

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 23, 24 and 30 June, 1 July and 10 December 2015

Date of decision: 12 January 2016

Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson, Mr Martin Udale

DECISION 13

SUBDIVISION, DEVELOPMENT AND EARTHWORKS: STAGE 1 (PART)

Outcomes:

- 1. Proposal 8 — Subdivision, development and earthworks (part) modified in part with balance adjourned**
- 2. Timetabling directions made concerning Decision 3 (Repair and Rebuild decision) as per [154]**

COUNSEL APPEARANCES

Ms K Viskovic and Ms M Jagusch	Christchurch City Council
Mr C Carranceja and Ms J Silcock	The Crown
Ms J Walsh	Te Rūnanga o Ngāi Tahu, Ngā Rūnanga and Ngāi Tahu Property Limited
Ms A Hill	Christchurch International Airport Limited Lyttelton Port Company Limited Orion New Zealand Limited Waterloo Park Limited
Mr G Cleary	Danne Mora Holdings Limited
Ms A Limmer and Ms G Hamilton	Fulton Hogan Limited
Mr H Pedler	Radio New Zealand Limited

TABLE OF CONTENTS

INTRODUCTION.....	4
<i>Preliminary matters</i>	<i>4</i>
<i>No parts of Existing Plan to be replaced by the Decision Version.....</i>	<i>6</i>
<i>The Council’s change of position in opening submissions</i>	<i>6</i>
STATUTORY FRAMEWORK.....	8
THE COUNCIL’S SECTION 32 REPORT	9
OUR SECTION 32AA EVALUATION.....	11
<i>Introduction — Subdivision and development</i>	<i>11</i>
<i>Objective 8.1.2(b) on natural features and landscape.....</i>	<i>12</i>
<i>New Neighbourhood zone provisions</i>	<i>13</i>
<i>Quarrying in Greenfield Priority Areas</i>	<i>13</i>
<i>Activity classifications including controlled activity with certification most appropriate ..</i>	<i>17</i>
<i>Whether breach of the minimum allotment size standard discretionary or non-complying</i>	<i>27</i>
<i>Subdivision in the Lyttelton Port Influences Overlay</i>	<i>30</i>
<i>Reverse sensitivity and electricity and radio communications infrastructure.....</i>	<i>37</i>
<i>Roading standards</i>	<i>38</i>
<i>Footpaths in industrial zones.....</i>	<i>40</i>
<i>The referencing of relevant Council guidelines and other documents</i>	<i>41</i>
<i>Remaining matters</i>	<i>42</i>
<i>Statutory documents and OIC Statement of Expectations</i>	<i>43</i>
<i>Revisiting Repair and Rebuild Decision</i>	<i>43</i>
<i>Overall evaluation and conclusions.....</i>	<i>44</i>
Schedule 1	47
Schedule 2	86
Schedule 3	87

INTRODUCTION

Preliminary matters

[1] Subdivision, like algebra, is best not to be studied on a hot nor' wester afternoon after a heavy meal.¹ It requires careful attention to topics such as minimum lot sizes, road widths and footpath numbers, and wastewater and other infrastructure servicing. Yet, subdivision is an instigator of urban development and shaper of urban form. In that regard, it is central to sustainable management for urban communities. The importance of Chapter 8 of the proposed Christchurch Replacement District Plan, in those respects, is enhanced by the Higher Order Documents,² especially Chapter 6 of the Canterbury Regional Policy Statement 2013 ('CRPS') concerning earthquake recovery and rebuilding (including in regard to intensification and the development of greenfield priority areas).

[2] Chapter 8 of the proposed Christchurch Replacement District Plan ('pCRDP') concerns subdivision, development and earthworks. Part of this chapter was notified in Stage 1, as Proposal 8 ('Notified Version'). At the request of Christchurch City Council ('the Council'/ 'CCC') and other parties, we deferred,³ for later hearing and determination, the following provisions of the Notified Version:⁴

- (a) Provisions on the "New Neighbourhood" zones (as recorded in our Minute – Directions – scope of hearing, dated 26 August 2015 ('26 August deferral Minute')).⁵ These will be the subject of a further hearing (also to address as specified provisions of Proposal 14 – Residential). This deferral is for the reasons set out in our Minute of 16 July 2015.⁶
- (b) Objective 8.1.1 (as to natural and built environments), Policy 8.1.1.1 (natural features and landscapes), Policy 8.1.1.2 (protection through subdivision), Policy

¹ Unless you are a surveyor with a passion for such matters.

² 'Higher Order Documents' is a term used in various Panel decisions to refer to the statutory documents that are relevant to or bear upon our decisions in the manner described in the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('OIC'). These include the CRPS, the Land Use Recovery Plan, the Statement of Expectations in Schedule 4 to the OIC ('OIC Statement of Expectations') and other statutory instruments we refer to.

³ For completeness, we note that this decision does not alter the effect of our fourth decision, concerning what is known as the "Meadowlands Exemplar". The provisions, which are bespoke to the identified land, are now operative provisions of the CRDP.

⁴ The deferral extending to our hearing of submission points and further submission points on all matters.

⁵ Rules 8.4.2, 8.4.2.1–8.4.2.6 and assessment matters 8.5.4, 8.5.4.1–8.5.4.9.

⁶ Minute – New Neighbourhood Provisions, 16 July 2015.

8.1.1.3 (historic heritage and protected trees), Rule 8.3.7 (heritage and natural environment) and Assessment Matter 8.5.2 (natural and cultural heritage).⁷

- (c) Rule 8.4.1.1 RD4 and associated matters of discretion 8.4.1.3(18) and (19) relating to subdivision in the Industrial General Zone (North Belfast) (to be deferred and considered in Stage 3);⁸ and
- (d) The additional Policy 8.1.1.3, on environmental compensation, proposed in the evidence of Mr Andrew Long.

[3] We have also deferred determination of Appendix 8.6.6 – Residential Suburban and Residential Medium Density Halswell West, so that it is determined in conjunction with Residential – Stage 2 as this concerns related matters in regard to the same locality.

[4] Consistent with the Panel’s approach in other decisions, we have also deferred our determination of subdivision-related definitions to our separate decision on definitions.

[5] We are satisfied that we have power under the OIC⁹ to defer the identified provisions of the Notified Version for later determination, and this was not challenged. We are satisfied that deferral is the most appropriate course in that it will assist in achieving integrated management and for the further reasons we set out in our Minutes on deferral.¹⁰

[6] The changes we¹¹ have made by this decision¹² to the remaining provisions of Proposal 8 are set out in Schedule 1 (‘Decision Version’).

⁷ As directed by our Minute dated 5 June 2015 on the joint request of Te Rūnanga o Ngāi Tahu and Nga Rūnanga (‘TRONT’), the Crown and the Council. This includes deferral of the consideration of submissions and further submissions on the “Silent File” matters). It also includes deferral of consideration of various additional and/or replacement provisions including those proposed by Mr Long in evidence and/or in the joint expert statements from expert witness conferencing.

⁸ Requested by the Council, opening legal submissions at 2.3, and we agree in order to deal with the matter in an holistic manner.

⁹ Under OIC, cls 3 and 13(2)(a), and Schedule 3, cl 4.

¹⁰ Response to joint application of CCC and TRONT re silent files, 15 May 2015; Minute – deferral of natural and cultural heritage provisions in relation to the subdivision proposal and definitions proposal, 5 June 2015; Minute – New Neighbourhood Provisions, 16 July 2015.

¹¹ Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet. For the record, we issued a Minute on 22 June 2015 identifying various submitters with whom members of the Hearings Panel have had previous business or other association, and inviting submitters to raise any issue concerning those matters. No submitter raised any issue.

¹² Our decision is made under cl 12(1)(b) of the Order. We are required to serve this decision on the Council as soon as practicable, and no later than five working days after the Council receives the decision, it must give public notice of it (and of the matters specified in the Order) and serve that public notice on all submitters on the Notified Version: cl 15,

[7] The following persons may appeal our decision to the High Court (within the 20 working day time limit specified in the Order), but only on questions of law:

- (a) Those who have made submissions (and/or further submissions) on the Notified Version;
- (b) The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly;
- (c) The Council.

[8] The Decision Version will be deemed to be approved by the CCC on and from:

- (a) The date the appeal period expires (if there are no appeals); or
- (b) The date on which all appeals relating to it are determined.

No parts of Existing Plan to be replaced by the Decision Version

[9] In view of the extent and nature of the various matters deferred, we have determined¹³ that none of the provisions of the Existing Plan¹⁴ should be replaced.

The Council’s change of position in opening submissions

[10] The Council tabled a substantially updated set of provisions with its opening submissions (‘Revised Version’).¹⁵ This was in response to the concerns raised by submissions and/or in expert evidence about several provisions of the Notified Version. Given that this change of position came after the exchange of evidence, the Council suggested that we allow a recess and direct a further round of expert witness conferencing. As the Council put it, this was in order “to discuss and potentially refine the draft Subdivision Proposal the Council is recommending

Schedule 3, OIC. The OIC also specifies other obligations on the Council in terms of making copies of the Decision available.

¹³ Under OIC, cl 13(3).

¹⁴ Referring to the two components of the existing Christchurch District Plan, namely the “Christchurch City District Plan” and the “Banks Peninsula District Plan”, which the OIC refers to as existing “district plans”.

