addition to potable water. The applicability of SUB-R15 is to updating an existing cross lease, company lease, or unit title, which does not provide for any additional development beyond what is already on the site. Given the lack of potential development associated with subdivision under this rule I recommend that the submission point be rejected.

60.3 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>197</sup> each request that SUB-R15 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

60.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R15 as notified.

60.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>196</sup> DPR-0359.053 FENZ

<sup>197</sup> DPR-0358.217 RWRL, DPR-0363.206 IRHL, DPR-0374.212 RIHL, DPR-384.224 RIDL, DPR-0414.109 Kāinga Ora



## 61. SUB-R27 Subdivision and Urban Growth

- 61.1 Submission point DPR-0125.002 from BE Faulkner was incorrectly identified as relating to SUB-R11, when in fact it relates to SUB-R27 Subdivision and Urban Growth. SUB-R27 was considered as part of the Urban Growth s42A report, but this submission point was not included in that report. It is therefore considered here.

### ***Submissions***

- 61.2 One submission point and four further submission points were received in relation to SUB-R27 that are considered as part of this report.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0125	BE Faulkner	002	Oppose	Amend rules for subdivision in land zoned as GRUZ from non-complying to a restricted discretionary activity where also subject to an Urban Growth Overlay.
DPR-0371	CIAL	FS009	Neither Support Nor Oppose	Neutral
DPR-0381	Coleridge Downs	FS001	Support	Allow
DPR-0453	Midland & Lyttelton Ports	FS005	Support In Part	Reject
DPR-0486	Coleridge Downs	FS001	Support	Allow

### ***Analysis***

- 61.3 As noted in Section 34 of the Urban Growth s42A report, SUB-R27 relates to subdivision within the Urban Growth Overlay and changes the activity status for otherwise-complying subdivision in the GRUZ from CON to RDIS, adds additional matters of discretion to consider when a subdivision occurs within an Urban Growth Overlay and provides the ability to potentially decline consent. SUB-R27 does not provide for urban subdivision but rather controls rural subdivision so that it does not compromise the potential for urban subdivision in the future.
- 61.4 BE Faulkner<sup>198</sup> requests that the subdivision of GRUZ land within the Overlay that creates undersized sites without the provision of balance land be an RDIS activity, rather than NC. This is on the basis that the land has already been identified as suitable for future urban development. As noted in the Urban Growth s42A report, the purpose of SUB-R27 is to ensure that rural subdivision in advance of rezoning does not compromise the potential for future urban subdivision, it is not an alternative method of achieving urban densities in advance of urban zoning. I therefore recommend that the submission point be rejected.

### ***Recommendations***

- 61.5 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R27 as notified, subject to any decisions arising from the s42A report for Urban Growth.
- 61.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>198</sup> DPR-0125.002 BE Faulkner

## 62. SUB-New rule requested

### *Submissions*

62.1 Three submission points and 12 further submission points were received in relation to requests for the insertion of new rules into the *Subdivision* Chapter that are discussed below. Additional submission points and further submission points in relation to requested new rules will be assessed in the s42A report for the *Residential Zones* Chapter, as outlined in Section 5 of this report

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0279	R Verity	009	Support In Part	Add the necessary Rules (to give effect to new or amended policy SUB-P3).
DPR-0375	WKNZTA	108	Neither Support Nor Oppose	Insert an additional rule in the <i>Subdivision</i> Chapter which requires a restricted discretionary activity resource consent for those sites adjoining or connecting directly to a state highway.
DPR-0358	RWRL	FS096	Support	Adopt
DPR-0363	IRHL	FS096	Support	Adopt
DPR-0374	RIHL	FS096	Support	Adopt
DPR-0384	RIDL	FS096	Support	Adopt
DPR-0414	Kāinga Ora	095	Support	<p>Insert new provision as follows:</p> <p><u>Subdivision in the Residential Zones in Accordance with an Approved Land Use Consent</u></p> <p><u>Activity status: RDIS</u></p> <p><u>Where:</u></p> <p><u>1. Any subdivision relating to an approved land use consent must comply with that resource consent.</u></p> <p><u>Matters for discretion:</u></p> <p><u>2. The exercise of discretion in relation to SUB-R1.1 is restricted to the following matters:</u></p> <p><u>a. the effect of the design and layout of the proposed sites created.</u></p> <p><u>Notification:</u></p> <p><u>3. Any application arising from SUB-RX shall not be subject to public or limited notification and shall be processed on a non-notified basis.</u></p>
DPR-0157	K & B Williams	FS161	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS351	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS121	Oppose In Part	Reject submission
DPR-0375	WKNZTA	FS137	Oppose	Reject the submission.
DPR-0461	Dunweavin	FS148	Oppose In Part	Reject submission
DPR-0492	Kevler	FS517	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS141	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS032	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.</i>

### ***Analysis***

- 62.2 R Verity<sup>199</sup> requests that new rules be added to give effect to their requested amendments to SUB-P3. I am not recommending any changes to SUB-P3, and therefore recommend that this submission point be rejected as unnecessary.
- 62.3 WKNZTA<sup>200</sup> requests an additional rule in the *Subdivision* Chapter which requires a restricted discretionary activity resource consent for those sites adjoining or connecting directly to a state highway. SUB-REQ6.9 and SUB-REQ6.11 already result in either a NC or RDIS resource consent for subdivision where sites have legal access to a state highway and the posted speed limit is 60km/h or greater, in all zones except DPZ and MPZ. The text of SUB-REQ6 illustrates that these zones were intended to be subject to SUB-REQ6, and so I recommend that the submission point be accepted in part, with amendments to SUB-R4 and SUB-R6 as shown in **Appendix 2**, such that SUB-REQ6 applies to these rules.
- 62.4 Kāinga Ora<sup>201</sup> request that a new rule be inserted, providing for subdivision associated with an approved land use consent for multi-unit development. I consider that the requested relief is already provided for in the PDP in the following provisions:
- 62.4.1 For subdivision under SUB-R1, SUB-REQ1.6 and SUB-REQ1.7 continue the successful SDP practice of providing for infill development by halving the minimum site requirements in SUB-REQ1.1 and SUB-REQ1.2 where two or more residential units have been established, or are being considered as part of a land use consent accompanying the subdivision request.
- 62.4.2 For subdivision under SUB-R10, site sizes are maximum rather than minimum sizes, to ensure that the use of the site is maximized.
- 62.5 I therefore recommend that the Kāinga Ora<sup>202</sup> submission point be rejected.

### ***Recommendations and Amendments***

- 62.6 I recommend, for the reasons given above, that the Hearing Panel amend each of SUB-R4 and SUB-R6 as shown in **Appendix 2**, such that SUB-REQ6 applies to these rules, to ensure that appropriate legal access to sites is provided at the time of subdivision.
- 62.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 62.8 The nature of the proposed change is such that a s32AA evaluation is not required.

<sup>199</sup> DPR-0279.009 R Verity

<sup>200</sup> DPR-0375.108 WKNZTA

<sup>201</sup> DPR-0414.095 Kāinga Ora

<sup>202</sup> DPR-0414.095 Kāinga Ora

## 63. SUB-REQ1 Site Area

### **Submissions**

63.1 Fourteen submission points and 51 further submission points were received in relation to SUB-REQ1 that will be assessed in this report. Additional submission points and further submission points in relation to SUB-REQ1 will be assessed in the s42A report for the *Residential Zones* Chapter, as outlined in Section 5 of this report.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0026	K & A Braithwaite	001	Support	Retain as notified.
DPR-0209	M Singh	FS001	Oppose	Reject submission
DPR-0298	Trices Road	FS911	Oppose	Reject submission
DPR-0461	Dunweavin	FS078	Oppose	Reject submission
DPR-0492	Kevler	FS001	Oppose	Reject Submission
DPR-0071	MD & SM Finnie	001	Support	Retain as notified.
DPR-0095	J Jones	002	Oppose	Delete the provision for using the mean average number of sites in an area to calculate minimum net size area. Submitter considers that this unfairly uses the area of their and other peoples sections to achieve small net section sizes.
DPR-0353	HortNZ	195	Oppose In Part	Amend as follows: - Move GRUZ-SCHED2 to SUB-REQ1 - Include SCA-RD8 – SCA-RD18 from GRUZ-SCHED2 as a separate Rural Lifestyle Zone.
DPR-0156	P Stafford	FS007	Support	Allow the submission
DPR-0358	RWRL	229	Support	Retain as notified
DPR-0157	K & B Williams	FS431	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS518	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS475	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS522	Support In Part	Accept submission in part
DPR-0492	Kevler	FS765	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS498	Support In Part	Accept the submission in part.
DPR-0363	IRHL	218	Support	Retain as notified
DPR-0157	K & B Williams	FS763	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS689	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS642	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS682	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS297	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	107	Support	Retain as notified.
DPR-0407	Forest & Bird	FS676	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	CIAL	046	Support	Not specified.
DPR-0353	HortNZ	FS109	Oppose	Reject
DPR-0374	RIHL	224	Support	Retain as notified
DPR-0157	K & B Williams	FS578	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS945	Support In Part	Accept the submission in part

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road	FS793	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS825	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS141	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS702	Support In Part	Accept the submission in part.
DPR-0384	RIDL	236	Support	Retain as notified
DPR-0409	Hughes	008	Support In Part	Amend as follows: 3. When compliance with any of SUB-REQ1.1. or SUB-REQ1.2. is not achieved: <del>NE</del> <u>RDIS</u>
DPR-0209	M Singh	FS067	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS868	Support In Part	Accept submission in part
DPR-0358	RWRL	FS125	Support	Adopt
DPR-0363	IRHL	FS125	Support	Adopt
DPR-0374	RIHL	FS125	Support	Adopt
DPR-0384	RIDL	FS125	Support	Adopt
DPR-0461	Dunweavin	FS060	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS011	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS767	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	122	Support In Part	Amend as follows: 1. Except as provided for in SUB-REQ1.6., the <u>vacant site</u> subdivision shall achieve an average net site area not less than set out in Table SUB-1 – Minimum average net site area, Residential Zones. ... 2. Except as provided for in SUB-REQ1.7., the <u>vacant site</u> subdivision shall achieve a minimum net site area not less than set out in Table SUB-2 – Minimum vacant site net site area, Residential Zones. The minimum <u>vacant site</u> net site area shall not apply to sites used exclusively for access, reserves or network utility operations, or which are wholly subject to a designation. ... 4. Any site that is, or that is proposed to be as part of the application, subject to a legal mechanism restricting the number of residential units which may be erected on the site shall be of sufficient size to comply with the minimum <u>vacant site</u> net site area set out in SUB-REQ1.1., excluding any area which cannot be used to erect a residential unit. ... Table SUB-1 - Minimum average <u>vacant site</u> net site area, Residential Zones ... Table SUB-2 – Minimum <u>vacant site</u> net site area,

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				Residential Zones ...
DPR-0157	K & B Williams	FS188	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS378	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS148	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS888	Oppose In Part	Reject submission
DPR-0492	Kevler	FS544	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS168	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS059	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0414	Kāinga Ora	437	Support In Part	Amend as follows: ... Activity status when compliance not achieved: 3. When compliance with any of SUB-REQ1.1. or SUB-REQ1.2. is not achieved: <del>NC</del> <u>DIS</u> ... Activity status when compliance not achieved: 5. When compliance with any of SUB-REQ1.4 is not achieved: <del>NC</del> <u>DIS</u>
DPR-0157	K & B Williams	FS322	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS267	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS306	Oppose In Part	Reject submission
DPR-0358	RWRL	FS126	Support	Adopt
DPR-0363	IRHL	FS126	Support	Adopt
DPR-0374	RIHL	FS126	Support	Adopt
DPR-0384	RIDL	FS126	Support	Adopt
DPR-0461	Dunweavin	FS384	Oppose In Part	Reject submission
DPR-0492	Kevler	FS694	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS361	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS198	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0456	Four Stars & Gould	002	Oppose	Amend SUB-REQ1 to clarify how net site areas work for zones.

