

SECTION 32

SUBDIVISION, DEVELOPMENT AND EARTHWORKS – ADDENDUM A: PHASE 2 SUBDIVISION

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1. STRATEGIC CONTEXT

1.1 PURPOSE AND SCOPE OF THE SUBDIVISION, DEVELOPMENT AND EARTHWORKS CHAPTER

The purpose of the Subdivision, Development and Earthworks Chapter is set out in the main body of this s32 report. For clarity, the chapter in this current phase (two) reviews:

- Rules for Living G;
- Remaining Residential and other zones;
- Consideration of Hazards provisions for subdivision (in response to the Natural Hazards Chapter being prepared in Phase 1);
- Heritage, notable and heritage trees, and landscape provisions; and
- Earthworks provisions.

1.2 PROPOSED DISTRICT PLAN: OVERVIEW AND SYNOPSIS

The overview and synopsis of the Subdivision, Development and Earthworks chapter is set out in the main body of this s32 report.

The strategic planning documents in Section 2 of this report highlight the need to update current subdivision provisions to better provide for the protection of significant natural, cultural and historic heritage, subdivision design and amenity and servicing and road network infrastructure.

Appendix 1 sets out the linkages between all provisions in the Subdivisions chapter (including phase 2 provisions).

1.3 RESEARCH

As described in the main body of this s32 report.

2. RESOURCE MANAGEMENT ISSUES

2.1 STRATEGIC PLANNING DOCUMENTS

As described in the main body of this s32 report.

2.2

RESOURCE MANAGEMENT ISSUE 1 – PROTECTION OF SIGNIFICANT NATURAL, CULTURAL AND HISTORIC HERITAGE

The District contains many significant natural, cultural and historic heritage places. Subdivision can have either temporary effects and/or permanent effects on these places, including the positive effects of their protection. Many of these places require recognition or protection through sections 6 or 7 of the RMA. Current provisions do not adequately manage these adverse effects to achieve the level of protection required by the RMA, and address the requirements contained in other more recent statutory documents. Objectives and policies were included in this regard in phase 1 and the rules to enable these have been proposed as part of phase 2.

2.3

RESOURCE MANAGEMENT ISSUE 2 –PROVISION FOR GOOD DESIGN AND AMENITY

The places in which people live, work and play exist on a platform created through the subdivision process. The design of these areas is critical in ensuring these places are pleasant and practical.

The existing objectives and policies only address design and amenity in a peripheral way. These are important issues because the design and layout of the subdivided land needs to promote sustainable patterns of land use as well as enabling land use to occur in a manner which responds to the context of the site and provides a platform for a quality built environment.

The report prepared by Context Urban Design (attached) highlights the need to enhance these provisions.

Phase 2 adds to the chapter the reviewed Living G provisions in particular.

2.4

RESOURCE MANAGEMENT ISSUE 3 – OUTDATED PLANNING FOR SERVICING AND ROAD NETWORK INFRASTRUCTURE THROUGH SUBDIVISION

The planning of servicing and road network infrastructure for subdivisions impacts on the quality of environmental outcomes for communities and efficient functioning of areas of the City, and has flow on environmental, social and economic effects for the wider District.

Some servicing and road network infrastructure-related subdivision provisions in the current Plans no longer align with current Council management of infrastructure, particularly as a result of the amalgamation of the Christchurch City and Banks Peninsula Territorial Authorities. Specific examples of changes in Council management include the preparation of the Development Contributions Policy, storm water management practices, and shifts in transport policy. The significant increase in subdivisions during the rebuild and issues of future resilience of infrastructure following the Canterbury Earthquakes makes improved controls and guidance important.

It is noted that the Council may, through conditions of consent, provide opportunity for infrastructure to be vested with Council to depart from the specifications in the Infrastructure Design Standard.

3. SCALE AND SIGNIFICANCE EVALUATION

There are no significant policy shifts as part of phase 2 of this chapter.

4. EVALUATION OF OBJECTIVES

No significant amendments to objectives are proposed through phase 2 of this chapter. Refer to the main body of this report for the evaluation required under section 32(1)(a) of the RMA in terms of the extent to which the objectives are the most appropriate way to achieve the purpose (Section 5) of the Act.

5. EVALUATION OF PROPOSED POLICIES, RULES AND METHODS

Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonable practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

No significant amendments to policies are proposed through phase 2 of this chapter, however, a number of new rules and amendments to existing rules are proposed. These changes fall into four categories:

- 1) administrative or consequential changes and changes to zone names;
- 2) roll-over of zone provisions rules relating to a specific zone, outline development plan area, overlays or significant features; and
- 3) removed deferrals.

These are addressed in the following paragraphs.