¹⁵ Exhibit 2.

to the Panel”.¹⁶ Several parties indicated support for this approach. In accordance with our directions,¹⁷ caucusing took place during a hearing recess, facilitated (at very short notice) by Environment Commissioner Alex Sutherland (to whom we record our thanks). It resulted in a set of joint statements¹⁸ and an associated updated set of recommended provisions (‘Conferencing Version’). Overarching these, Commissioner Sutherland reported that he was “impressed by the approach taken by all participants” and the “genuine desire to reach agreement with some excellent discussion”. The documents demonstrated only confined points of disagreement as between the Council’s planner, Mr Long, and planning witnesses for other parties.

[11] In its closing submissions, the Council recorded that it “supports the agreements Mr Andrew Long reached with other experts during conferencing, and the Conferencing [Version].”¹⁹ On points of remaining difference, it set out its position.

[12] We return to the significance of this large degree of expert consensus in our s 32AA evaluation.

¹⁶ Opening submissions for the Council at 5.3.

¹⁷ By Minute Expert Conferencing on Chapter 8 Subdivision, Development and Earthworks (Part), dated 25 June 2015.

¹⁸ The statements are as follows:

- (1) Planning Expert Conferencing Statement – Chapter 8: Conferencing Matters A, B, C, D, E, F, H, dated 26 June 2015 and signed by the following planning experts: Andrew Long (CCC, submitter 310), Jason Jones (Ngāi Tahu Property Limited (840), Kim Seaton (K Bush Road Limited and Brian Gillman Limited (788)), Mark Brown (Danne Mora Holdings Limited (1134)), Dean Chrystal (Christchurch International Airport Limited (863), Lyttelton Port Company Limited (915), Waterloo Park Limited (920)), Andrew Purves (Lyttelton Port Company Limited), Sandra McIntyre (The Crown (495)); and signed by the following technical experts: Robert Rouse (The Crown) and Bridget O’Brien (CCC).
- (2) Planning Expert Conferencing Statement – Chapter 8, Quarrying Proposal, dated 26 June 2015, and signed by Sandra McIntyre, Andrew Long and Kevin Bligh (Fulton Hogan Limited (1011)), with Ms O’Brien as observer.
- (3) Planning Expert Conferencing Statement – Chapter 8, Radio NZ Ltd, dated 26 June 2015, and signed by Andrew Long and Gary Fowles (Radio New Zealand Limited (596, FS1361)).
- (4) Planning Expert Conferencing Statement – Chapter 8, Mahaanui Kurataiao Ltd and Te Rūnanga o Ngāi Tahu, dated 26 June 2015, signed by Mr Long and email confirmation through Ms Walsh that Ms Stevens agreed.
- (5) Planning Expert Conferencing Statement – Chapter 8, Transmission and distribution lines, dated 26 June and signed by Laura Buttimore (Orion New Zealand (922)), Andrew Long and Ainsley McLeod (Transpower New Zealand Limited(832, 1331)).
- (6) Caucusing [*sic*] Statement – Meadowlands Exemplar, undated, signed by Mark Brown (Danne Mora) and Andrew Long.
- (7) Planning Expert Conferencing Statement – Chapter 8, Port Influences Overlay, dated 26 June and Monday and Tuesday 29 and 30 June 2015, signed by Andrew Long and Andrew Purves.

¹⁹ Closing submissions for the Council at 2.2.

STATUTORY FRAMEWORK

[13] In view of the confined matters remaining in contention, we do not need to traverse the statutory framework for our decision in detail. We adopt and rely on the analysis we set out in our Strategic Directions and Natural Hazards decisions.²⁰

[14] By way of summary, the OIC sets out what we must and may consider (including applying and modifying the application of the Resource Management Act 1991 ('RMA') in terms of both decision-making criteria and processes). It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 ('CER Act'), and specifies additional matters for our consideration.²¹ In terms of these requirements:

- (a) We have considered all of the submissions and further submissions made on the Notified Version, insofar as they pertain to the matters addressed in this decision.²² We have considered the various representations and submissions made by those submitters.
- (b) There are a range of Higher Order Documents we have duly considered (in addition to the Strategic Directions objectives). The large extent of consensus as to the appropriateness of the Conferencing Version means there is no need for extensive discussion of our findings concerning them, although we address them where relevant in our s 32AA evaluation.
- (c) Section 32AA RMA directs how we must evaluate the objectives, policies and rules of a "proposal" (essentially in accordance with the requirements of s 32).²³ Our evaluation is required to be only for any changes that have been made to, or are proposed for, a proposal since the Council's s 32 Report on the Notified Version was completed.²⁴ Subject to that qualifier:

²⁰ In particular, we refer to [25]–[28] of our Strategic Directions decision dated 26 February 2015, and [35]–[38] of our Natural Hazards decision dated 17 July 2015.

²¹ In particular, for these matters we have considered OIC, cls 5, 12(1) and 14(1). Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website.

²² Schedule 3 lists witnesses who gave evidence for various parties, and submitter representatives. Counsel appearances are recorded on page 2.

²³ Our Natural Hazards decision set out the requirements for the Council's s 32 and our s 32AA RMA evaluations, at [49]–[53], and we apply and adopt that analysis in this decision.

²⁴ RMA, s 32AA(1).

- (i) Our evaluation of objectives is to be of whether they are “the most appropriate way to achieve” the RMA’s purpose (s 32(1)(a)).
- (ii) Our evaluation of policies, rules and other provisions is to be of whether they “are the most appropriate way to achieve the objectives” (s 32(1)(b)). This is to identify other reasonably practicable options for achieving the objectives, and assess the efficiency and effectiveness of the provisions in achieving the objectives. This is to be by assessment of benefits and costs, and s 32 prescribes matters for that assessment.²⁵ We are also directed to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

[15] Our decision serves to report on our evaluation, according to the requirements of ss 32 and 32AA.²⁶ In the absence of evidence quantifying benefits and costs, our evaluation is qualitative. It is informed by the evidence, and, in particular, by the large degree of consensus amongst expert witnesses, and parties, on what are the most appropriate provisions. Where there is full consensus amongst experts who were party to conferencing, we have generally accepted that consensus as demonstrating that the Conferencing Version is the most appropriate (other than to the extent that we have made drafting refinements). We detail our reasons, and associated evaluation, on those matters where we have taken a different view and/or where there is not full agreement between those experts.

THE COUNCIL’S SECTION 32 REPORT

[16] As required, we have had regard to the Council’s s 32 report (‘s 32 Report’/‘Report’).²⁷ We are satisfied that the Report generally presents a clear analysis of alternatives, and the basis for the choices made.

[17] The one exception concerns the Council’s failure to properly evaluate the option of using controlled activity status. In light of the Council’s support for the Conferencing Version, including its controlled activity provisions, we do not need to dwell on this. However, we

²⁵ And we are to quantify benefits and costs, if practicable.

²⁶ RMA, s 32(1)(c) and s 32AA(1)(a)–(d).

²⁷ OIC, cl 14(1)(a).

consider it is appropriate and constructive to make some observations about the danger of the approach taken. We find the observation of one planning expert,²⁸ that the approach of the Notified Version was “philosophically driven”, to be fair on all of the evidence we have considered. The Report itself says that the Council elected against the use of controlled activity status “in line with” an intention to shift away from usage of this status across the entire pCRDP.²⁹ It records that the widely-representative Christchurch Joint Officials Group recommended that the Council undertake analysis of this matter.³⁰ Despite that, and the extensive use made of controlled activity status under the Existing Plan, there is minimal evaluation of the Council’s election not to use controlled activity status.

[18] Mr Long explained to us that this election was made because the Council had misunderstood the law concerning controlled activities, assuming that this category would force the Council to approve inappropriate consent applications.³¹ We understand that the Council would have identified the need for effective control of subdivision in view of the damage caused to Council infrastructure by the earthquakes and the implications of this for the rate and extent of land development in parts of the city. However, as the OIC Statement of Expectations signalled, and our Strategic Directions decision confirmed, recovery from the earthquakes requires an approach of significantly reducing reliance on resource consent processes.

[19] While the RMA requires consent to be granted for controlled activities,³² it allows for the imposition of consent conditions within the boundaries for control specified by Plan rules. Where controlled activity status is used, it is clearly important to ensure that the Plan rules are properly framed. However, a properly-robust s 32 analysis should serve to draw these matters out. That was wanting in this case, as is demonstrated by the consensus now reached that controlled activity is the more appropriate entry status for subdivision, subject to the various recommended controls (including as to certification).

²⁸ Mr Dean Chrystal, planning expert for Christchurch International Airport Ltd, Lyttelton Port Company Ltd and Waterloo Park Ltd.

²⁹ For instance, at page 4, para d.iv and page 10, paras c and d.

³⁰ At page 6, para j. The Report identifies membership of this group to comprise CERA, ECan, the other territorial authorities of the Greater Christchurch area, the Ministry for the Environment, the Department of Prime Minister and Cabinet and a large number of other relevant government departments and agencies, and Mahaanui Kurataiao Limited.

³¹ Rebuttal evidence of Mr Long on behalf of the Council at 9.9; Transcript, page 18, line 45.

³² Subject to the qualifications specified in s 106 RMA, which are not relevant for present purposes.

[20] As we have noted, in its opening submissions, the Council recommended that the entry status for subdivision be changed from restricted discretionary (as was recommended in the Council’s rebuttal evidence) to controlled activity. The Conferencing Version endorsed this late change of position by the Council. In drafting terms, rules as to restricted discretionary activities need to clearly specify the matters of discretion for consent application, whereas the drafting priority for controlled activities is on ensuring matters for control are clearly and comprehensively described. In changing its position on activity classification, effectively on the eve of the hearing, the Council did not pay sufficient attention to these different drafting priorities. The consequence was that the Revised Version contained a number of gaps and duplications as between rules on matters of control and matters of discretion for other activity classes. Those errors were carried into the Conferencing Version. We return to how we addressed this difficulty procedurally, later in this decision.