### Analysis

- 63.2 Kāinga Ora<sup>203</sup> request that SUB-REQ1 be amended so that it applies only to vacant sites. I recommend that the submission point be rejected for the same reasons as set out in the discussion about SUB-R1 in Section 45 of this report.
- 63.3 Four Stars and Gould<sup>204</sup> request that SUB-REQ1 be amended to clarify how net site areas work for zones, noting that UG-P13 requires a minimum density of 12hh/ha for areas subject to rezoning requests within Greater Christchurch. The provision of sites in the 400 – 499m<sup>2</sup> range in the GRZ as part of a wider greenfield subdivision would require consent under both SUB-R1 and, because some site sizes would not comply with SUB-REQ1.2 as required by SUB-R1, SUB-R9. SUB-R9 requires compliance only with SUB-REQ1.1 (average net site size across the development). It does not require compliance with SUB-REQ1.2 (minimum net site size within the development). The activity status is the same for both SUB-R1 and SUB-R9, and the matters of discretion are the same except that there is an addition matter for SUB-R9, relating to the location of the small site development sites. I agree with the submitter that the relationship between the rules is not as clear as it could be, but consider that the SUB-Overview should be amended as shown in **Appendix 2** to address this, rather than amending SUB-REQ1. I therefore recommend that the submission point be accepted in part.
- 63.4 J Jones<sup>205</sup> requests the deletion of the provision for using the mean average number of sites in an area to calculate minimum net size area. They consider that this unfairly uses the area of their and other peoples sections to achieve small net section sizes. It appears from the submission that this concern arises from an interpretation of the term ‘subdivision’ to mean something along the lines of ‘suburb’, rather than the PDP contextual meaning of ‘area subject to a subdivision consent application’. Only the land subject to a consent application is included in the land subject to SUB-REQ1. I therefore recommend that the submission point be rejected.
- 63.5 HortNZ<sup>206</sup> request that SUB-REQ1 be amended by moving GRUZ-SCHED2, and that SCA-RD8 – SCA-RD18 from GRUZ-SCHED2 be listed as a separate Rural Lifestyle zone. The primary purpose of GRUZ-SCHED2 is to manage residential density in the GRUZ, to allow for multiple residential units on rural sites, where the site is of sufficient size. It is referenced in the *Subdivision* Chapter to ensure that rural sites are not created that cannot contain a residential unit as a permitted activity as required by SUB-P1, but it is the *General Rural Zone* Chapter that sets these standards. This differs from the *Residential Zones* Chapter because the provisions in the RESZ are based on residential units per site, rather than the GRUZ approach of site area per residential unit. I therefore recommend that the submission point be rejected.
- 63.6 Hughes and Kāinga Ora<sup>207</sup> both submit that NC is an inappropriate activity status where compliance with either SUB-REQ1.1 or SUB-REQ1.2 is not met, with Hughes requesting RDIS status and Kāinga Ora requesting DIS. Kāinga Ora<sup>208</sup> also consider that DIS is a more appropriate activity status than NC, where compliance with SUB-REQ1.4 is not achieved. Site sizes have been set to reflect the anticipated development outcomes of zones, and so sites smaller than these would generally not achieve SUB-O3.

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<sup>203</sup> DPR-0414.122 Kāinga Ora

<sup>204</sup> DPR-0456.002 Four Stars and Gould

<sup>205</sup> DPR-0095.002 J Jones

<sup>206</sup> DPR-0356.195 HortNZ

<sup>207</sup> DPR-0409.008 Hughes, DPR-0414.437 Kāinga Ora

<sup>208</sup> DPR-0414.437 Kāinga Ora

I therefore consider that NC is an appropriate activity status in these circumstances and that the submission points should be rejected.

- 63.7 K & A Braithwaite, MD & SM Finnie, RWRL, IRHL, Orion, RIHL and RIDL<sup>209</sup> each request that SUB-REQ1 be retained as notified. CIAL<sup>210</sup> support the provision but do not specify a decision requested. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

- 63.8 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ1 as notified, noting that further consideration will be given as part of the s42A report for the *Residential Zones* Chapter.
- 63.9 I recommend, for the reasons given above, that the Hearing Panel amend the SUB-Overview as shown in **Appendix 2**, to clarify the relationship between subdivision rules.
- 63.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **64. SUB-REQ2 Building Square**

### **Submissions**

- 64.1 Seven submission points and 27 further submission points were received in relation to SUB-REQ2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	029	Support	Retain as notified.
DPR-0358	RWRL	230	Support	Retain as notified
DPR-0157	K & B Williams	FS432	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS519	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS476	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS523	Support In Part	Accept submission in part
DPR-0492	Kevler	FS766	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS499	Support In Part	Accept the submission in part.
DPR-0363	IRHL	219	Support	Retain as notified
DPR-0157	K & B Williams	FS764	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS690	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS643	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS683	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS298	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	108	Support	Retain as notified.
DPR-0407	Forest & Bird	FS677	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	225	Support	Retain as notified
DPR-0157	K & B Williams	FS579	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS946	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS794	Support In Part	Accept submission in part

<sup>209</sup> DPR-0026.001 K & A Braithwaite, DPR-0071.001 MD & SM Finnie, DPR0358.229 RWRL, DPR-0363.218 IRHL, DPR-0367.107 Orion, DPR-0374.224 RIHL, DPR-0384.236 RIDL

<sup>210</sup> DPR-0371.046 CIAL



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS826	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS142	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS703	Support In Part	Accept the submission in part.
DPR-0384	RIDL	237	Support	Retain as notified
DPR-0409	Hughes	009	Support In Part	Amend as follows: 1. Every site created shall contain a building square not less than set out in Table SUB-4 – Minimum building square dimensions. This requirement shall not apply to any site created solely for access, reserves, or network utility operations. <u>This requirement is not applicable to Small Site Development and Comprehensive Development.</u>
DPR-0209	M Singh	FS068	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS869	Support In Part	Accept submission in part
DPR-0358	RWRL	FS128	Oppose	Adopt
DPR-0363	IRHL	FS128	Oppose	Adopt
DPR-0374	RIHL	FS128	Oppose	Adopt
DPR-0384	RIDL	FS128	Oppose	Adopt
DPR-0461	Dunweavin	FS061	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS012	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS768	Support In Part	Accept submission in part.

### Analysis

64.2 Hughes<sup>211</sup> request that SUB-REQ2 be amended to state that it does not apply to small site development and comprehensive development. Rule requirements are only applicable to activities where they are listed in the relevant rule(s), and neither SUB-R9 nor SUB-R10 require compliance with SUB-REQ2. No amendment to the PDP is required as a result of the submission point, and so I recommend that it be rejected.

64.3 NZ Pork, RWRL, IRHL, Orion, RIHL and RIDL<sup>212</sup> all request that SUB-REQ2 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

64.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ2 as notified.

64.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>211</sup> DPR-0409.009 Hughes

<sup>212</sup> DPR-0142.029 NZ Pork, DPR-0358.230 RWRL, DPR-0363.219 IRHL, DPR-0367.108 Orion, DPR-0374.225 RIHL, DPR-0384.237 RIDL

## 65. SUB-REQ3 Outline Development Plan

### **Submissions**

65.1 Five submission points and 26 further submission points were received in relation to SUB-REQ3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	231	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0157	K & B Williams	FS433	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS520	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS477	Support In Part	Accept submission in part
DPR-0411	Hughes	FS003	Support	Allow
DPR-0461	Dunweavin	FS524	Support In Part	Accept submission in part
DPR-0492	Kevler	FS767	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS500	Support In Part	Accept the submission in part.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS501	Support In Part	Accept the submission in part.
DPR-0363	IRHL	220	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0157	K & B Williams	FS765	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS691	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS644	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS684	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS299	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	226	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0157	K & B Williams	FS580	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS947	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS795	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS827	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS143	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS704	Support In Part	Accept the submission in part.
DPR-0384	RIDL	238	Support In Part	Amend the activity status to RDIS rather than DIS.
DPR-0414	Kāinga Ora	124	Support	Retain as notified
DPR-0157	K & B Williams	FS190	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS380	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS150	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS176	Oppose In Part	Reject submission
DPR-0492	Kevler	FS546	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS170	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS061	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>the relevant provisions as are consistent with enabling our MDH proposal.</i>

### Analysis

- 65.2 RWRL, IRHL, RIHL and RIDL<sup>213</sup> all request that the activity status where SUB-REQ3 is not complied with be amended to RDIS, rather than DIS. The nature of the non-compliance could vary significantly from proposal to proposal, such that matters of discretion could not be sure to capture every eventuality. A less-certain activity status decreases the certainty of obtaining development funding and increases the cost of such funding, meaning that a DIS status for non-compliance is more likely to encourage compliance, compared to an activity remaining (generally) RDIS but with additional matters of discretion. I therefore recommend that the submission points be rejected.
- 65.3 Kāinga Ora<sup>214</sup> requests that SUB-REQ3 be retained as notified. Based on my recommendation above, I recommend that the submission point be accepted.

### Recommendations

- 65.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ3 as notified.
- 65.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 66. SUB-REQ4 Road Frontage Width

### Submissions

- 66.1 Seven submission points and 39 further submission points were received in relation to SUB-REQ4 that are discussed below. Additional submission points and further submission points in relation to SUB-REQ4 will be assessed in the s42A report for the *Residential Zones* Chapter, as outlined in Section 5 of this report.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0363	IRHL	221	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS766	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS692	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS645	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS685	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS300	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0358	RWRL	232	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS957	Support In Part	Accept the submission in part.
DPR-0209	M Singh	FS1070	Support In Part	Accept the submission in part.
DPR-0298	Trices Road	FS1105	Support In Part	Accept the submission in part.
DPR-0411	Hughes	FS014	Support	Allow
DPR-0461	Dunweavin	FS906	Support In Part	Accept the submission in part.

<sup>213</sup> DPR-0358.231 RWRL, DPR-0363.220 IRHL, DPR-0374.226 RIHL, DPR-0384.238 RIDL

<sup>214</sup> DPR-0414.124 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0492	Kevler	FS830	Support	Accept the submission in part.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS856	Support In Part	Accept the submission in part.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS857	Support In Part	Accept the submission in part.
DPR-0374	RIHL	227	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS581	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS948	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS796	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS828	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS144	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS705	Support In Part	Accept the submission in part.
DPR-0384	RIDL	239	Support In Part	Amend the provision to insert a non-notification clause.

### Analysis

66.2 IRHL, RWRL, RIHL and RIDL<sup>215</sup> each request that the requirement be amended by inserting a non-notification clause. The frontage widths of sites impact on the character and amenity of residential zones, and so non-compliance with SUB-REQ4 has the potential to have adverse effects beyond the immediate environment. I therefore recommend that these submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

### Recommendations

66.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ4 as notified, noting that further consideration will be given as part of the s42A report for the *Residential Zones* Chapter.

66.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 67. SUB-REQ5 Number of Sites

### Submissions

67.1 Four submission points and eight further submission points were received in relation to SUB-REQ5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0156	P Stafford	001	Support In Part	Amend Table SUB-6 – Maximum number of sites, Rural Density Specific Control Areas in relation to SCA-RD10 – Edendale as follows: 57 (total) Lot 9 DP309872 and Lot 17 DP 411848 = 4

<sup>215</sup> DPR-0363.221 IRHL, DPR-0358.232 RWRL, DPR-0374.227 RIHL, DPR-0384.239 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0371	CIAL	047	Support	Retain as notified
DPR-0353	HortNZ	FS110	Oppose	Reject
DPR-0414	Kāinga Ora	126	Support	Retain as notified
DPR-0157	K & B Williams	FS192	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS382	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS152	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS178	Oppose In Part	Reject submission
DPR-0492	Kevler	FS548	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS172	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS063	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	215	Oppose	Delete as notified.

### Analysis

- 67.2 P Stafford<sup>216</sup> undertook the development of Edendale in the 1990s and 2000s. They support SCA-RD10 – Edendale which allows for the development of a maximum of 57 sites, and note that there are currently 53 individual titles in Edendale. They consider that the additional development potential relates to Lot 9 DP309872 and Lot 17 DP411848, which are currently held in one 2.38ha title. By allowing 57 sites, SUB-REQ5 and Table SUB-6 will enable the completion of the original development. However, the submitter considers that the additional sites should be specified as applying only to Lot 9 DP309872 and Lot 17 DP411848, which remain in their ownership. The SDP allows development in this part of SCA-RD10 to 5000m<sup>2</sup>, but the majority of the SCA-RD10 area requires a minimum site size of 1ha under the SDP. The PDP extends the 5000m<sup>2</sup> minimum to the whole of SCA-RD10, thereby creating a development opportunity for other sites that is presumably not what the submitter intended as part of their original development.
- 67.3 The amendment requested would limit development on those sites to four, but would not achieve the submitter's desired outcome of preventing further development of other sites within SCA-RD10. Within a single zone or overlay, it is not the role of the PDP to prioritise development for one landowner over another with an equally complying site, and so I recommend that the submission point be rejected.
- 67.4 FFNC<sup>217</sup> requests that SUB-REQ5 be deleted as notified, on the basis that it seems to favour a first-in-first-served approach rather than the assessment on the merits of an application. SUB-REQ5 is part of a package of provisions to allow rural residential development in certain locations to complete the development in the way it was originally intended, despite subsequent changes in the legislative environment in subsequent decades. I recommend that the submission point be rejected as not having the cap in numbers could result in development beyond what was originally intended, thereby undermining the outcome sought.

<sup>216</sup> DPR-0156.001 P Stafford

<sup>217</sup> DPR-0422.215 FFNC-NC

67.5 CIAL and Kāinga Ora<sup>218</sup> each request that SUB-REQ5 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

67.6 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ5 as notified.