5.1 Administrative or consequential changes and changes to zone names

None of these changes have a significant effect on the evaluation of proposed policies and rules as set out in the main body of this report. They are, however, necessary to ensure the plan as a whole is legible.

5.2 Roll-over of zone provisions

There are a number of zones, overlays or areas which have specific subdivision rules. These have largely come about through plan changes or court decisions and include:

ZONE, OVERLAY OR AREA	COMMENT
Living G zones	<p>Living G zone provisions were included through various plan changes and are, in part, tailored to each subzone. There are, however, a large number of rules for Living G relating to servicing and roading that are not specific and which effectively replicate draft rules in section 8.3.4 of the subdivision chapter. These aside, the Living G rules are proposed to be reformatted, renamed, and carried over.</p> <p>None of these changes have a significant effect on the evaluation of proposed policies and rules as set out in the main body of this report except to note that it is important to avoid changing the parameters for the developers of these areas when development planning is potentially underway.</p> <p>The reformatted subdivision provisions for Living G require consent as does all subdivision, however, the number and extent of provisions has been reduced, noting that it is important for these provisions to remain largely unchanged to avoid derailing plans already underway for Living G zoned land. Notification status has not been altered through Phase 2, with the consent for restricted discretionary activities not requiring written approvals or notification.</p>
Various outline development	There are in the City and Banks Plans a number of other zones which are

plan areas	<p>provided for specifically. In the City these are largely on the Port Hills. A significant number of the Port Hills zones are deferred for servicing reasons and are discussed at 5.3 below.</p> <p>As with Living G zones, there tends to be a suite of rules for these outline development plan areas, many of which overlap with draft rules in section 8.3.4 of the subdivision chapter. A significant number of the rules are also essentially consent conditions and are not appropriate in a district plan.</p> <p>These rules aside, these zone rules are proposed to be reformatted and carried over. None of these changes have a significant effect on the evaluation of proposed policies and rules as set out in the main body of this report.</p> <p>The reformatted subdivision provisions for these areas again require consent, however, the number and extent of provisions has been reduced. Notification status has not been altered through Phase 2, with the consent for restricted discretionary activities not requiring written approvals or notification.</p>
Rural Banks Peninsula subdivision	<p>The existing Banks Peninsula District Plan includes a series of minimum net area requirements for the rural areas. These have been clarified and simplified but the intent remains. None of these changes have a significant effect on the evaluation of proposed policies and rules as set out in the main body of this report. The Section 32 for the Rural Chapter is also relevant.</p> <p>The reformatted subdivision provisions for these areas again require consent. The Banks Peninsula plan contained few provisions for rural subdivision and so little scope to reduce the number and extent of provisions. Notification status has not been altered through Phase 2, with the consent for restricted discretionary activities not requiring written approvals or notification.</p>
Natural and Cultural Heritage	<p>Phase 2 includes the Natural and Cultural Heritage chapter and this has resulted in a number of rules being included in the subdivision chapter also. These are largely a roll-over, however, there is a new rule proposed to give effect to Policy 8.1.1.2(2) relating to environmental compensation. None of these changes have a significant effect on the evaluation of proposed policies and rules as set out in the main body of this report.</p> <p>The reformatted subdivision provisions for these areas again require consent, however, the number and extent of provisions has been minimised through including matters of discretion rather than standards, where practicable. Notification status has not been altered through Phase 2, with the consent for restricted discretionary activities not requiring written approvals or notification.</p>
Taylors Mistake Baches	<p>The provisions are essentially a roll-over of the provisions inserted into the City Plan by the Environment Court. This extend to activity status.</p>

5.3 Deferred Zones

Both existing plans include deferred zones. In the City these tend to be in areas where additional servicing infrastructure is required before connection to Council systems. Again, there tends to be a suite of rules for

these zones, many of which overlap with draft rules in section 8.3.4 of the subdivision chapter. A significant number of the rules are also essentially consent conditions and are not appropriate in a district plan.

It is considered that the rules in section 8.3.4 are sufficient to ensure that any subdivision in these deferred zones are adequately serviced, with the exception of deferred hillslope zones in Akaroa (where the capacity of water supply is at issue). It is therefore proposed to remove the deferrals where practicable and simplify the rules packages. Key rules and requirements are retained.

Although a significant change to the Council's planning strategy, the evaluation of proposed policies and rules as set out in the main body of this report is still considered appropriate.

Resource consent is required for subdivision, however there was been a significant reduction in control over these areas through the plan. Developers will now have the ability to lodge an application, though any servicing issues will have to be resolved through the consenting process. Notification status has not been altered through Phase 2, with the consent for restricted discretionary activities not requiring written approvals or notification.