[21] Having said that, we are satisfied that the s 32 Report is materially in accordance with the requirements of s 32, RMA.

OUR SECTION 32AA EVALUATION

Introduction — Subdivision and development

[22] Section 8.0 Introduction — Subdivision and Development of the Notified Version commences:

The principal purpose of subdivision is to provide a framework for land ownership so that development and activities can take place. It also provides for the provision of services which enable development and activities, including reserves, network infrastructure and community infrastructure.

[23] The following paragraphs of the Introduction go on to describe how some adverse effects are best addressed at the subdivision stage, how subdivision creates expectations and property rights, how infrastructure servicing and costs need to be considered, and how the subdivision process allows opportunity to consider issues such as natural hazards, reserves and Ngāi Tahu cultural values.

[24] The Conferencing Version recommended only a minor change to this narrative, namely the addition of a statement that:

Compounding the issue of infrastructure demand, the considerable damage to public infrastructure caused by the earthquakes of 2010 and 2011 has resulted in parts of the City having limited ability to service new development without further capital investment or improvements.³³

[25] The Crown’s planning witness, Ms Sandra McIntyre, considered that the description in the Introduction was too narrow and did not fully reflect the scope of the policy framework that is in the chapter and the CRPS.³⁴ Related to that, she made the following observation with which we agree:

The process and activities associated with subdivision provide a physical framework that implements urban form policies and supports and enables land use activities to be carried out as anticipated by the zone provisions in the various areas covered by a district plan. This role is important in contributing to achievement of the recovery framework described in Objective 6.2.1 of the CRPS and Objective 3.3.1 in the Strategic Directions decision.

[26] We have broadened the Introduction statement so that it better reflects the strategic importance of subdivision, and are satisfied that this better gives effect to the CRPS and is most appropriate for achievement of the Strategic Directions objectives.

Objective 8.1.2(b) on natural features and landscape

[27] Leaving to one side those provisions deferred until Stage 3, the only contested provision on natural features and landscapes in the Conferencing Version was Objective 8.1.2(b), which reads:

Where practicable, subdivision design and layout integrates or incorporates features which, although not identified in the Plan as having particular significance, contribute to the character and historical context of the local area, including natural features and landscapes, site [*sic*] of significance to tangata whenua, areas containing indigenous flora and fauna, and existing trees and buildings.

[28] Mr Long sought that we include this objective at this time. The Crown sought that we defer our determination on this, in accordance with the directions we made to that effect on 5 June 2015, following a joint application by the Council, the Crown and other parties.

[29] We agree with the Crown’s submission on this point. Given the directions made in our 5 June Minute, on that joint application, it was procedurally inappropriate for the Council to

³³ The Conferencing Proposal recording that this was supported by the planning witnesses for CCC, the Crown, Waterloo Park, Christchurch International Airport Ltd, Lyttelton Port Company, Ngāi Tahu Property, Danne Mora, and K Bush Road and Brian Gillman Limited.

³⁴ Transcript, page 143, lines 43–46; page 144, lines 1–10.

have led evidence in contradiction of those directions. The proper course for the Council, was it to have had second thoughts, would have been to have formally requested on notice, before evidence exchange, that we revisit our directions. Instead, having led evidence contrary to our directions, the Council indicated it was happy to abide the Panel’s decision.³⁵

[30] In any case, we remain satisfied that deferral is the most appropriate course. We understood Mr Long’s concern to be that deferral could result in a gap in terms of the integrated management of resources.³⁶ We are satisfied that concern is sufficiently answered by our decision to not have any provisions of the Existing Plan replaced by this decision. As Ms Viskovic agreed,³⁷ that leaves the planning regime materially unchanged, including for the purposes of ss 6 or 7 RMA.

[31] Furthermore, we agree with the Crown that “it does not make sense” to deal with Objective 8.1.2(b) in advance of dealing with the other deferred provisions. That is because we disagree with Mr Long’s interpretation of the objective as dealing with only “localised” natural features and landscapes, rather than what the Notified Version refers to as “significant” ones. We do not read the provisions as so distinct. In particular, Objective 8.1.2(b) refers to “including natural features and landscapes, site [*sic*] of significance to tangata whenua”. At least to that extent, it appears to be drafted to share common ground with other deferred provisions. As the parties to the joint memorandum that gave rise to our 5 June deferral Minute observed “... the provisions form part of a package”.³⁸

New Neighbourhood zone provisions

[32] Although the Conferencing Version includes recommendations on some of the New Neighbourhood zone provisions, our determination of these has been deferred as noted.

Quarrying in Greenfield Priority Areas

[33] Fulton Hogan Limited (‘Fulton Hogan’) (submitter 1011) sought that Policy 8.1.2.9 be amended to give explicit recognition to the extraction of aggregate, as follows:

³⁵ Transcript, page 329, lines 5–15

³⁶ Transcript, page 62, lines 24–46; page 63, lines 1–12.

³⁷ Transcript, page 421, lines 4–46, and page 422, lines 1–15.

³⁸ Joint Memorandum of Counsel on behalf of Christchurch City Council, the Crown and TRONT regarding the application to defer natural and cultural matters from the subdivision proposal, dated 4 June 2015.

... provides for extraction of aggregate from greenfield sites prior to urban development occurring, in circumstances where extraction of the aggregate resource and subsequent site redevelopment is practicable.

[34] Fulton Hogan did not oppose the non-complying activity classification of such activities. However, it was concerned that, in the absence of suitable policy recognition of quarrying activities, the ability to win such resources ahead of development occurring would be stymied. The Council opposed the requested relief.

[35] For the reasons that follow, we have modified Policy 8.1.2.1 (rather than Policy 8.1.2.9). We have drafted the policy to emphasise that any quarrying activities are intended to be short term and part of the preparation process for the site, and associated effects are to be adequately mitigated. As such, we have granted Fulton Hogan's relief in part.

[36] Fulton Hogan's planning witness, Mr Kevin Bligh, argued that the lack of policy recognition for quarrying in greenfield priority areas was inappropriately inconsistent with the recognition given to such activity in the Rural zone.³⁹ He provided to us an exhibit showing the Quarry Overlay area in the Rural zone, existing quarrying sites and greenfield priority areas.⁴⁰

[37] Fulton Hogan's Regional Environmental Manager, Mr Bob Willis, told us about the role of aggregates in relation to Christchurch's recovery⁴¹ and rebuilding. He explained that supplies of traditional fluvial aggregate (of particular value in rebuilding) are in decline and transporting them from more remote rural areas imposes significant additional costs.⁴² Hence, he argued that limiting quarrying to remote rural areas would impede recovery in both a fiscal and timeliness sense. He argued that aggregate extraction from greenfield priority areas may be appropriate ahead of their development, if this was for a short, discrete time and followed by immediate remediation.

[38] Although the Council's planner, Mr Long, commented that there is no shortage of supply of aggregate,⁴³ we prefer Mr Willis's opinion on these matters as being better informed by his role for Fulton Hogan.

³⁹ Evidence in chief of Kevin Bligh on behalf of Fulton Hogan at 30.

⁴⁰ Exhibit 5.

⁴¹ Evidence in chief of Bob Willis on behalf of Fulton Hogan at 27.

⁴² Evidence in chief of Bob Willis at 34–37.

⁴³ Rebuttal evidence of Andrew Long on behalf of the Council at 17.2.

[39] Mr Long’s principal concern was that granting Fulton Hogan’s requested relief could be contrary to the intentions of the Higher Order Documents in regard to the enablement of development of greenfield priority areas. He considered that establishing a quarry in residential greenfields land would not enable the provision of housing as sought in the CRPS Policy 6.3.1, Action 19 of the Land Use Recovery Plan, and the OIC Statement of Expectations.⁴⁴ He acknowledged that consent would be non-complying. However, he did not consider it appropriate to rely on monitoring of urban (and residential) uptake to inform whether or not a quarrying consent should be granted.

[40] Fulton Hogan’s counsel, Ms Limmer, explained that her client sought the relief to avoid the prospect of protracted legal arguments in consenting processes as to whether or not the CRDP allows for quarrying in greenfield priority areas. She referred to a recent example where Fulton Hogan secured resource consent to extract aggregate from a greenfield priority area. She explained that Fulton Hogan expected similar opportunities to arise as greenfield priority areas are progressively developed. However, she acknowledged that not all, or even most, greenfield priority areas would be suitable for quarrying.⁴⁵

[41] Ms Viskovic explained that the Council does not support recognition of quarrying as a recovery matter. However, were we minded to grant the relief sought, she sought that we confine it to residential greenfield priority areas only.⁴⁶ That was because the Council considered that Fulton Hogan’s requested relief may not allow for provision beyond residential greenfield priority areas.

[42] However, we are satisfied that the submission allows sufficient scope for us to give appropriate policy recognition to quarrying in relation to both residential and business greenfield priority areas. We acknowledge that some statements on the first page of the submission refer to Fulton Hogan, as a “residential land developer”, having recently obtained resource consent for quarrying on a Greenfield Priority Area – Residential (on a property at Roberts Road). However, alongside that is a statement that “Fulton Hogan therefore seeks that the [pCRDP] be amended to recognise the potential to extract aggregate prior to future urban development.” That broad statement of relief is also repeated in Appendix A to the submission,

⁴⁴ Rebuttal evidence of Andrew Long at 17.2.