67.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **68. SUB-REQ6 Access**

### **Submissions**

68.1 Seven submission points and 28 further submission points were received in relation to SUB-REQ6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	233	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS435	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS522	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS479	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS138	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS526	Support In Part	Accept submission in part
DPR-0492	Kevler	FS768	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS502	Support In Part	Accept the submission in part.
DPR-0359	FENZ	054	Support	Retain as notified.
DPR-0375	WKNZTA	FS139	Support	Retain as notified.
DPR-0363	IRHL	222	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS767	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS693	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS646	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS140	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS686	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS301	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	228	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS582	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS949	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS797	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS141	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS829	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS145	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS706	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	110	Support	Retain as notified.
DPR-0384	RIDL	240	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0375	WKNZTA	FS142	Oppose	Retain as notified.

<sup>218</sup> DPR-0371.047 CIAL, DPR-0414.126 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0414	Kāinga Ora	127	Support	Retain as notified
DPR-0157	K & B Williams	FS193	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS383	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS153	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS179	Oppose In Part	Reject submission
DPR-0492	Kevler	FS549	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS173	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS064	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 68.2 RWRL, IRHL, RIHL and RIDL<sup>219</sup> each request that SUB-REQ6 be amended by the insertion of a non-notification clause. Non-compliance with SUB-REQ6.1 would result in a site having legal access that is reliant on crossing a railway line, while non-compliance with SUB-REQ6.9 would result in a residential site with legal access to a state highway where the posted speed limit is 60km/h or greater. In both cases, the activity status is NC, reflective of the potential adverse transport effects, including beyond the site. I do not consider that a blanket non-notification clause is appropriate in these cases.
- 68.3 Non-compliance with each of SUB-REQ6.3 or SUB-REQ6.11 result in a RDIS status, with matters of discretion that extent beyond the site and which may extend beyond readily identifiable affected parties. I therefore recommend that this part of these submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.
- 68.4 FENZ, WKNZTA and Kāinga Ora<sup>220</sup> each request that SUB-REQ6 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

- 68.5 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ6 as notified.
- 68.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>219</sup> DPR-0358.233 RWRL, DPR-0363.222 IRHL, DPR-0374.228 RIHL, DPR-0384.240 RIDL

<sup>220</sup> DPR-0359.054 FENZ, DPR-0375.110 WKNZTA, DPR-0414.127 Kāinga Ora



## 69. SUB-REQ7 Walkable Blocks

### **Submissions**

- 69.1 Five submission points and 28 further submission points were received in relation to SUB-REQ7 that are addressed below. Additional submission points and further submission points in relation to SUB-REQ7 will be assessed in the s42A report for the *Residential Zones* Chapter, as outlined in Section 5 of this report.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	234	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS436	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS523	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS480	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS408	Support In Part	Accept submission in part
DPR-0492	Kevler	FS769	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS503	Support In Part	Accept the submission in part.
DPR-0363	IRHL	223	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS768	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS694	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS647	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS687	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS302	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	229	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS583	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS950	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS798	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS830	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS146	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS707	Support In Part	Accept the submission in part.
DPR-0384	RIDL	241	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0414	Kāinga Ora	128	Support In Part	Remove this provision and instead include it in the matters of discretion.
DPR-0157	K & B Williams	FS194	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS384	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS154	Oppose In Part	Reject submission
DPR-0358	RWRL	FS134	Support	Adopt
DPR-0363	IRHL	FS134	Support	Adopt
DPR-0374	RIHL	FS134	Support	Adopt
DPR-0384	RIDL	FS134	Support	Adopt
DPR-0461	Dunweavin	FS180	Oppose In Part	Reject submission
DPR-0492	Kevler	FS550	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS174	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS065	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>properties on the east side of George Street including no. 30 George Street &amp; any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.</i>

### Analysis

- 69.2 RWRL, IRHL, RIHL and RIDL<sup>221</sup> each request that SUB-REQ7 be amended by the insertion of a non-notification clause. Appropriately sized development blocks are important to ensure permeability is achieved and pedestrian connectivity and walkable neighbourhoods are realized. I therefore recommend that these submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.
- 69.3 Kāinga Ora<sup>222</sup> request that SUB-REQ7 be deleted and instead included as a matter for discretion. This was considered in the drafting phase of the PDP, but it is considered that a rule requirement provides for a greater level of certainty of outcome, without changing the overall status of the activity when there is a non-compliance. I therefore recommend that the submission point be rejected.

### Recommendations

- 69.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ7 as notified.
- 69.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 70. SUB-REQ8 Corner Splays

### Submissions

- 70.1 Six submission points and 30 further submission points were received in relation to SUB-REQ8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	235	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS437	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS524	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS481	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS528	Support In Part	Accept submission in part
DPR-0492	Kevler	FS770	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS504	Support In Part	Accept the submission in part.
DPR-0363	IRHL	224	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS769	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS695	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS648	Support In Part	Accept submission in part

<sup>221</sup> DPR-0358.234 RWRL, DPR-0363.223 IRHL, DPR-0374.229 RIHL, DPR-0384.241 RIDL

<sup>222</sup> DPR-0414.128 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS688	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS303	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	230	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS584	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS951	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS799	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS831	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS147	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS708	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	111	Support In Part	Amend SUB-REQ8 to ensure Waka Kotahi is consulted regarding any non-compliance and that the corner spay requirement for state highway intersections is 40 metres.
DPR-0358	RWRL	FS135	Oppose	Reject
DPR-0363	IRHL	FS135	Oppose	Reject
DPR-0374	RIHL	FS135	Oppose	Reject
DPR-0384	RIDL	FS135	Oppose	Reject
DPR-0411	Hughes	FS004	Oppose	Disallow
DPR-0449	Bealey	FS001	Oppose	Disallow
DPR-0384	RIDL	242	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0414	Kāinga Ora	129	Support In Part	Move this provision to a non-statutory Code of Practice.
DPR-0157	K & B Williams	FS195	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS385	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS155	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS181	Oppose In Part	Reject submission
DPR-0492	Kevler	FS551	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS175	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS066	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

70.2 RWRL, IRHL, RIHL and RIDL<sup>223</sup> each request that SUB-REQ8 be amended by the insertion of a non-notification clause. I recommend that these submissions be rejected because SUB-REQ8 already contains such a clause.

<sup>223</sup> DPR-0358.235 RWRL, DPR-0363.224 IRHL, DPR-0374.230 RIHL, DPR-0384.242 RIDL

- 70.3 WKNZTA<sup>224</sup> request that, firstly, they are consulted regarding any non-compliance, and secondly that the corner splay requirement for state highway intersections be 40m rather than 15m. From the context of the submission point, it is assumed that the requested amendment is in relation to non-residential zones.
- 70.4 I agree that, as the road controlling authority, WKNZTA should have the opportunity to be involved in any resource consent application not to comply with the corner splay requirements for state highways. The requested increase from 15m to 40m for corner splays at state highway intersections is substantial. No evidence was supplied to support this proposed amendment, so no assessment can be made, therefore I recommend the submission point be rejected.
- 70.5 Kāinga Ora<sup>225</sup> request that SUB-REQ8 be deleted and the requirement moved to a non-statutory Code of Practice. In addition to transport effects, the provision of corner splays has effects on site sizes, particularly outside residential zones, and so I consider that it needs to remain as a statutory provision rather than a non-statutory one. I therefore recommend that the submission point be rejected.

#### **Recommendations and Amendments**

- 70.6 I recommend, for the reasons given above, that the Hearing Panel amend SUB-REQ8 as shown in **Appendix 2**, so that WKNZTA has the opportunity to be involved in any resource consent application not to comply with the corner splay requirements for state highways.
- 70.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 70.8 The nature of the recommended change does not require a s32AA evaluation.

## **71. SUB-REQ9 Water**

### **Submissions**

- 71.1 Eight submission points and 35 further submission points were received in relation to SUB-REQ9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	236	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS438	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS525	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS482	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS529	Support In Part	Accept submission in part
DPR-0492	Kevler	FS436	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS505	Support In Part	Accept the submission in part.
DPR-0359	FENZ	055	Support	Retain as notified.
DPR-0363	IRHL	225	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS770	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS696	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS649	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS689	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO

<sup>224</sup> DPR-0375.111 WKNZTA

<sup>225</sup> DPR-0414.129 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0492	Kevler	FS304	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	109	Support	Retain as notified.
DPR-0407	Forest & Bird	FS678	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	231	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS585	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS952	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS800	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS832	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS148	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS709	Support In Part	Accept the submission in part.
DPR-0384	RIDL	243	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0409	Hughes	012	Support In Part	Amend as follows: 1. Every site created shall be supplied with a separate connection to a Council reticulated water supply. This requirement shall not apply to any site created solely for access or network utility operations, <u>nor shall it apply to the creation of future development lots where the connection to a Council reticulated water supply is protected by consent notice.</u>
DPR-0209	M Singh	FS160	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS872	Support In Part	Accept submission in part
DPR-0358	RWRL	FS136	Support	Adopt
DPR-0359	FENZ	FS005	Oppose	Reject proposed amendments.
DPR-0363	IRHL	FS136	Support	Adopt
DPR-0374	RIHL	FS136	Support	Adopt
DPR-0384	RIDL	FS136	Support	Adopt
DPR-0461	Dunweavin	FS064	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS014	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS771	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	130	Support	Retain as notified
DPR-0157	K & B Williams	FS196	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS386	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS156	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS182	Oppose In Part	Reject submission
DPR-0492	Kevler	FS552	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS176	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS067	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>the relevant provisions as are consistent with enabling our MDH proposal.</i>

### ***Analysis***

- 71.2 RWRL, IRHL, RIHL and RIDL<sup>226</sup> each request that SUB-REQ9 be amended by the insertion of a non-notification clause. Non-compliance with SUB-REQ9 would result in sites in townships not being provided with a separate connection to a Council reticulated water supply, and not being connected to a reticulated water supply in the SKIZ. Creating sites without access to a suitable water supply may have adverse effects on the wider reticulation network (for example, where the wider network is designed to operate in a particular way over the longer term but development does not provide the anticipated connections between other areas), such that the ready identification of affected parties is no possible at the plan-making stage. The RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process, and so I recommend that the submission points be rejected.
- 71.3 Hughes<sup>227</sup> requests that SUB-REQ9.1 be amended so that the requirement does not apply to the creation of future development lots where the connection to a Council reticulated water supply is protected by a consent notice. I recommend that the submission point be rejected for the following reasons:
- 71.3.1 'Future development lot' is not a defined term in the PDP, and could easily be interpreted as meaning any site which is intended to be further developed. Given that almost every vacant site created is intended to be further developed by the establishment of a residential unit or other principal building, the exemption would undermine the requirement that every site have the infrastructure necessary for its intended use.
  - 71.3.2 If the submitter means 'balance allotment' as described in the definition of 'allotment', in the context of staged subdivisions, then the activity status of the overall subdivision is preserved by the provision of water to each eventual lot, and the staging of the provision of the infrastructure is addressed in SUB-MAT3.
  - 71.3.3 If the submitter means sites that are set aside for comprehensive development, then experience has shown that individual water connections for the eventual subdivision are almost always installed, as 'extras', at the time of the underlying subdivision. It is more cost effective to install these connections at the same time as those for the underlying subdivision, than to install them later.
  - 71.3.4 Just because more intensive future development is planned for a site, this does not mean that the development will happen, for a variety of reasons including changing real estate market conditions. In this instance, a site would be created which did not have access to the

<sup>226</sup> DPR-0358.236 RWRL, DPR-0363.225 IRHL, DPR-0374.231 RIHL, DPR-0384.243 RIDL

<sup>227</sup> DPR-0409.012 Hughes

appropriate infrastructure for the establishment of a single residential unit, for example, on that site, which is otherwise provided for in the PDP.

- 71.4 FENZ, Orion and Kāinga Ora<sup>228</sup> each request that SUB-REQ9 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

- 71.5 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ9 as notified.
- 71.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **72. SUB-REQ10 Wastewater Disposal**

### **Submissions**

- 72.1 Seven submission points and 34 further submission points were received in relation to SUB-REQ10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	237	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS439	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS526	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS483	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS530	Support In Part	Accept submission in part
DPR-0492	Kevler	FS435	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS506	Support In Part	Accept the submission in part.
DPR-0363	IRHL	226	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS771	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS697	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS650	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS690	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS305	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	110	Support	Retain as notified.
DPR-0407	Forest & Bird	FS679	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	232	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS586	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS953	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS801	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS833	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS149	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS710	Support In Part	Accept the submission in part.
DPR-0384	RIDL	244	Support In Part	Amend the provision to insert a non-notification clause.