⁴⁵ Transcript, page 305.

⁴⁶ Closing submissions for the Council at 13.1–13.3.

in the passage we have quoted. As such, we read the references to residential greenfield development as simply by way of example, rather than confining the scope of the submission to only those types of greenfield priority area.

[43] We accept Fulton Hogan’s point that allowing for the timely and properly managed quarrying of aggregates in greenfield priority areas could assist the recovery by reducing the costs and delays associated with securing suitable aggregates.

[44] We acknowledge the Council’s concern as to the potential for quarrying activities to put the development of greenfield priority land at risk. However, Fulton Hogan has not challenged the non-complying activity classification of quarrying and we have confirmed that activity class as the most appropriate. In a relative sense, we consider that the risk the Council is concerned about would be lessened by including a suitably-worded policy. This would guide decision-makers on whether quarrying applications can pass the s 104D RMA consentability threshold and whether, and on what conditions, they should be granted.

[45] We acknowledge the priority that the Higher Order Documents accord to greenfield priority areas for residential and business land. However, we do not see that emphasis as necessarily contradicting the value of a policy recognising potential for quarrying. In particular, Chapter 6 of the CRPS is as to “recovery and rebuilding of Greater Christchurch” (to which quarrying can contribute) and that overall recovery theme is repeated in various provisions of Chapter 6 (e.g. Objective 6.2.1, Policy 6.3.1).

[46] We consider that including a suitably-worded policy would better achieve Objective 8.1.2 of the Decision Version (the wording of which was not materially challenged). In particular, Objective 8.1.2.a⁴⁷ relevantly refers to “An integrated pattern of development, and comprehensive development ... that enables recovery of the district”. We consider that integration would be assisted by a suitably-worded policy in this sense that this would direct decision-makers on non-complying activity applications to the appropriate issues. Therefore, it would also better give effect to the CRPS, particularly Chapter 6 as noted.

⁴⁷ As noted, Objective 8.1.2.b has been deferred for later determination. At present, it reads “Where practicable, subdivision design and layout integrates or incorporates features which, although not identified in the Plan as having particular significance, contribute to the character and historical context of the local area, including natural features and landscapes, site of significance to tangata whenua, areas containing indigenous flora and fauna, and existing trees and buildings.” However, we are satisfied that nothing in Objective 8.1.2.b would make the inclusion of our Policy 8.1.2.1.b inappropriate.

[47] Given that, on the evidence, we see no merit in confining the policy recognition to residential greenfield priority areas. Doing so would simply impose unwarranted uncertainty and cost. Therefore, we are satisfied that the most appropriate approach is to give qualified recognition to the potential for quarrying activity in all greenfield priority areas, both business and residential.

[48] Our findings on those matters are informed by the modifications we have made to the wording of the policy proposed by Fulton Hogan. Our modifications make explicit that, to satisfy the policy, a quarrying activity in a greenfield priority area would need to be:

- (a) Short term, and undertaken as part of development of a greenfield priority area for urban development; and
- (b) Undertaken in a manner that protects the suitability of the land for its intended greenfield development purposes.

[49] The policy would, in effect, direct decision-makers to consider the appropriateness or otherwise of a quarrying activity by reference to matters such as the uptake of greenfield development, the intended duration of quarrying of the land in issue, how quarrying related to the development of the land, and what measures would be put in place to protect the value and suitability of the land for that development. On that basis, we consider our modified policy would put decision-makers in a better position to determine whether or not consent should be granted and, if so, on what conditions (e.g. on matters such as duration of consent, staging and site rehabilitation).

Activity classifications including controlled activity with certification most appropriate

[50] In this decision, our consideration of the appropriate activity classification for subdivision leaves aside the provisions that are deferred (including those for the New Neighbourhood zone and provisions as to natural features and landscapes and natural and cultural heritage).

[51] In terms of the various activity classes provided for under the RMA, the Decision Version provides as follows (leaving aside subdivision within the Lyttelton Port Influences Overlay ('LPIO')):

- (a) Controlled activity status for subdivisions for:
- (i) boundary adjustments;
 - (ii) conversions of tenure, alterations of cross leases, company leases and unit titles;
 - (iii) creation of allotments for access, utilities, roads and reserves; and
 - (iv) general subdivision.

Some of these activities are subject to standards that are required to be met in the table in Rule 8.3.2.1 and/or activity standards in Rule 8.3.3.

- (b) Restricted discretionary status for subdivision where:
- (i) the subdivision does not comply with specific standards for controlled activities, although non-compliance with some activity standards may default to non-complying for specific activities (such as not meeting minimum site size in Rule 8.3.3.1 or 8.3.3.2 in Residential Suburban, Residential Suburban Density Transition, and Residential Banks Peninsula zones);
 - (ii) the subdivision takes place in a Flood Management Area; or
 - (iii) the subdivision takes place within a specified distance of identified electricity transmission or distribution lines.
- (c) Non-complying status for subdivision:
- (i) in residential zones (other than the Residential Medium Density Zone) that does not comply with the minimum site sizes in activity standard Rule 8.3.3.1 or 8.3.3.2; or
 - (ii) does not meet activity standards for subdivision within specified distances of an electricity transmission or distribution line.

[52] For subdivision within the LPIO:

- (a) The above described activity classifications apply if the applicant proposes a condition imposing an ongoing prohibition on noise sensitive activities (being a condition to which a consent notice would attach); or
- (b) Non-complying status applies if such a condition is not volunteered by the applicant.

[53] Other than where we have set out our reasoning on matters in the following parts of this decision, this hierarchical activity classification regime was uncontentious and we have substantially adopted the recommendations of the Conferencing Version as the most appropriate.

Entry status as controlled activity (with certification)

[54] We are satisfied that the more appropriate entry status for subdivision is ‘controlled activity’ (with certification concerning Council infrastructure), rather than the restricted discretionary activity status proposed in the Notified Version.

[55] We reach that view on the basis of the consensus planning opinion expressed in the Joint Conferencing Statements that accompanied the Conferencing Version. On the evidence, we are also satisfied that relevant environmental effects can be properly controlled by consent conditions imposed within the parameters of control set by the rules we have specified. Therefore, controlled activity status better responds to the OIC Statement of Expectations. However, for the reasons that follow, we have made a number of further refinements to what the Conferencing Version recommended, in terms of the nature and scope of certification and rules specifying matters for control and discretion.

Regime for certification in relation to wastewater infrastructure only

[56] Infrastructure availability and capacity are significant issues relevant to the determination of appropriate activity classification for subdivision. The Council’s evidence on this was not materially challenged and in summary revealed the following:

- (a) Wastewater capacity is constrained in several parts of the city, including as a result of the earthquakes. In particular, earthquake damage resulted in extensive infiltration of stormwater into sewer systems during heavy rainfall events. Flows during those events can be up to five times what they were prior to the earthquakes. Spare capacity that existed prior to the earthquakes in parts of the network has been taken up by this.⁴⁸
- (b) Lack of capacity in the Council’s wastewater network during storm events can be an issue for subdivision in certain parts of the city, as increasing wastewater flows in these areas exacerbates overflows into the environment.⁴⁹ In areas of such constraint, increased wastewater flows resulting from subdivision (including from intensification) can exacerbate overflows, unless either the downstream capacity constraints can be resolved by an upgrade to the wastewater network, or the property owner can store wastewater on site during a storm when the network is at capacity.⁵⁰
- (c) Water supply upgrades (such as new pipes, wells and pump stations) are often required to service subdivisions. However, water supply is not generally an issue where subdivision is for intensification (in that the supply needs for additional houses will be generally offset by reduction in irrigation requirements for gardens). It will also be normally straightforward to provide water supply for greenfield subdivision (either on the basis that there is sufficient network capacity or that this can be addressed through the provision of a new well or a pump station).⁵¹
- (d) The Council has a programme to restore its infrastructure to pre-earthquake performance, but this will take 20–30 years to be affordable when balanced with day-to-day needs.⁵² The ‘SCIRT’ rebuild programme for horizontal infrastructure repairs, now around 70% complete, is subject to an agreed cap⁵³ which does not provide for the full repair of all earthquake damage.⁵⁴ The Council’s Long Term

⁴⁸ Evidence in chief of Christopher Gregory on behalf of the Council at 6.1–6.2.

⁴⁹ Evidence in chief of Bridget O’Brien on behalf of the Council at 3.3; and as further addressed by Ms O’Brien in her evidence in chief, dated 11 March 2015, for the Residential Proposal.

⁵⁰ Evidence in chief of Bridget O’Brien at 4.4.

⁵¹ Evidence in chief of Bridget O’Brien at 4.7–4.8.

⁵² Evidence in chief of Christopher Gregory at 3.1.

⁵³ \$2.23 billion.

⁵⁴ Evidence in chief of Christopher Gregory at 3.1 and 4.2.