<sup>228</sup> DPR-0359.055 FENZ, DPR-0367.109 Orion, DPR-0414.130 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0409	Hughes	013	Support In Part	Amend as follows: 1. Every site created in a township with a Council reticulated wastewater network shall be supplied with a separate connection to that network. This requirement shall not apply to any site created solely for access or network utility operations, <u>nor shall it apply to the creation of future development lots where the connection to a Council reticulated wastewater network is protected by consent notice.</u>
DPR-0209	M Singh	FS161	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS873	Support In Part	Accept submission in part
DPR-0358	RWRL	FS137	Support	Adopt
DPR-0363	IRHL	FS137	Support	Adopt
DPR-0374	RIHL	FS137	Support	Adopt
DPR-0384	RIDL	FS137	Support	Adopt
DPR-0461	Dunweavin	FS065	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS015	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS772	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	131	Support	Retain as notified
DPR-0157	K & B Williams	FS197	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS387	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS157	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS183	Oppose In Part	Reject submission
DPR-0492	Kevler	FS553	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS177	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS068	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

72.2 RWRL, IRHL, RIHL and RIDL<sup>229</sup> each request that SUB-REQ10 be amended by the insertion of a non-notification clause. Non-compliance with SUB-REQ10 would result in sites in townships not being provided with a separate connection to a Council reticulated wastewater network, and not being connected to a reticulated wastewater treatment and disposal system in the SKIZ. Creating sites without access to a suitable wastewater network may have adverse effects on the wider environment, such that the ready identification of affected parties is no possible at the plan-making stage. The RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may

<sup>229</sup> DPR-0358.237 RWRL, DPR-0363.226 IRHL, DPR-0374.232 RIHL, DPR-0384.244 RIDL



be adversely affected by a particular proposal from having the opportunity to participate in the process, and so I recommend that the submission points be rejected.

- 72.3 Hughes<sup>230</sup> requests that SUB-REQ10.1 be amended so that the requirement does not apply to the creation of future development lots where the connection to a Council reticulated wastewater network is protected by a consent notice. I recommend that the submission point be rejected for the same reasons set out in Section 71 of this report, relating to the non-connection to reticulated water supply.
- 72.4 Orion and Kāinga Ora<sup>231</sup> each request that SUB-REQ10 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted.

### **Recommendations**

- 72.5 I recommend, for the reasons given above, that the Hearing Panel retain SUB-REQ10 as notified.
- 72.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **73. SUB-REQ11 Point Strips**

### **Submissions**

- 73.1 Eight submission points and 38 further submission points were received in relation to SUB-REQ11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	The Council	037	Oppose In Part	<p>Delete SUB-REQ11 and any references to it within the Proposed District Plan and insert new rule as follows:</p> <p><u>SUB -RX Point Strips.</u></p> <p><u>All Zones</u></p> <p><u>Activity Status: RDIS</u></p> <p><u>1. The creation of a point strip</u></p> <p><u>Where:</u></p> <p><u>a. The purpose of the point strip is limited to managing access from a site to a road; and</u></p> <p><u>b. The point strip(s) will transfer to Council on the deposit of the plan for each stage of the subdivision.</u></p> <p><u>Matters for discretion:</u></p> <p><u>2. The exercise of discretion in relation to SUB-RX.1 is restricted to consideration of:</u></p> <p><u>a. The purpose of the point strip.</u></p> <p><u>b. Whether a point strip is the most effective method to achieve the purpose.</u></p> <p><u>c. The width of the point strip required to achieve the purpose.</u></p> <p><u>Activity status where compliance not achieved:</u></p> <p><u>3. When compliance with any of SUB-RX.1 is not achieved: DIS</u></p>
DPR-0375	WKNZTA	FS147	Support	Accept amendment or retain as notified.

<sup>230</sup> DPR-0409.013 Hughes

<sup>231</sup> DPR-0367.110 Orion, DPR-0414.131 Kāinga Ora



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0411	Hughes	FS005	Oppose In Part	Disallow in part
DPR-0358	RWRL	238	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS440	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS527	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS484	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS143	Support	Accept the proposed amendment.
DPR-0461	Dunweavin	FS531	Support In Part	Accept submission in part
DPR-0492	Kevler	FS426	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS507	Support In Part	Accept the submission in part.
DPR-0363	IRHL	227	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS772	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS698	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS651	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS144	Support	Accept the proposed amendment.
DPR-0461	Dunweavin	FS691	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS306	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	233	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS587	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS954	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS802	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS145	Support	Accept the proposed amendment.
DPR-0461	Dunweavin	FS834	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS150	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS711	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	112	Support In Part	Amend the rule to include that any point strips created to manage access from a site to the State Highway should be transferred to Waka Kotahi.
DPR-0384	RIDL	245	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0375	WKNZTA	FS146	Support	Accept the proposed amendment.
DPR-0409	Hughes	014	Support In Part	Amend as follows: 2. When compliance with any of SUB-REQ11.1. is not achieved: RDIS Where: The purpose of the point strip is limited to managing access from a site to a road <u>as part of a cost-recovery mechanism</u> ; and ...
DPR-0209	M Singh	FS162	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS874	Support In Part	Accept submission in part
DPR-0358	RWRL	FS138	Support	Adopt
DPR-0363	IRHL	FS138	Support	Adopt
DPR-0374	RIHL	FS138	Support	Adopt
DPR-0384	RIDL	FS138	Support	Adopt

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS066	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS016	Support In Part	Accept submission in Part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS773	Support In Part	Accept submission in part.
DPR-0414	Kāinga Ora	132	Support	Retain as notified
DPR-0157	K & B Williams	FS198	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS388	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS158	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS184	Oppose In Part	Reject submission
DPR-0492	Kevler	FS554	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS178	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS069	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 73.2 The Council<sup>232</sup> requests that SUB-REQ11 be deleted and replaced with a rule to the same effect, for consistency with how the rest of the PDP has been drafted. I agree that this would be more consistent with the overall drafting of the PDP, and more consistent with the likes of *SUB-R13 Subdivision to Create Access, Reserve, or Infrastructure Sites in All Zones* I therefore recommend that the submission point be accepted in part as shown as SUB-RA in **Appendix 2**, subject to other amendments discussed below.
- 73.3 RWRL, IRHL, RIHL and RIDL<sup>233</sup> each request that SUB-REQ11 be amended by the insertion of a non-notification clause. I agree that public notification is unlikely to be necessary, but do consider there is a need to consider any effects on the road controlling authority, where that is not Council. I therefore recommend that these submission points be accepted in part.
- 73.4 Hughes<sup>234</sup> requests that SUB-REQ11.2.a be amended so that it is limited to managing access from a site to a road where it is part of a cost recovery mechanism. Point strips created as part of a cost recovery mechanism do not have, as their primary purpose, the restriction of access to a road. In those instances, restriction of access to a road is the mechanism, not the purpose, and so such point strips would not comply with SUB-REQ11.2.a (SUB-RA.1.a in **Appendix 2**) and instead would be a DIS activity under SUB-REQ11.3 (SUB-RA.4 in **Appendix 2**). I therefore recommend that the submission point be rejected.
- 73.5 WKNZTA<sup>235</sup> requests that SUB-REQ11.2.b. be amended, so that any point strips created to manage access from a site to the State Highway should be transferred to Waka Kotahi. I agree that this is a more

<sup>232</sup> DPR-0207.037 The Council

<sup>233</sup> DPR-0358.238 RWRL, DPR-0363.227 IRHL, DPR-0374.233 RIHL, DPR-0384.245 RIDL

<sup>234</sup> DPR-0409.014 Hughes

<sup>235</sup> DPR-0375.112 WKNZTA

effective way to manage point strips in these locations, and recommend the submission point be accepted and that SUB-REQ11.2.b be amended as shown as SUB-RA.1.b in **Appendix 2**.

- 73.6 Kāinga Ora<sup>236</sup> requests that SUB-REQ11 be retained as notified. Based on my recommendation above, I recommend that the submission point be accepted in part.

#### ***Recommendations and Amendments***

- 73.7 I recommend, for the reasons given above, that the Hearing Panel amend SUB-REQ11 as shown in **Appendix 2**, to more effectively allow for the management of point strips where the Council is not the relevant road controlling authority.
- 73.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 73.9 The nature of the recommended change does not require a s32AA evaluation.

## **74. SUB-REQ12 Land Disturbance and Earthworks for Subdivision**

### ***Submissions***

- 74.1 Thirteen submission points and 75 further submission points were received in relation to SUB-REQ12.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	The Council	038	Oppose	<p>Delete SUB-REQ12 and any references to it within the Proposed District Plan and insert new rule with SUB-REQ12 forming the basis: <u>SUB-RX Land Disturbance and Earthworks for Subdivision</u></p> <p><u>All Zones</u></p> <p><u>1. Land disturbance or earthworks directly associated the development of land for subdivision.</u></p> <p><u>Where:</u></p> <p><u>a. The maximum area of land subject to the works is 1,000m<sup>2</sup>.</u></p> <p><u>Activity status where compliance not achieved:</u></p> <p><u>2. When compliance with any of SUB-RX.1 is not achieved: RDIS</u></p> <p><u>Matters for discretion:</u></p> <p><u>3. The exercise of discretion in relation to SUB-RX.1 is</u></p> <p><u>restricted to consideration of:</u></p> <p><u>a. 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><u>b. any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated;</u></p> <p><u>c. the amenity effects on neighbouring properties, and on the road network, of heavy</u></p>

<sup>236</sup> DPR-0414.132 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>vehicle and other vehicular traffic generated as a result of earthworks can be avoided or mitigated;</u> <u>d. 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> <u>e. 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> <u>f. the degree to which the resultant levels are consistent with the surrounding environment;</u> <u>g. 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>
DPR-0358	RWRL	FS139	Oppose	Reject
DPR-0363	IRHL	FS139	Oppose	Reject
DPR-0374	RIHL	FS139	Oppose	Reject
DPR-0384	RIDL	FS139	Oppose	Reject
DPR-0460	Marama Te Wai	FS027	Oppose In Part	The rule appears too prescriptive - need an AEE for each activity to the satisfaction of the SDC in issuing an RC
DPR-0345	Porters	028	Oppose In Part	Exempt SKIZ from SUB-REQ12 or provide a hyperlink to NFL-R2.
DPR-0407	Forest & Bird	FS813	Oppose	Reject the submissions
DPR-0358	RWRL	239	Oppose In Part	Amend as follows: 1. Land disturbance or earthworks directly associated with the development of land for subdivision has a maximum area of <del>1,000m<sup>2</sup></del> <u>5,000m<sup>2</sup></u> . 2. When compliance with any of SUB-REQ12.1 is not achieved: <del>RDIS CON</del> Matters for discretion control: 3. The exercise of <del>discretion control</del> in relation to SUB-REQ12.2 is restricted to consideration of: ...
DPR-0157	K & B Williams	FS441	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS528	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS485	Support In Part	Accept submission in part
DPR-0381	Coleridge Downs	FS072	Support	Allow
DPR-0461	Dunweavin	FS532	Support In Part	Accept submission in part
DPR-0486	Coleridge Downs	FS072	Support	Allow
DPR-0492	Kevler	FS424	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS508	Support In Part	Accept the submission in part.
DPR-0358	RWRL	240	Oppose In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS442	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS529	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS486	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS533	Support In Part	Accept submission in part

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0492	Kevler	FS419	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS509	Support In Part	Accept the submission in part.
DPR-0363	IRHL	228	Oppose In Part	Amend as follows: 1. Land disturbance or earthworks directly associated with the development of land for subdivision has a maximum area of <del>1,000m<sup>2</sup></del> 5,000m <sup>2</sup> . 2. When compliance with any of SUB-REQ12.1 is not achieved: <del>RDIS CON</del> Matters for <del>discretion control</del> : 3. The exercise of <del>discretion control</del> in relation to SUB-REQ12.2 is restricted to consideration of: ...
DPR-0157	K & B Williams	FS773	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS699	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS652	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS148	Oppose	Retain as notified.
DPR-0381	Coleridge Downs	FS071	Support	Allow
DPR-0461	Dunweavin	FS692	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0486	Coleridge Downs	FS071	Support	Allow
DPR-0492	Kevler	FS307	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0363	IRHL	229	Oppose In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS774	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS700	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS653	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS149	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS693	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS308	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	234	Oppose In Part	Amend as follows: 1. Land disturbance or earthworks directly associated with the development of land for subdivision has a maximum area of 1,000m <sup>2</sup> 5,000m <sup>2</sup> . 2. When compliance with any of SUB-REQ12.1 is not achieved: <del>RDIS CON</del> Matters for <del>discretion control</del> : 3. The exercise of <del>discretion control</del> in relation to SUB-REQ12.2 is restricted to consideration of: ...
DPR-0157	K & B Williams	FS588	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS955	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS803	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS150	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS835	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS151	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS712	Support In Part	Accept the submission in part.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0374	RIHL	235	Oppose In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS589	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS956	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS804	Support In Part	Accept submission in part
DPR-0375	WKNZTA	FS151	Oppose	Retain as notified.
DPR-0461	Dunweavin	FS835	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS152	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS713	Support In Part	Accept the submission in part.
DPR-0384	RIDL	246	Oppose In Part	Amend as follows: 1. Land disturbance or earthworks directly associated with the development of land for subdivision has a maximum area of <del>1,000m<sup>2</sup></del> <u>5,000m<sup>2</sup></u> . 2. When compliance with any of SUB-REQ12.1 is not achieved: <del>RDIS CON</del> Matters for <del>discretion</del> <u>control</u> : 3. The exercise of <del>discretion</del> <u>control</u> in relation to SUB-REQ12.2 is restricted to consideration of: ...
DPR-0375	WKNZTA	FS152	Oppose	Retain as notified.
DPR-0384	RIDL	247	Oppose In Part	Amend the provision to insert a non-notification clause.
DPR-0375	WKNZTA	FS153	Oppose	Retain as notified.
DPR-0409	Hughes	015	Support In Part	Amend as follows: 1. <del>Land disturbance or earthworks</del> <u>Earthworks</u> directly associated with the development of land for subdivision has a maximum area of 1,000m <sup>2</sup> .
DPR-0209	M Singh	FS163	Support In Part	Accept submission in part
DPR-0298	Trices Road	FS875	Support In Part	Accept submission in part
DPR-0358	RWRL	FS140	Support	Adopt
DPR-0363	IRHL	FS140	Support	Adopt
DPR-0374	RIHL	FS140	Support	Adopt
DPR-0384	RIDL	FS140	Support	Adopt
DPR-0461	Dunweavin	FS067	Support In Part	Accept submission to the extent that they are consistent with the relief sought and interests of Dunweavin (461)
DPR-0492	Kevler	FS017	Support In Part	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS774	Support In Part	Accept submission in part.
DPR-0410	Urban Estates	001	Support In Part	Amend as follows: 1. <del>Land disturbance or earthworks</del> <u>Earthworks</u> directly associated with the development of land for subdivision has a maximum area of 1,000m <sup>2</sup> .
DPR-0358	RWRL	FS141	Support	Adopt
DPR-0363	IRHL	FS141	Support	Adopt
DPR-0374	RIHL	FS141	Support	Adopt
DPR-0384	RIDL	FS141	Support	Adopt
DPR-0414	Kāinga Ora	133	Oppose	Delete as notified
DPR-0157	K & B Williams	FS199	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS389	Oppose In Part	Reject the submission in part