Plan (‘LTP’) has made budget allowance for core infrastructure upgrading over the next 10 years, including specified major projects and allowances for a host of minor projects and unallocated work programmes.⁵⁵ However, uncertainty in what and how growth transpires makes it important to maintain agility to address changing needs and demands. Part of ensuring that is to provide for engagement with developers through the resource consent process.⁵⁶

- (e) The limits and delays in Council funding processes for the upgrading of its wastewater and water supply infrastructure make it important that water and wastewater servicing for new subdivision, including any needed upgrades, is considered at the subdivision consent stage.⁵⁷
- (f) In relation to stormwater management, controlled activity status has generally resulted in desired outcomes being achieved under the Existing Plan.⁵⁸ It is important to have clear matters of control (including as to the methods, layout and design of stormwater systems, and the ability to alter subdivision layout). However, Mr Brian Norton explained that it “would be very rare” not to be able to find an effective means of stormwater management for allotments (including through the imposition of consent conditions). Leaving to one side the affordability to a developer of onsite stormwater control, he agreed “it is possible to mitigate nearly any type of development, it is just that economic question”, and that this was something that “could be dealt with as a matter of control”.⁵⁹

[57] We accept that evidence and it informs our determination of the appropriate activity classification and certification regime for subdivision.

[58] On the basis of that evidence we find, for the purposes of determining appropriate activity classification for subdivision, the state of Council wastewater infrastructure poses a significantly greater risk than the state of the Council’s water supply or stormwater

⁵⁵ Mr Gregory informed us that the (then) draft LTP has allocated \$1.5 billion for core infrastructure over the coming 10 years, 25% of which is allocated for the “growth” category, to provide additional capacity to cope with increased demand as Christchurch city grows (including projects to address capacity constraints and to provide for increased demands from predicted household growth). That includes an allocation of \$200M for specific major upgrade projects and a further \$177M for a host of minor projects and unallocated work programmes.

⁵⁶ Evidence in chief of Christopher Gregory at 4.1–5.2.

⁵⁷ Evidence in chief of Bridget Mary O’Brien at 4.8–4.9.

⁵⁸ Transcript page 43, lines 35–40 (Brian Norton).

⁵⁹ Transcript, page 51, lines 23–44.

infrastructure. While programmed improvements will see the risk ease with time, it is likely to remain for the foreseeable future, and it varies across the city. In the great majority of cases, however, the risk will be able to be effectively addressed through wastewater engineering solutions (including provision for temporary on-site storage) and/or timing and coordination of subdivision development and Council infrastructure upgrades.

[59] On this matter, we adopt the Panel’s interpretation, in the Residential – Stage 1 decision, of CRPS Policy 6.3.5, concerning land use and infrastructure integration, to the effect that it does not intend that Council infrastructure constraints operate as a barrier to land use development.⁶⁰ Rather, in that decision, the Panel interpreted the policy as anticipating that infrastructure planning and programming can adapt and respond to changing land use demands.⁶¹ The Panel noted this as consistent with evidence from Mr Gregory and Ms O’Brien (in the Commercial and Industrial – Stage 1 hearing) as to the agility and responsiveness of the Council’s infrastructure upgrading programme.⁶² It referred to Ms O’Brien’s explanation that, even if an infrastructure upgrade for a certain area is not in the Council’s upgrade programme, the Council would still look to programme it “if the district plan identified further intensification there” and to “programme the upgrade accordingly to meet those growth pressures”. The Panel noted that evidence to be consistent with Mr Gregory’s explanation as to the agility and responsiveness of the Council’s programming.⁶³

[60] For wastewater infrastructure, we find that certification offers helpful flexibility consistent with that evidence. It allows for discussions to occur between the Council and a developer in order to find engineering solutions properly attuned to the risks. As the relevant parties for this are the Council as infrastructure provider, and the developer, we are satisfied that certification is an appropriate mechanism for the determination of activity classification for subdivision consenting purposes. The risk of an impasse, in the event of disagreement between Council and a developer’s engineers, is addressed by providing for restricted discretionary activity classification where a certificate is not given. Therefore, we concur with the planning experts on this matter.⁶⁴

⁶⁰ Decision 10 Residential (Part) (and Relevant Definitions and Associated Planning Maps) at [350].

⁶¹ Decision 10 Residential at [106].

⁶² Decision 10 Residential at [350].

⁶³ Decision 10 Residential at [102].

⁶⁴ Planning Expert Conferencing Statement – Chapter 8: Conferencing Matters A, B, C, D, E, F, H and I.

[61] We accept the Crown’s closing submissions that providing for certification in the manner recommended by the planning experts would satisfy relevant principles of validity.⁶⁵ Specifically, it would not involve any unlawful delegation of the Council’s regulatory decision-making power. That is because it would simply pertain to the question of wastewater infrastructure capacity. The certifying officer would have no authority or scope to address any matter other than the matter of whether or not there is wastewater infrastructure capacity for the development in issue or not. While a certificate would be a specified prerequisite for qualifying as a controlled activity, it would not in any sense operate as a form of resource consent of itself. Nor do we see any issues of uncertainty such as to offend principles of validity.

[62] On the matter of wastewater, therefore, we have essentially maintained the approach of certification recommended in the Conferencing Version. We are satisfied that this is the most appropriate approach for achieving the objectives and policies.

[63] In relation to water supply and stormwater infrastructure, we have departed from the Conferencing Version by not requiring certification. That is because the significantly lesser risks are readily able to be dealt with, by the setting of appropriate matters for control for the purposes of the imposition of any consent conditions, on the basis of controlled activity classification.

[64] As to the process of certification, we have made provision for the following:

- (a) The certification rule does not specify any person or office holder as certifier, but refers simply to the Council. This is as recommended by the Council and allows necessary flexibility for delegations to change, as organisational structures change over time.
- (b) Certificates would endure for six months to allow for a subdivision application to be lodged. We agree with the planning experts that such a duration should adequately minimise the potential for a ‘goldrush’ scenario (whereby developers, in infrastructure capacity constraint areas, could seek to lock up remaining capacity

⁶⁵ Closing submissions for the Crown at paras 3.3–3.5, referring to *Countdown Properties (Northlands) Limited v Dunedin City Council* [1994] NZRMA 145 at 173 (HC), applying *AR & MC McLeod Holdings Ltd v Countdown Properties Limited* (1990) 14 NZTPA 362.

by securing certificates). The Council, in its capacity as the infrastructure provider (rather than as consent authority), would need to satisfy itself that the infrastructure will be able to cope with the demands of the development.⁶⁶ We recognise that, on occasions where available wastewater infrastructure capacity is very limited, there may be value in enabling an applicant to secure consent on the basis that a shorter lapsing period than the default five year period (of s 125(1)(a), RMA) is specified. We have made provision for this.

[65] We have not required provision for a “constraints map”, despite the recommendation of the planning experts joint conferencing statement. The joint statement indicates that the planners saw value in such a map “as an information aid to streamline the certification and consents processes, and to provide certainty to both Council and potential applicants”.⁶⁷ The experts suggested it would be helpful for such a map to show “green areas” where there is sufficient available capacity, “amber areas” where information is insufficient as to capacity, and “red areas” where there are known constraints. The Council’s expert, Mr Gregory, also agreed that such a tool could be provided for via a Council website, on a basis that would allow for the Council to regularly update it.⁶⁸ In its closing submissions, the Council confirmed its support for this concept. Ms Viskovic confirmed that it could be publicly available through a Council website, for which a link would be specified.⁶⁹ We consider this a sensible information tool but more appropriately belongs outside of the CRDP.

Matters of control for controlled activities and matters of discretion for restricted discretionary activities

[66] As we have noted, following the adjournment of the hearing, the Panel uncovered some reasonably complex technical drafting problems with the Conferencing Version. Primarily, those problems were the consequence of the Council’s very late change of preference in favour of a controlled activity entry classification for subdivision (as opposed to the restricted discretionary classification of its Notified Version).

[67] Most of the gaps and anomalies arose with the conversion of what were specified in the Notified Version as assessment matters (for restricted discretionary activities) into matters for

⁶⁶ Transcript, pages 173–174.

⁶⁷ Planning Expert Conferencing Statement – Chapter 8: Conferencing Matters A, B, C, D, E, F, H, and I.

⁶⁸ Transcript, page 171, lines 32–46, and page 172, lines 1–35.

⁶⁹ The website can be found here: <http://ccc.govt.nz/consents-and-licences/construction-requirements>.

control (for controlled activities). Given that the issue was a technical drafting one, rather than one of substantive dispute, the Panel applied its own expertise to rectify the drafting insofar as it was able to do so. Having progressed the drafting to a point the Panel was satisfied was satisfactory for the purposes of receiving further party input, the Chair issued a Minute scheduling a hearing resumption for the purposes of assisting to ensure coherent and accurate technical drafting.⁷⁰ The Chair also made arrangements to enable attendees to view a discussion draft of the relevant provisions in advance.

[68] The hearing was resumed on 10 December 2015, and took less than one hour. Although the hearing was open to all parties, the only parties who attended were the Council (Mr Long, and Mr Alan Matheson) and the Crown (Ms McIntyre). For the Council, Mr Long identified a confined set of drafting issues with the Panel’s discussion draft, as follows:

- (a) In regard to Rule 8.3.2.1, and controlled activity C5 in the related table, Mr Long confirmed that Outline Development Plans (‘ODPs’) would include fixed elements. However, he also acknowledged that this was not the case for the ODPs applicable to this decision.⁷¹ For those ODPs, he recommended an adjustment to the wording to the following effect:

Subdivision must be in accordance with any relevant Outline Development Plan, except that in relation to any Outline Development Plan contained in chapters 15 or 16 compliance is only required with the key structuring elements for that Outline Development Plan area as described in the relevant chapter;

- (b) In regard to matter of discretion 8.5.7.g, Mr Long identified a need to make a minor adjustment to the drafting so as to recognise that telecommunications and electricity lines companies may not always provide a connection for customers, but instead allow for customers to provide such connections.⁷²

[69] On behalf of the Crown, Ms McIntyre did not seek any specific drafting changes to those provisions.⁷³ However, she contributed to a helpful discussion on the matters raised by Mr Long, on behalf of the Council.