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road	FS159	Oppose In Part	Reject submission
DPR-0358	RWRL	FS142	Support	Adopt
DPR-0363	IRHL	FS142	Support	Adopt
DPR-0374	RIHL	FS142	Support	Adopt
DPR-0375	WKNZTA	FS154	Oppose	Retain as notified.
DPR-0384	RIDL	FS142	Support	Adopt
DPR-0461	Dunweavin	FS185	Oppose In Part	Reject submission
DPR-0492	Kevler	FS555	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS179	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS070	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 74.2 Kāinga Ora<sup>237</sup> requests that SUB-REQ12 be deleted in full, with earthworks managed by the *Earthworks* Chapter, while The Council<sup>238</sup> requests that SUB-REQ12 be deleted and replaced with an equivalent rule in the *Subdivision* Chapter. While the Planning Standards require all subdivision provisions to be located in the *Subdivision* Chapter, they also require all provisions for managing earthworks to be located in the *Earthworks* Chapter.
- 74.3 I agree with The Council that earthworks associated with subdivision are a related but separate activity from the action of subdivision, and that it is therefore appropriate to move the provisions to rule, rather than rule requirement, status. Consistent with the officer recommendations from Hearing 15 Earthworks, I therefore recommend that the Kāinga Ora<sup>239</sup> and The Council<sup>240</sup> submission points be accepted in part and the following amendments be made to the PDP as shown in **Appendix 2**:
- 74.3.1 SUB-P10 be moved to the Earthworks Chapter and become EW-P5, so that the rule and its associated policy are in the same Chapter (no change to policy text, just its location within the PDP). This is consistent with the recommendations of the s42A report for the *Earthworks* Chapter.
- 74.3.2 SUB-REQ12 be deleted and consequentially references to it be deleted from each *Subdivision* Chapter rule where it appears.
- 74.3.3 New EW-R6 be inserted, with the text based on The Council<sup>241</sup> submission point, and each of EW-R2, EW-R3 and EW-R4 amended to clarify that they do not apply to earthworks subject to EW-R6. This is consistent with the recommendations of the s42A report for the *Earthworks* Chapter.

<sup>237</sup> DPR-0414.133 Kāinga Ora

<sup>238</sup> DPR-0207.038 The Council

<sup>239</sup> DPR-0414.133 Kāinga Ora

<sup>240</sup> DPR-0207.038 The Council

<sup>241</sup> DPR-0207.038 The Council

- 74.4 RWRL, IRHL, RIHL and RIDL<sup>242</sup> each request that SUB-REQ12 (EW-R6 in **Appendix 2**) be amended by the insertion of a non-notification clause. I recommend that this part of these submissions be rejected because the adverse effects of preparing land for subdivision, beyond the scope of a PER activity, can extend well beyond the site. The RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. It would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.
- 74.5 RWRL, IRHL, RIHL and RIDL<sup>243</sup> each request that the maximum permitted area of disturbance be increased from 1,000m<sup>2</sup> to 5,000m<sup>2</sup>, and that non-compliance result in a CON activity status, rather than RDIS. I recommend that the submission points are rejected for the following reasons:
- 74.5.1 In terms of the permitted level of disturbance, 1000m<sup>2</sup> is consistent with the requirements of the Land and Water Regional Plan, beyond which mitigation measures are required.
- 74.5.2 In terms of activity status, RDIS is consistent with the other rules in the Earthworks Chapter, and allows council to decline consent if appropriate measures to manage the temporary effects of earthworks for subdivision are not proposed.
- 74.6 Hughes and Urban Estates<sup>244</sup> each request that SUB-REQ12 apply only to earthworks, rather than applying to both earthworks and land disturbance. Activities likely to cause adverse effects are unlikely to fall within the definition of land disturbance (*the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land*), and so I consider that it would improve clarity and ease of understanding for Plan users to amend the provision to this effect, as shown in **Appendix 2** I therefore recommend that the submission points be accepted.
- 74.7 Porters<sup>245</sup> requests that either SKIZ be exempt from SUB-REQ12, or that a hyperlink to NFL-R2 be provided. The *Earthworks* Chapter applies to special purpose zones in the same way as the *Subdivision* Chapter does, and so the amendments recommended above would remove the existing inadvertent duplication of provisions where earthworks for subdivision, as notified, need to comply with both SUB-REQ12 and one of EW-R2, EW-R3 or EW-R4, as relevant. The parts of NFL-R2 listed as applying to the SKIZ do not include all earthworks that may be associated with a subdivision, and so I consider it appropriate for the earthworks for subdivision provisions to continue to apply to the zone. I therefore recommend that the submission point be rejected.

#### **Recommendations and Amendments**

- 74.8 I recommend, for the reasons given above, that the Hearing Panel amend the PDP as described above and as shown in **Appendix 2**, in order to better align with the Planning Standards, and to clarify which earthworks rules apply in which circumstances as they relate to subdivision.

<sup>242</sup> DPR-0358.240 RWRL, DPR-0363.229 IRHL, DPR-0374.235 RIHL, DPR-0384.247 RIDL

<sup>243</sup> DPR-0358.239 RWRL, DPR-0363.228 IRHL, DPR-0374.234 RIHL, DPR-0384.246 RIDL

<sup>244</sup> DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

<sup>245</sup> DPR-0345.028 Porters



74.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

74.10 The nature of the recommended change does not require a s32AA evaluation.

## 75. SUB-New rule requirement requested

### *Submissions*

75.1 One submission point and one further submission point were received in relation to a request for a new rule requirement.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0101	Chorus, Spark & Vodafone	029	Oppose	Amend the subdivision rules as necessary such that the following rule applies: <u>All new allotments must have provision for telecommunications infrastructure.</u> This can exclude unnecessary lot types such as those for reserves, roads and network utilities.
DPR-0414	Kāinga Ora	FS009	Oppose	Not specified

### *Analysis*

75.2 Chorus, Spark and Vodafone<sup>246</sup> request that a new rule requirement be introduced, such that all new allotments have provision for telecommunications infrastructure. Telecommunications infrastructure can be either wired or wireless, and the details of the requirements will differ depending on the nature of the subdivision – for example, a greenfield urban subdivision will have different requirements to a site in the high country. Like electricity, the details of telecommunications infrastructure provision is outside the control of council. Noting that SUB-MAT4 requires an assessment of whether telecommunication and electricity connections shall be made available to any site, I recommend that the submission point be rejected.

### *Recommendations*

75.3 I recommend, for the reasons given above, that the Hearing Panel decline to insert a new rule requirement addressing telecommunications infrastructure.

75.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 76. SUB-MAT1 Size and Shape

### *Submissions*

76.1 Five submission points and 24 further submission points were received in relation to SUB-MAT1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	241	Support	Retain as notified
DPR-0157	K & B Williams	FS443	Support In Part	Accept the submission in part

<sup>246</sup> DPR-0101.029 Chorus, Spark & Vodafone

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0209	M Singh	FS530	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS487	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS534	Support In Part	Accept submission in part
DPR-0492	Kevler	FS418	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS510	Support In Part	Accept the submission in part.
DPR-0363	IRHL	230	Support	Retain as notified
DPR-0157	K & B Williams	FS775	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS701	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS654	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS694	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS309	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	236	Support	Retain as notified
DPR-0157	K & B Williams	FS590	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS957	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS805	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS837	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS153	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS714	Support In Part	Accept the submission in part.
DPR-0384	RIDL	248	Support	Retain as notified
DPR-0414	Kāinga Ora	134	Support In Part	Amend as follows: Size and Shape <u>for Vacant Site Subdivision</u> ... 4. The extent to which the proposal provides a variety of site sizes that are in keeping with the recognised or anticipated <del>character</del> <u>planned form</u> of the area. ...
DPR-0157	K & B Williams	FS200	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS390	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS160	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS186	Oppose In Part	Reject submission
DPR-0492	Kevler	FS556	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS180	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS071	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 76.2 Kāinga Ora<sup>247</sup> request that SUB-MAT1 be amended to apply only to vacant site subdivision, and that SUB-MAT1.4 be amended to assess the anticipated planned form of an area, rather than its anticipated character. For the same reasons as discussed in Section 45 of this report, I recommend that the vacant site amendment not be accepted, but I agree that referring to the planned form of an area, rather than its character, is both more forward-looking and consistent with the terms used in the NPS-UD. I therefore recommend that the submission point be accepted in part and SUB-MAT1 be amended as shown in **Appendix 2**.
- 76.3 RWRL, IRHL, RIHL and RIDL<sup>248</sup> each request that SUB-MAT1 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted in part.

### Recommendations and Amendments

- 76.4 I recommend, for the reasons given above, that the Hearing Panel amend SUB-MAT1 as shown in **Appendix 2**, to better reflect the terms used in the NPS-UD.
- 76.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 76.6 The nature of the proposed change does not require a s32AA evaluation.

## 77. SUB-MAT2 Context

### Submissions

- 77.1 Seven submission points and 33 further submission points were received in relation to SUB-MAT2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	HortNZ	185	Oppose In Part	Amend as follows: .... <u>GRUZ:</u> <u>8. Potential reverse sensitivity effects with rural production activities on surrounding land</u> <u>9. Loss of highly productive land or versatile land from rural production.</u>
DPR-0157	K & B Williams	FS895	Oppose	Reject submission
DPR-0209	M Singh	FS297	Oppose	Reject submission
DPR-0260	CRC	FS002	Support	Accept the relief sought by HORT NZ on this submission point.
DPR-0298	Trices Road	FS892	Oppose	Reject submission
DPR-0353	HortNZ	186	Oppose In Part	Amend as follows: .... 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 and maintain amenity values <u>and manage the</u>

<sup>247</sup> DPR-0414.134 Kāinga Ora

<sup>248</sup> DPR-0358.241 RWRL, DPR-0363.230 IRHL, DPR-0374.236 RIHL, DPR-0384.248 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>potential for reverse sensitivity effects on rural production activities across the rural-urban interface.</u> ....
DPR-0142	NZ Pork	FS028	Support	Allow in full
DPR-0358	RWRL	FS100	Support	Adopt
DPR-0363	IRHL	FS100	Support	Adopt
DPR-0374	RIHL	FS100	Support	Adopt
DPR-0384	RIDL	FS100	Support	Adopt
DPR-0358	RWRL	388	Support	Retain as notified
DPR-0157	K & B Williams	FS464	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS569	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS530	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS570	Support In Part	Accept submission in part
DPR-0492	Kevler	FS328	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS551	Support In Part	Accept the submission in part.
DPR-0363	IRHL	413	Support	Retain as notified
DPR-0157	K & B Williams	FS855	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS721	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS680	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS713	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS335	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	459	Support	Retain as notified
DPR-0157	K & B Williams	FS652	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS977	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS831	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS857	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS179	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS741	Support In Part	Accept the submission in part.
DPR-0384	RIDL	492	Support	Retain as notified
DPR-0414	Kāinga Ora	135	Support	Retain as notified
DPR-0157	K & B Williams	FS201	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS391	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS161	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS187	Oppose In Part	Reject submission
DPR-0492	Kevler	FS557	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS181	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS072	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

77.2 HortNZ<sup>249</sup> have made two submission points that together request three amendments to SUB-MAT2, to manage the potential for reverse sensitivity effects and the loss of highly productive land or versatile land from rural production. I recommend that the submission points be accepted or accepted in part as follows:

77.2.1 SUB-MAT2.4 looks, among other matters, to maintain residential amenity values at the rural interface. HortNZ<sup>250</sup> request that this be extended to also manage the potential for reverse sensitivity effects on rural production activities across the rural-urban interface. This is an aspect of amenity values, but I consider that it would be helpful to specify this within the MAT. I therefore recommend that the submission point be accepted and SUB-MAT2 be amended as shown in **Appendix 2**, to increase clarity and improve ease of use for Plan users.