⁷⁰ Minute – Further hearing on technical drafting issues concerning expression of matters of control for related proposed controlled activity rules, 4 December 2015.

⁷¹ Transcript, page 6, lines 39–43; page 7, lines 42–46; page 8, lines 1–46; page 9, lines 1–45; page 10, lines 1–44; page 11, lines 1–10; Exhibit 6.

⁷² Transcript, page 11, lines 13–46; page 12, lines 1–15.

⁷³ Transcript, page 2, lines 41–44.

[70] Following the resumed hearing, the Panel Chair issued a reporting Minute advising of the availability of the transcript and the directions given.⁷⁴ As directed, Mr Long helpfully summarised the ODPs (including those to be considered in later stages of our inquiry) and confirmed his suggestion as to drafting which we have quoted above.⁷⁵ We accept Mr Long's minor drafting refinements as sensible and appropriate. Therefore, we have clarified:

- (a) Rule 8.3.2.1 C5 to the effect of referring to key structuring elements, rather than fixed elements (leaving aside the potential to revisit this provision once we reconsider ODPs in relation to the New Neighbourhood zone);
- (b) Matter of discretion 8.5.7.g to the effect that it now recognises that telecommunications and electricity lines companies may simply allow for customers to provide connections (i.e. the rule is not worded such as to require such connections by the developer of the subdivision).

[71] Subject to those refinements, the essential elements of the controlled activity regime we have provided for are as follows (in conjunction with related policies including on infrastructure constraints and availability):

- (a) Rule 8.3.2.1 classifies various categories of subdivision as controlled activities. Under C5 of this rule, subdivision in any zone is a controlled activity where specified activity standards are met;
- (b) Rule 8.3.3 specifies related activity standards, including as to water supply and wastewater disposal. These specify certification, for wastewater only (except where a relevant Outline Development Plan shows that adequate wastewater capacity is available). Associated Rule 8.3.1.3, as to servicing constraints, requires an applicant to demonstrate that the wastewater system has adequate capacity for the respective potential land uses on all proposed allotments in order to determine the activity status for subdivision. Certification is the means of demonstrating such capacity.

⁷⁴ Minute – Directions following further hearing on technical drafting issues concerning expression of matters of control for related proposed controlled activity rules, 11 December 2015.

⁷⁵ Exhibit 6.

- (c) Rule 8.4 sets out related matters of control. These include whether allotments have appropriate connections to water supply, wastewater disposal, stormwater management systems and other services. They also address the design, location, capacity, type and construction of services and infrastructure (for water supply, including for fire-fighting purposes), and any required infrastructure upgrades. For wastewater capacity, the rule allows for specific control over the subdivision consent lapsing period, to allow for specification of a lesser period than the statutory five year default.

[72] We have clarified the drafting of the matters of control (for controlled activity applications), and the matters of discretion (for restricted discretionary activity applications).

[73] For restricted discretionary activities, we have also re-structured the rules so as to clearly distinguish those matters of discretion applicable only for the purpose of the imposition of consent conditions, from those applicable to both that and the discretion to decline consent. This unbundling of what was recommended in the Conferencing Version will provide applicants and the Council with more certainty and clarity.

[74] For the reasons we have discussed, we are satisfied that the restructuring and other drafting refinements mean the Decision Version better responds to the Higher Order Documents and is the most appropriate for achieving the related CRDP objectives, particularly Strategic Directions Objectives 3.3.1, 3.3.2, 3.3.4, 3.3.6, 3.3.7, 3.3.10, 3.3.12, 3.3.14 and 3.3.15.

[75] We emphasise that this conclusion is confined to the matters the subject of this decision. Activity classification could well be revisited in decisions to be made on matters deferred.

Whether breach of the minimum allotment size standard discretionary or non-complying

[76] The Notified Version includes minimum standards for allotment size and dimension. Allotment dimension standards are essentially concerned with site usability (e.g. whether an allotment is of a suitable shape for buildings intended by the relevant zone). It was not contentious, and we have determined that the regime proposed in the Notified Version, and reflected in the Conferencing Version, is the most appropriate.

[77] Allotment size, by contrast, is much more strategically significant as it pertains to the achievement or otherwise of the CRDP's land use intensification and development goals. The Notified Version classified breach of the minimum lot size in residential zones as a non-complying activity. Deans Avenue Precinct Society Inc ('Precinct Society') (549) sought that this activity classification be changed to discretionary. In his rebuttal evidence, Mr Long supported this change and it was reflected in the Conferencing Version.

[78] For the reasons that follow, we have decided to classify breach of the minimum net site area as a non-complying activity in all residential zones other than the Residential Medium Density zone. Within that zone, we have classified it as a restricted discretionary activity.

[79] We consider the Conferencing Version's recommendation for a discretionary activity classification across all residential inappropriate because it would conflict with the CRDP's fundamental design intention of achieving density outcomes specific to particular zones.

[80] On this matter, we agree with the Crown's planning witness, Ms McIntyre who commented, in answer to a question from the Panel, that:⁷⁶

... as with many District Plans the minimum lot size is used as a reasonably central tool to I suppose define the difference in amenity between different residential zones and I think to the extent that that is the purpose that it serves then it needs to be incorporated into the subdivision chapter in a way that reflects what is in the zone chapter and that the activity status that it is accorded in the subdivision chapter should also similarly complement what is in the zone chapter because it serves a policy function.

[81] A further concern we have with the Conferencing Version's recommendation is that it would not be consistent with the Residential chapter provisions to be included in the CRDP under the Panel's Residential — Stage 1 decision. The relevant Residential chapter provisions are to the effect that departure from the minimum site size for a residential unit, in the Residential Suburban and Residential Suburban Density Transition zones, is a non-complying activity.

[82] Related to that, we find the Conferencing Version's recommended change would not be appropriate because proper thought has not been given to related objectives, policies and assessment criteria for consent application purposes.

⁷⁶ Transcript, page 140, line 35.

[83] In response to Panel questions, Mr Long identified Objective 8.1.2 and Policy 8.1.2.3 as relevant but did not recommend any changes to those provisions. However, Policy 8.1.2.3 does not appear to offer any guidance on what outcomes are anticipated in a scenario where application is made to subdivide to 150m² in the Residential Suburban zone as a restricted discretionary activity.

[84] In the Residential Medium Density zone, the Deans Avenue Precinct Society proposed, and the Council supported, a reduction to the minimum lot size to 200m². Despite the broad relief sought in the Precinct Society submission, Ms Claire Mulcock informed us that the Precinct Society had only looked at Residential Medium Density zone. She had not considered and, therefore, was not in a position to comment on the implications beyond that zone. We took from her answers that the Precinct Society's real interest in this topic was confined to Residential Medium Density zone.

[85] We are satisfied that a change to restricted discretionary activity classification for breach of the specified minimum site area better fits with the intensification outcomes intended for the Residential Medium Density zone and is the most appropriate. We grant the Precinct Society's relief to that extent.

[86] Submitter, Mr Christian Jordan (1122) sought that we enable subdivision to allotments of any size, as a controlled activity in the Residential Medium Density Zone, provided that it could be demonstrated that a building could be constructed as a permitted activity. We have determined not to grant that relief, as we are concerned that it could open a loophole to avoid the intended comprehensive design regime for multi-unit residential developments and, hence give rise to adverse amenity effects. That could occur where an applicant proceeded to subdivide land as a first step. By this approach, a single building on each resulting site would be a permitted activity. Therefore, restricted discretionary activity design controls for multiple residential units on larger land areas would be rendered ineffective. As such, we prefer the approach in the Conferencing Version whereby a development is required to go through a building consent and/or resource consent approval prior to or at the same time as a subdivision consent.

[87] For those reasons, we are satisfied that the regime we have provided for is the most appropriate for achieving the objectives and policies, and better gives effect to the CRPS.

Subdivision in the Lyttelton Port Influences Overlay

[88] The issues for the LPIO primarily centre on the appropriate activity categorisation for subdivision, in view of reverse sensitivity risks for the Port from noise sensitive activities.

[89] The Notified Version proposed that, within the LPIO:

- (a) Subdivision in the Residential Banks Peninsula zone and the Residential Conservation Zone (deferred) would be a non-complying activity;
- (b) Subdivision in the Commercial Banks Peninsula, Recreational Reserves, or Industrial General zones would be:
 - (i) a restricted discretionary activity if the subdivision is not “for the purpose of establishing a noise sensitive activity”; or
 - (ii) otherwise, a non-complying activity.

[90] This regime of the Notified Version was supported by Lyttelton Port Company Limited (‘LPC’). Lyttelton/Mt Herbert Community Board (‘the Community Board’) (762) sought that the LPIO be entirely deleted. The Community Board did not attend the hearing. The Council’s position evolved during the course of the hearing. The ultimate recommendation it made, in its closing submissions, was that we change the activity classification to discretionary for subdivision within the LPIO.⁷⁷

[91] For the following reasons, we have determined to modify the Notified Version in the following manner:

- (a) Subdivision is a non-complying activity where the application does not include a volunteered condition suitable for a s 221 RMA consent notice, to the effect that the applicant, and successive owners and occupiers, must not use the land for noise sensitive activities;

⁷⁷ Closing submissions for the Council at 12.4.