77.2.2 The appropriateness of requested SUB-MAT2.8 has already been discussed in Section 46 of this report, which considers SUB-R2. I have recommended that SUB-R2 be amended to account for the potential for reverse sensitivity effects, and so I do not consider that it need be replicated in SUB-MAT2. I therefore recommend that this part of the HortNZ submission point<sup>251</sup> be accepted in part, with SUB-R2.2 being amended rather than SUB-MAT2.

77.2.3 The outcome sought by requested SUB-MAT2.9 is appropriate in the GRUZ, and would go some way towards giving effect to the NPS-HPL. However, as highly productive land is the subject of a National Policy Statement, it would be more appropriate to instead introduce a new matter of control or discretion. I therefore recommend that this part of the HortNZ submission point<sup>252</sup> be accepted in part, with new SUB-MATA being introduced rather than amending SUB-MAT2, and amendments to the text to better reflect the NPS-HPL.

77.2.4 Of relevance to the *Subdivision* chapter, within Part 3: Implementation, 3.8 Avoiding subdivision of highly productive land, the NPS-HPL requires:

- (1) *Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:*
  - (a) *the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:*
  - (b) *the subdivision is on specified Māori land:*
  - (c) *the 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.*
- (2) *Territorial authorities must take measures to ensure that any subdivision of highly productive land:*
  - (a) *avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*

<sup>249</sup> DPR-0353.185, DPR-0353.186 HortNZ

<sup>250</sup> DPR-0353.186 HortNZ

<sup>251</sup> DPR-0353.185 HortNZ

<sup>252</sup> DPR-0353.185 HortNZ

- (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*
- (3) *In subclause (1), subdivision includes partitioning orders made under Te Ture Whenua Māori Act 1993.*
- (4) *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

77.2.5 Clauses (1)(b) and (1)(c) set out exemptions to the requirement to avoid the subdivision of highly productive land. There is no specified Māori land (as defined by the NPS-HPL) within the GRUZ, and so the exemption in Cl(1)(b) need not be included in SUB-R2.2. The exemption in Cl(1)(c) is reflected in SUB-R2.2 by not requiring an assessment of overall productive capacity where the site is for important infrastructure (which includes NZDF facilities) or natural hazard mitigation works (a PDP defined term) and there is a functional or operational need for the subdivision.

77.2.6 The recommended SUB-MATA in response to this submission point is shown in **Appendix 2**.

77.3 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>253</sup> each request that SUB-MAT2 be retained as notified. Based on my recommendations above, I recommend that these submission points be accepted in part.

#### **Recommendations and Amendments**

77.4 I recommend, for the reasons given above, that the Hearing Panel:

- a) Amend SUB-MAT2 in order to increase clarity and improve ease of use for Plan users; and
- b) Introduce SUB-MATA in order to partially implement the NPS-HPL, within the scope provided by PDP submissions.

77.5 The recommended amendments are shown in a consolidated manner in **Appendix 2**.

77.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

77.7 The s32AA assessment for the partial implementation of the NPS-HPL is located at the end of Section 44 of this report.

77.8 The nature of the remaining recommended change does not require a s32AA assessment.

## **78. SUB-MAT3 Infrastructure**

### **Submissions**

78.1 Seven submission points and 25 further submission points were received in relation to SUB-MAT3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	389	Support	Retain as notified
DPR-0157	K & B Williams	FS465	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS570	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS531	Support In Part	Accept submission in part

<sup>253</sup> DPR-0358.388 RWRL, DPR-0363.413 IRHL, DPR-0374.459 RIHL, DPR-0384.492 RIDL, DPR-0414.135 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS571	Support In Part	Accept submission in part
DPR-0492	Kevler	FS318	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS552	Support In Part	Accept the submission in part.
DPR-0359	FENZ	056	Support	Retain as notified.
DPR-0363	IRHL	414	Support	Retain as notified
DPR-0157	K & B Williams	FS856	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS722	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS681	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS714	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS336	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	111	Support	Retain as notified.
DPR-0407	Forest & Bird	FS680	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	460	Support	Retain as notified
DPR-0157	K & B Williams	FS653	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS978	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS832	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS858	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS180	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS742	Support In Part	Accept the submission in part.
DPR-0384	RIDL	493	Support	Retain as notified
DPR-0414	Kāinga Ora	136	Support	Retain as notified
DPR-0157	K & B Williams	FS202	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS392	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS162	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS188	Oppose In Part	Reject submission
DPR-0492	Kevler	FS558	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS182	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS073	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

78.2 RWRL, FENZ, IRHL, Orion, RIHL, RIDL and Kāinga Ora<sup>254</sup> each request that SUB-MAT3 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT3 be retained as notified.

<sup>254</sup> DPR-0358.389 RWRL, DPR-0359.056 FENZ, DPR-0363.414 IRHL, DPR-0374.460 RIHL, DPR-0384.49392 RIDL, DPR-0414.136 Kāinga Ora



### Recommendations

78.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT3 as notified.

78.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 79. SUB-MAT4 Telecommunications and Electricity

### Submissions

79.1 Seven submission points and 25 further submission points were received in relation to SUB-MAT4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0101	Chorus, Spark & Vodafone	030	Support	Retain as notified.
DPR-0358	RWRL	390	Support	Retain as notified
DPR-0157	K & B Williams	FS466	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS571	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS532	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS572	Support In Part	Accept submission in part
DPR-0492	Kevler	FS317	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS553	Support In Part	Accept the submission in part.
DPR-0363	IRHL	415	Support	Retain as notified
DPR-0157	K & B Williams	FS857	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS723	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS682	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS715	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS337	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion	112	Support	Retain as notified.
DPR-0407	Forest & Bird	FS681	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	RIHL	461	Support	Retain as notified
DPR-0157	K & B Williams	FS654	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS979	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS833	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS859	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS181	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS743	Support In Part	Accept the submission in part.
DPR-0384	RIDL	494	Support	Retain as notified
DPR-0414	Kāinga Ora	137	Support	Retain as notified
DPR-0157	K & B Williams	FS203	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS393	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS163	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS189	Oppose In Part	Reject submission
DPR-0492	Kevler	FS559	Oppose In Part	Reject submission points in part



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS183	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS074	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

79.2 Chorus, Spark & Vodafone, RWRL, IRHL, Orion, RIHL, RIDL and Kāinga Ora<sup>255</sup> each request that SUB-MAT4 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT4 be retained as notified.

### Recommendations

79.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT4 as notified.

79.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 80. SUB-MAT5 Water

### Submissions

80.1 Six submission points and 24 further submission points were received in relation to SUB-MAT5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	391	Support	Retain as notified
DPR-0157	K & B Williams	FS467	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS572	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS533	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS573	Support In Part	Accept submission in part
DPR-0492	Kevler	FS316	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS554	Support In Part	Accept the submission in part.
DPR-0359	FENZ	057	Support In Part	Amend as follows: LLRZ, SETZ, GRUZ, GIZ, KNOZ, PORTZ 1. The method by which water will be supplied to each site for firefighting <u>in accordance with the New Zealand Fire Service Code of Practice for Fire Fighting Water supply.</u> .....
DPR-0363	IRHL	416	Support	Retain as notified
DPR-0157	K & B Williams	FS858	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS724	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS683	Support In Part	Accept submission in part

<sup>255</sup> DPR-0101.030 Chorus, Spark & Vodafone, DPR-0358.390 RWRL, DPR-0363.415 IRHL, DPR-0374.461 RIHL, DPR-0384.494 RIDL, DPR-0414.137 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS716	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS338	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	462	Support	Retain as notified
DPR-0157	K & B Williams	FS655	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS980	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS834	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS860	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS182	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS744	Support In Part	Accept the submission in part.
DPR-0384	RIDL	495	Support	Retain as notified
DPR-0414	Kāinga Ora	138	Support	Retain as notified
DPR-0157	K & B Williams	FS204	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS395	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS164	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS190	Oppose In Part	Reject submission
DPR-0492	Kevler	FS560	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS184	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS075	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

80.2 FENZ<sup>256</sup> requests that, in the LLRZ, SETZ, GRUZ, GIZ, KNOZ and PORTZ, the matter be amended to include specifying the New Zealand Fire Service Code of Practice for Fire Fighting Water supply as the standard to be met in providing firefighting water. I recommend that the submission point be rejected for the following reasons:

80.2.1 Making the requested amendment would result in it being incorporated by reference, thereby fixing that version of the standard as the version to be used, even if the standard is updated at a later date.

80.2.2 In relation to the LLRZ, SETZ, GIZ, KNOZ and PORTZ, the New Zealand Fire Service Code of Practice for Fire Fighting Water supply is referenced in Council's Engineering Code of Practice (ECOP), which sets out Council's current technical design requirements and standards for subdivision and project works in the district. Section 7 of the ECOP sets out the requirements for water supply, and Section 7.4.4 Fire Supply Design requires that water supply reticulation comply with SNZ PAS 4509:2008 Fire Service Code of Practice. The ECOP can be updated more

<sup>256</sup> DPR-0359.057 FENZ

regularly and with less formality than a change to a district plan, meaning that, in the event of the Fire Service Code of Practice being updated, it is faster to update the ECOP to reflect the amendments than to update the district plan through a Schedule 1 process.

80.2.3 In relation to the GRUZ, SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is for urban fire districts. It was not written for use in rural areas such as the GRUZ.

80.3 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>257</sup> each request that SUB-MAT5 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### **Recommendations**

80.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT5 as notified.

80.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **81. SUB-MAT6 Stormwater Disposal**

### **Submissions**

81.1 Five submission points and 25 further submission points were received in relation to SUB-MAT6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	392	Support	Retain as notified
DPR-0157	K & B Williams	FS468	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS573	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS534	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS574	Support In Part	Accept submission in part
DPR-0492	Kevler	FS311	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS555	Support In Part	Accept the submission in part.
DPR-0363	IRHL	417	Support	Retain as notified
DPR-0157	K & B Williams	FS859	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS725	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS684	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS717	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS339	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	463	Support	Retain as notified
DPR-0157	K & B Williams	FS656	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS981	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS835	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS861	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS183	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS745	Support In Part	Accept the submission in part.

<sup>257</sup> DPR-0358.391 RWRL, DPR-0363.416 IRHL, DPR-0374.462 RIHL, DPR-0384.495 RIDL, DPR-0414.138 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0384	RIDL	496	Support	Retain as notified
DPR-0414	Kāinga Ora	139	Support	Retain as notified
DPR-0157	K & B Williams	FS205	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS396	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS165	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS191	Oppose In Part	Reject submission
DPR-0492	Kevler	FS561	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS185	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS076	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

81.2 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>258</sup> each request that SUB-MAT6 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT6 be retained as notified.

### Recommendations

81.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT6 as notified.

81.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 82. SUB-MAT7 Wastewater Disposal

### Submissions

82.1 Five submission points and 24 further submission points were received in relation to SUB-MAT7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	393	Support	Retain as notified
DPR-0157	K & B Williams	FS469	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS574	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS535	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS575	Support In Part	Accept submission in part
DPR-0492	Kevler	FS310	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS556	Support In Part	Accept the submission in part.
DPR-0363	IRHL	418	Support	Retain as notified
DPR-0157	K & B Williams	FS860	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS726	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS685	Support In Part	Accept submission in part

<sup>258</sup> DPR-0358.392 RWRL, DPR-0363.417 IRHL, DPR-0374.463 RIHL, DPR-0384.496 RIDL, DPR-0414.139 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0461	Dunweavin	FS718	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS340	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	464	Support	Retain as notified
DPR-0157	K & B Williams	FS657	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS982	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS836	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS862	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS184	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS746	Support In Part	Accept the submission in part.
DPR-0384	RIDL	497	Support	Retain as notified
DPR-0414	Kāinga Ora	140	Support	Retain as notified
DPR-0157	K & B Williams	FS206	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS397	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS166	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS192	Oppose In Part	Reject submission
DPR-0492	Kevler	FS562	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS186	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS077	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

82.2 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>259</sup> each request that SUB-MAT7 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT7 be retained as notified.

### Recommendations

82.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT7 as notified.

82.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 83. SUB-MAT8 Solid Waste Disposal

### Submissions

83.1 Five submission points and 24 further submission points were received in relation to SUB-MAT8.

<sup>259</sup> DPR-0358.393 RWRL, DPR-0363.418 IRHL, DPR-0374.464 RIHL, DPR-0384.497 RIDL, DPR-0414.140 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	394	Support	Retain as notified
DPR-0157	K & B Williams	FS470	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS575	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS536	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS576	Support In Part	Accept submission in part
DPR-0492	Kevler	FS172	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS557	Support In Part	Accept the submission in part.
DPR-0363	IRHL	419	Support	Retain as notified
DPR-0157	K & B Williams	FS861	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS727	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS686	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS719	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS341	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	465	Support	Retain as notified
DPR-0157	K & B Williams	FS658	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS983	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS837	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS863	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS185	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS747	Support In Part	Accept the submission in part.
DPR-0384	RIDL	498	Support	Retain as notified
DPR-0414	Kāinga Ora	141	Support	Retain as notified
DPR-0157	K & B Williams	FS207	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS398	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS167	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS193	Oppose In Part	Reject submission
DPR-0492	Kevler	FS563	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS187	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS078	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

83.2 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>260</sup> each request that SUB-MAT8 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT8 be retained as notified.

<sup>260</sup> DPR-0358.394 RWRL, DPR-0363.419 IRHL, DPR-0374.465 RIHL, DPR-0384.498 RIDL, DPR-0414.141 Kāinga Ora



### Recommendations

83.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT8 as notified.

83.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 84. SUB-MAT9 Movement Networks

### Submissions

84.1 Seven submission points and 24 further submission points were received in relation to SUB-MAT9.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	395	Support	Retain as notified
DPR-0157	K & B Williams	FS471	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS576	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS537	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS577	Support In Part	Accept submission in part
DPR-0492	Kevler	FS171	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS558	Support In Part	Accept the submission in part.
DPR-0359	FENZ	058	Support	Retain as notified.
DPR-0363	IRHL	420	Support	Retain as notified
DPR-0157	K & B Williams	FS084	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS728	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS687	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS720	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS342	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	466	Support	Retain as notified
DPR-0157	K & B Williams	FS659	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS984	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS838	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS864	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS186	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS748	Support In Part	Accept the submission in part.
DPR-0375	WKNZTA	113	Support	Retain as notified.
DPR-0384	RIDL	499	Support	Retain as notified
DPR-0414	Kāinga Ora	142	Support	Retain as notified
DPR-0157	K & B Williams	FS208	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS399	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS168	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS194	Oppose In Part	Reject submission
DPR-0492	Kevler	FS564	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS188	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS079	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>side of George Street including no. 30 George Street &amp; any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.</i>

### Analysis

84.2 RWRL, FENZ, IRHL, RIHL, WKNZTA, RIDL and Kāinga Ora<sup>261</sup> each request that SUB-MAT9 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT9 be retained as notified.

### Recommendations

84.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT9 as notified.

84.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 85. SUB-MAT10 Reserves

### Submissions

85.1 Six submission points and 24 further submission points were received in relation to SUB-MAT10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	396	Support	Retain as notified
DPR-0157	K & B Williams	FS472	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS577	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS538	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS578	Support In Part	Accept submission in part
DPR-0492	Kevler	FS162	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS559	Support In Part	Accept the submission in part.
DPR-0363	IRHL	421	Support	Retain as notified
DPR-0157	K & B Williams	FS863	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS729	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS688	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS721	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS343	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	467	Support	Retain as notified
DPR-0157	K & B Williams	FS660	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS985	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS839	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS865	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS187	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.

<sup>261</sup> DPR-0358.395 RWRL, DPR-0359.058 FENZ, DPR-0363.420 IRHL, DPR-0374.466 RIHL, DPR-0384.499 RIDL, DPR-0375.113 WKNZTA, DPR-0414.142 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS749	Support In Part	Accept the submission in part.
DPR-0384	RIDL	500	Support	Retain as notified
DPR-0414	Kāinga Ora	143	Support	Retain as notified
DPR-0157	K & B Williams	FS209	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS400	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS169	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS195	Oppose In Part	Reject submission
DPR-0492	Kevler	FS565	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS189	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS080	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0442	Castle Hill CAI	004	Oppose	Not specified

### Analysis

- 85.2 Castle Hill CAI<sup>262</sup> request that the provision of open space recognizes the different needs of different age groups within the community. These different needs are reflected in the provisions of SUB-MAT10, and I do not consider that any amendment is required.
- 85.3 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>263</sup> each request that SUB-MAT10 be retained as notified. Based on my recommendation above, I recommend that these submission points be accepted.

### Recommendations

- 85.4 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT10 as notified.
- 85.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 86. SUB-MAT11 Easements

### Submissions

- 86.1 Five submission points and 24 further submission points were received in relation to SUB-MAT11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	397	Support	Retain as notified
DPR-0157	K & B Williams	FS473	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS578	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS539	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS579	Support In Part	Accept submission in part
DPR-0492	Kevler	FS161	Support	Accept submission in part

<sup>262</sup> DPR-0442.004

<sup>263</sup> DPR-0358.396 RWRL, DPR-0359.059 FENZ, DPR-0363.421 IRHL, DPR-0374.467 RIHL, DPR-0384.500 RIDL, DPR-0414.143 Kāinga Ora

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0493	Gallina Nominees & Heinz-Wattie	FS560	Support In Part	Accept the submission in part.
DPR-0363	IRHL	422	Support	Retain as notified
DPR-0157	K & B Williams	FS864	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS730	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS689	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS722	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS344	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	468	Support	Retain as notified
DPR-0157	K & B Williams	FS661	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS986	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS840	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS866	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS188	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS750	Support In Part	Accept the submission in part.
DPR-0384	RIDL	501	Support	Retain as notified
DPR-0414	Kāinga Ora	144	Support	Retain as notified
DPR-0157	K & B Williams	FS210	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS401	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS170	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS196	Oppose In Part	Reject submission
DPR-0492	Kevler	FS566	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS190	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS081	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

86.2 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>264</sup> each request that SUB-MAT11 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT11 be retained as notified.

### Recommendations

86.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT11 as notified.

86.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

<sup>264</sup> DPR-0358.397 RWRL, DPR-0363.422 IRHL, DPR-0374.468 RIHL, DPR-0384.501 RIDL, DPR-0414.144 Kāinga Ora

## 87. SUB-MAT12 Development Constraints

### **Submissions**

87.1 Five submission points and 25 further submission points were received in relation to SUB-MAT12.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	398	Support	Retain as notified
DPR-0157	K & B Williams	FS474	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS579	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS540	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS580	Support In Part	Accept submission in part
DPR-0492	Kevler	FS160	Support	Accept submission in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS561	Support In Part	Accept the submission in part.
DPR-0363	IRHL	423	Support	Retain as notified
DPR-0157	K & B Williams	FS865	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS731	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS690	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS723	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS345	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0374	RIHL	469	Support	Retain as notified
DPR-0157	K & B Williams	FS662	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS845	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS841	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS867	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS189	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees & Heinz-Wattie	FS751	Support In Part	Accept the submission in part.
DPR-0384	RIDL	502	Support	Retain as notified
DPR-0414	Kāinga Ora	145	Support	Retain as notified
DPR-0157	K & B Williams	FS211	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS402	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS171	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS197	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS206	Oppose In Part	Reject submission
DPR-0492	Kevler	FS567	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees & Heinz-Wattie	FS191	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings	FS082	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.

### Analysis

- 87.2 RWRL, IRHL, RIHL, RIDL and Kāinga Ora<sup>265</sup> each request that SUB-MAT12 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and SUB-MAT12 be retained as notified.

### Recommendations

- 87.3 I recommend, for the reasons given above, that the Hearing Panel retain SUB-MAT12 as notified.
- 87.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 88. SUB-New matter for control or discretion requested

### Submissions

- 88.1 Two submission points and 10 further submission points were received in relation to the inclusion of additional matters for control or discretion in the *Subdivision* Chapter.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0142	NZ Pork	030	Oppose In Part	Insert a new matter of control to consider potential reverse sensitivity effects with activities on surrounding sites.
DPR-0370	Fonterra	FS014	Support	Accept the submission.
DPR-0375	WKNZTA	FS155	Support	Accept the proposed amendment.
DPR-0422	FFNC	216	Neither Support Nor Oppose	Insert as follows: SUB-MATX Productive soils <u>All zones</u> <u>1. The extent to which subdivision minimises the fragmentation of productive rural land, particularly where high class soils are located.</u> <u>2. Whether subdivision provides a range of lifestyle and economic options in a way that ensures rural resources, character and environmental values are retained.</u>
DPR-0157	K & B Williams	FS074	Oppose	Reject submission
DPR-0209	M Singh	FS269	Oppose	Reject submission
DPR-0298	Trices Road	FS887	Oppose	Reject submission
DPR-0358	RWRL	FS098	Oppose	Reject
DPR-0363	IRHL	FS098	Oppose	Reject
DPR-0374	RIHL	FS098	Oppose	Reject
DPR-0384	RIDL	FS098	Oppose	Reject
DPR-0414	Kāinga Ora	FS077	Oppose	Not specified

### Analysis

- 88.2 NZ Pork<sup>266</sup> request that a new matter of discretion be added to apply to all zones, to consider potential reverse sensitivity effects with activities on other sites. As noted above in Section 46 discussing SUB-R2 and Section 77 discussing SUB-MAT2, I consider that the consideration of reverse sensitivity effects is appropriate in the GRUZ, and at the rural-urban interface. Provisions in other zone and district-wide

<sup>265</sup> DPR-0358.398 RWRL, DPR-0363.423 IRHL, DPR-0374.469 RIHL, DPR-0384.502 RIDL, DPR-0414.145 Kāinga Ora

<sup>266</sup> DPR-0142.030 NZ Pork

Chapters have been developed to avoid or reduce reverse sensitivity effects beyond these areas. I therefore consider that this submission point should be accepted in part, with relevant amendments to SUB-R2 and SUB-MAT2 as discussed in Sections 46 and 77 of this report.

88.3 FFNC<sup>267</sup> request that two additional matters for discretion be inserted, for all zones. I recommend that the submission point be accepted in part, as follows:

88.3.1 The fragmentation of productive rural land is only of concern in the GRUZ. Outside the GRUZ, the loss of productive land has already been considered through the zoning process, and within the GRUZ, site sizes have been set based, in part, on the need to retain the potential for rural production. I therefore recommend that the submission point be accepted in part, with the requested matter of discretion shown as SUB-MATA in **Appendix 2**. This amendment would better give effect to GRUZ-O1, GRUZ-P1 and GRUZ-P2.

88.3.2 The second requested item considers whether the subdivision provides a range of lifestyle and economic options in a way that ensures rural resources, character and environmental values are retained. These factors are considered throughout the matters of control or discretion within in the *Subdivision* Chapter. I do not consider that any amendments are required in response to this part of the submission point, and so I recommend that this part of the submission point be rejected.

#### ***Recommendations and Amendments***

88.4 I recommend, for the reasons given above, that the Hearing Panel

- a) amend SUB-R2, for the reasons discussed in Section 46 of this report;
- b) amend SUB-MAT2, for the reasons discussed in Section 77 of this report; and
- c) introduce SUB-MATA, for the reasons discussed in Section 77 of this report.

88.5 The recommended amendments are shown in a consolidated manner in **Appendix 2**.

88.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

88.7 The s32AA evaluation for SUB-MATA is located at the end of Section 44 of this report. The nature of the other recommended changes does not require a s32AA evaluation.

## **DEV Development Areas**

### **89. DEV-Overview**

#### ***Submissions***

89.1 Three submission points were received in relation to the Development Areas Overview.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0378	MoE	033	Support	Retain as notified

<sup>267</sup> DPR-0422.216 FFNC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0424	RVA	041	Oppose	Amend to explicitly recognise that 'indicative infrastructure' in the Development Areas means indicative only and will be flexible to enable the needs and features of retirement villages.
DPR-0425	Ryman Healthcare	041	Oppose In Part	Amend to explicitly recognise that 'indicative infrastructure' in the Development Areas means indicative only and will be flexible to enable the needs and features of retirement villages.

### ***Analysis***

- 89.2 RVA and Ryman Healthcare<sup>268</sup> both request that the overview be amended to explicitly recognise that 'indicative infrastructure' in the Development Areas means indicative only and will be flexible to enable the needs and features of retirement villages. The term 'indicative infrastructure' does not appear in the overview, and so I assume that this comment applies to development areas generally.
- 89.3 As noted in the overview, outline development plans provide an overview of how development in an area is to occur. Where infrastructure is shown as 'indicative', it is recognising that there may be different, equally effective, ways of achieving the connectivity and other outcomes sought than those shown on the ODP. Should an activity be proposed that does not intend to provide the outcomes sought by the ODP, it is appropriate that the suitability of that activity in that location should be subject to a more rigorous assessment. I therefore recommend that the RVA and Ryman Healthcare submission points be rejected.
- 89.4 MoE<sup>269</sup> requests that the overview be retained as notified. Based on my recommendations above, I recommend that the submission point be accepted.

### ***Recommendations***

- 89.5 I recommend, for the reasons given above, that the Hearing Panel retain the Development Areas Overview as notified.
- 89.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **90. DEV-DA generally, and DEV-DA1 Darfield**

### ***Introduction***

- 90.1 One submitter made the same point in relation to DEV-DA generally and DEV-DA1 specifically. The points have therefore been considered together below.