- (b) Subdivision is treated as it ordinarily would be in the relevant zones (i.e. with an entry status of controlled activity) where the application volunteers that requisite condition;
- (c) A related policy 8.1.3.5.b is included to the effect that the operation, development and maintenance of the Lyttelton Port is not compromised by subdivision, including in relation to reverse sensitivity effects.

[92] In terms of the appropriate classification of subdivision within the LPIO, we heard from two planning experts — Mr Long for the Council and Mr Andrew Purves for LPC. Despite their initial differences, it emerged that both saw significant difficulties with the Notified Version:

- (a) Mr Long noted that the point of the LPIO is to manage land uses in that area. He considered non-complying activity status for subdivision unduly onerous in that subdivisions would not necessarily result in additional sensitive activities being established or legitimised. He gave the example of unit titling of a building where existing uses were residential but the subdivision was to allow for a conversion to less noise-sensitive commercial usage.⁷⁸
- (b) Mr Purves initially recommended that we retain the regime of the Notified Version as giving helpful consistency with the activity classification for land use within the LPIO. As for Mr Long’s example, he argued that this would be one where the non-complying activity threshold test would be passed and hence non-complying activity status would not be unduly onerous.⁷⁹ However, in questioning by the Panel, he acknowledged that the challenge was in how to avoid capturing subdivision that was not for noise sensitive activities. He also acknowledged that a difficulty with his preferred approach is that it would still involve Council staff having to anticipate intended usage at the time of subdivision consent application, so as to determine activity classification. On that basis, he wondered whether a better approach would be to couple discretionary activity status with some form of regime for a restrictive covenant as to noise sensitive activities. He recommended

⁷⁸ Transcript, page 75.

⁷⁹ Transcript, page 214, lines 16–44; page 215, lines 1–42.

that, were we to elect a discretionary activity classification, we add a policy to the effect that reverse sensitivity effects on the Port be avoided.⁸⁰

[93] In her opening submissions for LPC, Ms Hill submitted that Strategic Direction Objective 3.3.12(b)(i) sets a clear direction to avoid noise sensitive activities within the LPIO. She submitted that it would be consistent to treat subdivision for noise sensitive activities as non-complying where this was the status of noise sensitive land use activities.

[94] LPC lodged supplementary submissions addressing the issue of whether consent notices or restrictive covenants, coupled with discretionary activity status, could be effective and appropriate for addressing the reverse sensitivity issues.

[95] In supplementary submissions for LPC, Ms Appleyard accepted that, arguably, a consent authority could validly impose a condition on a subdivision consent for an area within the LPIO requiring that the land not be used to establish a sensitive activity (listing what this encompasses). She accepted that compliance with such a condition could be secured through a consent notice. However, in view of issues as to enforcement, complexity, administrative cost and relative inefficiency, she submitted that it was an undesirable option. She acknowledged that a possible alternative could be a ‘no complaints’ covenant registered on title. However, apart from the need for such a covenant to be volunteered by an applicant, she questioned who would be the named beneficiary. She submitted this option was also inferior in the sense that it does not tackle the source of the problem, namely the adverse effects of port noise on amenities.

[96] Ms Appleyard acknowledged the difficulties in drafting a suitable non-complying activity rule in terms of the fact that it would seek to target the noise-sensitivity of land uses that could establish subsequently. She suggested that a reasonable compromise would be to treat subdivision of land within the LPIO as non-complying where the land is within the Residential Banks Peninsula or Residential Conservation zone and, otherwise, treat it as a discretionary activity.⁸¹

⁸⁰ Transcript, page 214, lines 16–44; page 215, lines 1–42; page 220, lines 42–45; page 221, lines 1–46.

⁸¹ Supplementary submissions for LPC at 17–19.

[97] Subject to that suggestion, Ms Appleyard confirmed that, on balance, LPC’s preference for non-complying activity status remained on the basis that it was comparatively “less complex” and better in giving effect to the associated policy direction that noise sensitive activities be avoided within the LPIO.⁸²

[98] Were the Panel to reject non-complying in favour of restricted discretionary activity classification, Ms Appleyard sought that we require a covenant or consent notice for every subdivision in the LPIO. In addition, she sought that we include stronger policy wording to “ensure that the potential reverse sensitivity effects of future land use are considered”. She noted this as a valid approach given that subdivision and land use “are intimately connected”.⁸³

[99] In her closing submissions for the Council, Ms Viskovic pointed out that reverse sensitivity effects for the Port would, in any event, be considered as part of any land use consent application (depending on the Panel’s decisions, on other hearings, on the activity status for land use activities). As noted, she put the Council’s ultimate position as being that the most appropriate activity classification for subdivision was discretionary. This was partly because such classification allowed ample discretion to impose conditions to manage noise sensitivity and to decline consent. She explained that the Council also supported the inclusion of a related policy as recommended by the relevant joint experts conferencing statement. This is to the effect of ensuring that subdivision does not compromise the Port, including in relation to reverse sensitivity.

[100] Ms Viskovic also traversed the provisions of the RMA and legal principles on consent notices and restrictive covenants, and on volunteered conditions.⁸⁴ Like Ms Appleyard, she noted that, in terms of the limits of ss 108 and 220 RMA restrictive covenants would only be available if volunteered, on the basis of the *Augier* principle.⁸⁵ She recorded that the Council generally agreed with Ms Appleyard’s submissions on the matter of covenants.⁸⁶ However, contrary to LPC’s position, she submitted that it would be appropriate to rely on reverse sensitivity conditions (whether as to building design or building usage) backed by a s 221

⁸² Supplementary submissions for LPC at 19 and 25.

⁸³ Supplementary submissions for LPC at 24.

⁸⁴ Closing submissions for the Council at 12.5–12.19, referring to various cases including *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2004] NZEnvC 128 at [27] (as to the Council’s powers under s 220 to impose conditions to which s 221 consent notices can attach); *Winstone Aggregates v Matamata-Piako District Council* [2004] NZEnvC 210 at [25] (as to no complaints covenants).

⁸⁵ *Augier v Secretary of State for the Environment* (1978) 38 P & CR 219 (QBD).

⁸⁶ Closing submissions for the Council at 12.11.

consent notice. She went on to submit that LPC would appear to have overlooked the fact that a land use consent would be required for most (if not all) activities in the LPIO. As such, reverse sensitivity effects on the Port would be fully assessed during consideration of any land use consent application.⁸⁷

[101] The Crown lodged brief supplementary submissions on the legal principles traversed by LPC and the Council, but without stating a preference for the most appropriate approach.

[102] We find that the design of the Notified Version was significantly flawed in the fact that it made activity classification contingent on whether the subdivision was “for the purpose of establishing a noise sensitive activity”. As both Mr Purves and Mr Long acknowledged, such a formula would be inherently uncertain. It would require speculation about future land uses, without any real assurance that what is predicted would remain. It would be prone to creating procedural conflict, with its associated costs. For instance, it could well allow an applicant to skirt the regime simply by applying for subdivision consent without associated land use consent. In such a case, even if the Council suspected that a noise sensitive activity might be established, it is uncertain whether it would have been legally entitled to treat the application as a non-complying activity.

[103] LPC’s suggestion for non-complying activity status within the Residential Banks Peninsula or Residential Conservation zones and discretionary in other zones has the virtue of greater simplicity. However, we consider it is unnecessarily onerous. LPC’s supplementary submissions explicitly note that subdivision and land use are intimately related, and recognise that the source of reverse sensitivity risk is “future land use”. However, we agree with the Council that those submissions would appear to have overlooked the fact that land use consents are the primary means for regulating land use. We consider that is a significant factor here, given that land use consents are anticipated by the pCRDP for most (if not all) land use activities.

[104] In those respects, having regard to the OIC Statement of Expectations, we find the Notified Version unacceptably uncertain and onerous, and the alternative approach promoted by LPC unacceptably onerous.

⁸⁷ Closing submissions for the Council at 12.11–12.13.

[105] As noted by Mr Long, a further difficulty with both of these non-complying activity options is that they could impede conversion of sensitive activities to non-sensitive ones. By imposing an onerous barrier to subdivision, these options could disincentivise change from existing noise sensitive land use and hence potentially work against the reduction of reverse sensitivity risks to the Port.

[106] For all of those reasons, we have rejected both the Notified Version and LPC's suggested alternative approach.

[107] We also reject the Council's ultimate position of a discretionary activity classification, as this would not give sufficient incentive to developers to volunteer prohibition against sensitive land use.

[108] One of the remaining options is to treat all subdivisions according to the same activity classification, taking no account of the LPIO on the basis that this regime would be adequately addressed through rules for land use. This option would better give effect to the Community Board's submission. It would also have the virtue of simplicity. However, we recognise that land use control is not a complete shield against the introduction of new sensitive activities (for instance, given s 10 RMA existing use rights). As such, we consider this option less appropriate than one which incentivises subdivision applicants to ensure long-term reverse sensitivity management of land use.

[109] We consider options that incentivise developers to volunteer reverse sensitivity management attractive in an integrated management sense. Picking up on LPC's observation as to the intimate connection between subdivision and land use, an approach that sees obligations in the nature of restrictive covenants registered on title assists that integration. In one sense, it recognises the important role that subdivision consent has in shaping and directing the form of land use development going forward. When obligations are registered on title, they can be priced into subsequent development choices. Associated with that, there is better alignment with subsequent land use consent processes, bearing in mind that land use can be expected to evolve over time according to market preferences.