### ***DEV-DA Submissions***

- 90.2 One submission point and one further submission point was received in relation to Development Areas in Darfield generally.

<sup>268</sup> DPR-0424.041 RVA, DPR-0425.041 Ryman Healthcare

<sup>269</sup> DPR-0378.033 MoE



Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0179	P Baldwin	004	Oppose In Part	Amend to include Land Use provisions for Development Areas closest to the core amenities of Darfield that mandate the inclusion of Small Site Developments and Comprehensive Developments that are suitable for modest two- or three-bedroom housing.
DPR-0375	WKNZTA	FS283	Oppose	<i>The proposed Darfield Development Area 1 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

### **DEV-DA1 Darfield Submissions**

90.3 One submission point and two further submission points were received in relation to DEV-DA1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0179	P Baldwin	001	Oppose In Part	Amend DEV-DA1 to include a Land Use provision that mandates the inclusion of a Small Site Development or a Comprehensive Development that will create a minimum of 20 sections suitable for two- or three-bedroom housing on the west side of the development (closest to Telegraph Rd and Cardale St).
DPR-0375	WKNZTA	FS284	Oppose	<i>The proposed Darfield Development Area 1 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>
DPR-0428	APL	FS003	Support	<i>Amend DEV-DA1 as sought by Phillip Baldwin to the extent it is consistent with the interests of APL, or otherwise amend DEV-DA1 as sought by the original submission of APL (0428).</i>

### **Analysis**

90.4 P Baldwin<sup>270</sup> requests that DEV-DA generally and DEV-DA1 specifically be amended to include a land use provision that mandates the inclusion of a small site development or comprehensive development. I recommend that the submission points be rejected for the following reasons:

90.4.1 SUB-R9 and SUB-R10 already provide for small site development and comprehensive development in the areas identified by the submitter.

90.4.2 Future development of the area will be dictated by market conditions at that time – if there is an appropriate demand for this type of development in this location, it would be able to be provided. Conversely, if that market does not exist, then it would be an inefficient use of the land to require a development that would be unlikely to sell.

### **Recommendations**

90.5 I recommend, for the reasons given above, that the Hearing Panel retain DEV-DA generally and DEV-DA1 specifically as notified, subject to my recommendations about other DEV-DA areas below.

<sup>270</sup> DPR-0179.001, DPR-0179.004 P Baldwin

- 90.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 91. DEV-DA3 Darfield

### ***Submissions***

- 91.1 One submission point and one further submission point were received in relation to DEV-DA3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0055	K Taylor	002	Oppose In Part	Requests Council to ensure that pedestrian access and safer roading along Cridges Rd will be provided for if this development is to go ahead.
DPR-0375	WKNZTA	FS285	Support	<i>The proposed Darfield Development Area 3 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

### ***Analysis***

- 91.2 K Taylor<sup>271</sup> requests that Council ensure that pedestrian access and safer roading along Cridges Rd will be provided for if this development is to go ahead. These are matters to be considered at subdivision stage, and so I recommend that this submission point be rejected.

### ***Recommendations and Amendments***

- 91.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-DA3 as notified.
- 91.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 92. DEV-DA4 Darfield

### ***Submissions***

- 92.1 Two submission points and two further submission points were received in relation to DEV-DA4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0179	P Baldwin	003	Oppose In Part	Amend DEV-DA4 to include a Land Use provision that mandates the inclusion of a Small Site Development or a Comprehensive Development that will create a minimum of 20 sections suitable for two- or three-bedroom housing in the northwestern portion of the development (closest to McLaughlins Rd and the Cressy Oaks development, where this housing typology currently exists).
DPR-0375	WKNZTA	FS287	Oppose	<i>The proposed Darfield Development Area 4 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>
DPR-0429	CPL	002	Support	Retain as notified
DPR-0375	WKNZTA	FS286	Oppose	<i>The proposed Darfield Development Area 4 should be assessed in its entirety to understand the potential effects</i>

<sup>271</sup> DPR-0055.002 K Taylor

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<i>before consideration is given to accept it into the District Plan.</i>

### Analysis

92.2 P Baldwin<sup>272</sup> requests that DEV-DA4 be amended to include a land use provision that mandates the inclusion of a small site development or comprehensive development. I recommend that the submission point be rejected for the following reasons:

92.2.1 SUB-R9 and SUB-R10 already provide for small site development and comprehensive development in the area identified by the submitter.

92.2.2 Future development of the area will be dictated by market conditions at that time – if there is an appropriate demand for this type of development in this location, it would be able to be provided. Conversely, if that market does not exist, then it would be an inefficient use of the land to require a development that would be unlikely to sell.

92.3 CPL<sup>273</sup> requests that DEV-DA4 be retained as notified. WKNZTA<sup>274</sup> lodged a further submission opposing this submission point, but have since advised that they are no longer in opposition and are neutral on this matter. Based on my recommendation above, I recommend that the submission point be accepted.

### Recommendations

92.4 I recommend, for the reasons given above, that the Hearing Panel retain DEV-DA4 as notified.

92.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## 93. DEV-DA6 Darfield

### Submissions

93.1 One submission point and one further submission point were received in relation to DEV-DA6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0055	K Taylor	003	Oppose In Part	Requests Council to ensure that pedestrian access and safer roading along Cridges Rd will be provided for if this development is to go ahead.
DPR-0375	WKNZTA	FS288	Support	<i>The proposed Darfield Development Area 6 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

<sup>272</sup> DPR-0179.003 P Baldwin

<sup>273</sup> DPR-0429.002 CPL

<sup>274</sup> DPR-0375.FS286 WKNZTA

### ***Analysis***

- 93.2 K Taylor<sup>275</sup> requests that pedestrian access and safer roading along Cridges Rd be provided for if this development is to go ahead. These are matters to be considered at subdivision stage, and so I recommend that this submission point be rejected.

### ***Recommendations***

- 93.3 I recommend, for the reasons given above, that the Hearing Panel retain the provision as notified.
- 93.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **94. DEV-LE1 Leeston**

### ***Submissions***

- 94.1 One submission point was received in relation to DEV-LE1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0130	S Farrant	003	Support	Retain as notified

### ***Analysis***

- 94.2 S Farrant<sup>276</sup> requests that DEV-LE1 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and DEV-LE1 be retained as notified.

### ***Recommendations***

- 94.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-LE1 as notified.
- 94.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **95. DEV-LI2 and DEV-LI3 Lincoln**

### ***Submissions***

- 95.1 One submission point and one further submission point were received in relation to each of DEV-LI2 and DEV-LI3.

### **DEV-LI2**

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0316	D Tocker	001	Oppose In Part	Requests that no other subdivision be attached to the plant at Russ Drive, Lincoln (Lot 412 DP 504 646).
DPR-0375	WKNZTA	FS290	Oppose	<i>The proposed Lincoln Development Area 2 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

<sup>275</sup> DPR-0055.003 K Taylor

<sup>276</sup> DPR-0130.003 S Farrant

**DEV-LI3**

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0316	D Tocker	002	Oppose In Part	Requests that no other subdivision be attached to the plant at Russ Drive, Lincoln (Lot 412 DP 504 646).
DPR-0375	WKNZTA	FS291	Oppose	<i>The proposed Lincoln Development Area 3 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

**Analysis**

95.2 D Tocker<sup>277</sup> requests that that no other subdivision be attached to the plant at Russ Drive, Lincoln. The disposal of wastewater is a matter for subdivision consent, and while the plant at Ross Drive remains part of the network, Lincoln is now serviced by the Pines Wastewater Treatment Plant at Rolleston. Activities on that site are subject to a designation and to any conditions imposed by Canterbury Regional Council through the Land and Water Regional Plan and associated discharge permits. I therefore recommend that the submission point is rejected.

**Recommendations**

95.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-LI3 as notified.

95.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

**96. DEV-LI4 Lincoln****Submissions**

96.1 One submission point and one further submission point were received in relation to DEV-LI4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0398	Fletcher Residential	001	Support In Part	Delete the 20m building setback shown on the ODP and the following paragraph from the text: <del>Across the extent of the Tancred's 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.</del>
DPR-0375	WKNZTA	FS293	Oppose	<i>The proposed Lincoln Development Area 4 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

**Analysis**

96.2 Fletcher Residential<sup>278</sup> requests that the 20m building setback along Tancred's Road be deleted. While the submitter does hold a subdivision consent for this land that does not provide for the setback, that subdivision has not been given effect to. As such, I consider that it is premature to delete the setback requirement, as another subdivision might be applied for over the same land where the planner's

<sup>277</sup> DPR-0316.001, DPR-0316.002 D Tocker

<sup>278</sup> DPR-0398.001 Fletcher Residential

opinion about the necessity of the setback, in the context of that other proposed layout, may differ. I therefore recommend that the submission point be rejected.

### **Recommendations**

- 96.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-LI4 as notified.
- 96.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **97. DEV-RO5 Rolleston**

### **Submissions**

- 97.1 One submission point and nine further submission points were received in relation to DEV-RO5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0410	Urban Estates	009	Support In Part	Amend the ODP so the northern-most road connects onto Broadlands Drive.
DPR-0375	WKNZTA	FS297	Oppose	<i>The proposed Rolleston Development Area 5 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>
DPR-0414	Kāinga Ora	078	Support	<i>Retain as notified</i>
DPR-0157	K & B Williams	FS145	Oppose In Part	<i>Reject the submission in part</i>
DPR-0209	M Singh	FS324	Oppose In Part	<i>Reject the submission in part</i>
DPR-0298	Trices Road	FS105	Oppose In Part	<i>Reject submission</i>
DPR-0461	Dunweavin	FS131	Oppose In Part	<i>Reject submission</i>
DPR-0492	Kevler	FS730	Oppose In Part	<i>Reject submission points in part</i>
DPR-0493	Gallina Nominees & Heinz-Wattie	FS125	Oppose In Part	<i>Reject the submission points in part.</i>
DPR-0565	Shelley Street Holdings	FS015	Support In Part	<i>Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street &amp; any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.</i>

### **Analysis**

- 97.2 Urban Estates<sup>279</sup> requests that that ODP be amended so that the northern-most road connects onto Broadlands Drive. DEV-RO5 is a “roll-over” of existing Rolleston ODP Area 13, and as noted in DEV-RO5, roading connections have been designed to achieve permeability, whilst minimising the number of new intersections and maintaining appropriate intersection spacing. A direct connection to Broadlands Drive is therefore not required as part of the ODP, although a developer may choose to provide one as part of their detailed design. I therefore recommend that the submission point be rejected.

<sup>279</sup> DPR-0410.009 Urban Estates

### **Recommendations**

97.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-RO5 as notified.

97.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **98. DEV-RO6 Rolleston**

### **Submissions**

98.1 One submission point was received in relation to DEV-RO6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0378	MoE	046	Support In Part	Amend Development Areas as follows: DEV-RO65

### **Analysis**

98.2 MoE<sup>280</sup> requests that the planning maps for designation MEDU-29 Rolleston Christian School be amended to show that it is within DEV-RO5, rather than DEV-RO6. The planning maps correctly identify Rolleston Christian School as being within DEV-RO5, and so I recommend that the submission point be rejected.

### **Recommendations**

98.3 I recommend, for the reasons given above, that the Hearing Panel retain the provision as notified.

98.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **99. DEV-RO7 Rolleston**

### **Submissions**

99.1 One submission point and one further submission point were received in relation to DEV-RO7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0448	NZDF	091	Support In Part	Amend DEV-RO7 to require development to acknowledge and consider the Burnham Military Camp.
DPR-0375	WKNZTA	FS301	Oppose	<i>The proposed Rolleston Development Area 7 should be assessed in its entirety to understand the potential effects before consideration is given to accept it into the District Plan.</i>

<sup>280</sup> DPR-0378.046 MoE



### ***Analysis***

99.2 NZDF<sup>281</sup> requests that DEV-RO7 be amended to require development to acknowledge and consider the Burnham Military Camp. I recommend that the submission point be rejected at this point for the following reasons:

99.2.1 DEV-RO7 is a “roll-over” of the ODP at Appendix 39 of the SDP, and the nature of activities at Burnham Military Camp has not significantly changed since the was prepared.

99.2.2 No noise control overlay is proposed or has been requested in relation to Burnham Military Camp.

### ***Recommendations***

99.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-RO7 as notified.

99.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **100. DEV-SPF1 Springfield**

### ***Submissions***

100.1 One submission point was received in relation to DEV-SPF1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0458	KiwiRail	059	Support	Retain as notified.

### ***Analysis***

100.2 KiwiRail requests that DEV-SPF1 be retained as notified. Given that no amendment is requested, I recommend that the submission points be accepted and DEV-SPF1 be retained as notified.

### ***Recommendations***

100.3 I recommend, for the reasons given above, that the Hearing Panel retain DEV-SPF1 as notified.

100.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

## **101. Conclusion**

101.1 For the reasons set out throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

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<sup>281</sup> DPR-0448.091 NZDF