[110] Therefore, we find the option of classifying subdivision according to what is volunteered with the application for ongoing compliance more appropriate, in terms of “the efficient use and development of natural and physical resources” (s 7(b) RMA).

[111] We agree with LPC that a ‘no complaints’ covenant would be misdirected, in that it would not address the source of the risk. As such, we prefer an approach that is directed to that risk, namely the nature of future uses.

[112] We consider it important that any regime is founded on what is volunteered, by way of restrictive conditions, in the subdivision application itself. First, this approach is one based on incentivising a developer to proactively manage a development so as to properly address reverse sensitivity risk. Secondly, as the Crown noted in its supplementary submissions, a consent cannot grant more than is applied for.⁸⁸ As such, this approach is safer in ensuring restrictions are locked in.

[113] As between the choice of restrictive covenants and consent notices, we are satisfied that the latter would be available. In particular, we are satisfied that a proper role of subdivision consent conditions is to regulate associated usage of land of the subdivision. That can extend to future owners and occupiers. This is within the permissible role of conditions under s 108 and is not precluded by s 220 RMA. Hence, we are satisfied that conditions of the kind that trigger the obligation on the Council to register a consent notice can be imposed by suitably worded controls under the CRDP rules. Given that there is a statutory obligation on the Council to issue consent notices for applicable conditions, we consider this instrument more certain of being effective. It is also more appropriate in the fact that the Council has attendant enforcement powers. We have worded the rule on this basis.

[114] Where a suitable condition is not volunteered, we consider that non-complying activity classification is the most appropriate, in conjunction with Policy 8.1.3.5.b as we have noted (the wording of which essentially adopts what Mr Long proposed in Chapter 8, Port Influence Overlay Planning Expert Conferencing Statement). That is because this best achieves the intentions of the LPIO, in regard to reverse sensitivity risk. We anticipate that the nett result of this is that a developer who does not volunteer suitable restrictions on land use is unlikely

⁸⁸ Supplementary submissions for the Crown at 2.1–2.3, with reference to *Clevedon Protection Society Inc v Warren Fowler Ltd* (1997) 2 ELRNZ 169 at 185 and 187, and *Sutton v Moule* [1992] 2 NZRMA 41 at 46.

to secure consent in the absence of conditions being imposed to ensure protection against that risk in any event.

[115] Where a suitable condition is volunteered, we have departed from both LPC and the Council by providing that the usual activity classification within the various zones would apply (including an entry status controlled activity). That is on the basis that, once a condition is volunteered and imposed, the Council is obliged to register a consent notice. Therefore, we are satisfied that sufficient ongoing protection against reverse sensitivity land use change will be provided, bearing in mind the fact that primary control on land use will still be through the land use consent regime.

[116] For those reasons, we find the provisions we have included the most appropriate for giving effect to the objectives and policies. Therefore, for both LPC and the Community Board, we have granted their respective relief in part.

Reverse sensitivity and electricity and radio communications infrastructure

[117] Expert conferencing on these matters resolved the issues to the extent that no witnesses appeared at the hearing in relation to them.

[118] For electricity infrastructure, two activity standards were replaced by new RD6 and RD7 (now RD5 and RD6 under Rule 8.3.2.2), along with applicable standards to be met (with consequential amendments to 8.2.2.4 (now Rule 8.3.2.4)). Ms McLeod, the planning witness for Transpower New Zealand Limited ('Transpower') (832, FS1331), indicated in the joint experts conferencing statement that she did not support the inclusion of corridor protection for Orion's 66kV and 33kV distribution lines. We understood Ms McLeod's position to be consistent with the position she had expressed on these matters in her previous evidence in relation to earlier proposals.⁸⁹ However, the Conferencing Version provided for both Transpower and Orion New Zealand Limited ('Orion') (922, FS1339). This was not opposed in evidence or legal submissions or representations from any other party, and we are satisfied that it is appropriately consistent with what is provided for through the Panel's Residential – Stage 1 decision, and is the most appropriate.

⁸⁹ Referenced in evidence in chief of Ainsley McLeod on behalf of Transpower at 26.

[119] In relation to radio-communications infrastructure, Radio New Zealand Limited ('RNZ') (596, FS1361) and the Council agreed amendments to 8.2.3.1(12) (now Rule 8.3.3.12). These are to the effect that any new lot created within one kilometre of RNZ's facilities on Gebbies Pass Road must be of a size and shape to allow a permitted residential unit to be located further than one kilometre from RNZ's operations.

[120] Again, this was not opposed in evidence or arguments put to us. Subject to minor adjustment to improve the clarity of wording in relation to RNZ's submission and the text of the Conferencing Version, we consider that the amendments implement Policy 8.1.3.5.a (which relates to adverse effects on infrastructure generally) and are the most appropriate for achieving the objectives.

Roading standards

[121] The Notified Version includes an Appendix 8.6.3 on new road standards. It specifies various minimum and maximum road widths for different specified road classes. It also specifies a range of standards on other matters such as minimum lane numbers and footpath numbers, and whether medians, access strips and cycle facilities are required.

[122] Mr Warren McCall gave evidence for the New Zealand Institute of Surveyors (575) and Davie Lovell-Smith Limited (979) in regard to two matters of relief pursued by those submitters in regard to these new road standards:

- (a) Removal of the 100 metre maximum road length from the following specification: "A 14m road width and one footpath is optional where a road only provides access to less than 20 residential units and is less than 100m in length"; and
- (b) Reduction of specified minimum road widths adjacent to recreation reserves by 4 metres.

[123] For the following reasons, we have decided not to grant this requested relief and we confirm the new road standards of the Notified Version as the most appropriate for achieving the objectives and policies of the plan.

[124] Mr McCall argued that the 100 metre maximum length was unnecessary and should be deleted. In support of that, he explained that there would be many cases where a road providing access to less than 20 residential units will be longer than 100 metres. For roads serving such a small number of households, he argued that a 14 metre width was sufficient. As such, he regarded the additional maximum length requirement as triggering an unnecessary requirement to secure resource consent.

[125] For the Council, traffic engineer Mr Oliver Brown gave evidence.⁹⁰ As no party sought to cross-examine him, and the Panel had no questions, his evidence was received without the need for him to appear.

[126] Mr Brown acknowledged Mr McCall's point that there will be cases where a road serving less than 20 residential units would be longer than 100 metres. However, he pointed out that the rationale for the 100 metre maximum was to encourage the creation of a low speed environment that would be safe enough to allow for a footpath on one side of the road only. As such, the equation was not simply one of volume of traffic (for instance arising from a small number of residential units), it was also one of the speed environment. He considered removal of the 100 metre maximum would create the risk of an unsafe environment for pedestrians, as a result of higher vehicle speeds. He noted that the 100 metre maximum length is consistent with the Austroads Guide to Traffic Management Part 8: Local Area Traffic Management. This recommends a maximum spacing of traffic management devices of 80–100 metres to encourage lower vehicle speeds (section 3.3.2).⁹¹

[127] As noted, no party sought to cross-examine Mr Brown, and his evidence in relation to these safety aspects was not challenged. We accept his evidence and rely on it to determine that the 100 metre maximum road length should be retained and, therefore, that the standard of the Notified Version is the most appropriate for giving effect to the objectives and policies.

[128] On the matter of the submitters' request for minimum road widths to be reduced by 4 metres adjacent to recreation reserves, Mr Brown agreed with Mr McCall's reasons. He pointed out that the Council's practice, at present, is to consider requests for road width reduction adjacent to reserves on a case-by-case basis. We understood Mr Brown to say that

⁹⁰ Mr Brown is a Senior Traffic Engineer at MWH New Zealand Limited, has a Bachelor of Engineering (Hons) from the University of Canterbury, and is a graduate member of the Institute of Professional Engineers New Zealand.

⁹¹ Rebuttal evidence of Oliver Brown on behalf of the Council at 3.2–3.9.

approvals were often forthcoming. However, he did not support blanket exemption, as sought by Mr McCall. That was because, in a traffic engineering sense, road width requirements were dependent on a range of location-specific variables. He illustrated this with the example of a road that was adjacent to a reserve but would be required to cater for high traffic volumes and/or be a bus route. In those scenarios, he explained that the total road width should be a minimum of 14.1 metres (allowing for a 10 metre carriageway, 3.6 metre berm, footpath and services opposite the reserve and 0.5 metres for services adjacent to the reserve).

[129] We accept Mr Brown’s evidence on these matters. While we acknowledge that road width reduction may well be justified in many cases in the circumstances Mr McCall describes, the variables involved mean that any exemption is best addressed on a case-by-case basis, as is the current Council practice. Hence, it is most appropriately addressed in the context of a resource consent application. Therefore, we determine that the standard as included in the Notified Version is the most appropriate for giving effect to the objectives and policies.

[130] The relief sought by New Zealand Institute of Surveyors and Davie Lovell-Smith Limited on both these matters is, therefore, declined.

Footpaths in industrial zones

[131] Calder Stewart Industries Limited (‘Calder Stewart’) (985) asked for some relaxation of standards that the Notified Version specified for footpaths on roads classified as Collector Industrial and Local Industrial. Calder Stewart did not call evidence in support of its position, but was represented by Mr Mark Weaver. From his experience, he argued that a single footpath, rather than two, was sufficient including for safety purposes.

[132] In his written statement for the Council, Mr Brown explained why he supported retention of a dual footpath requirement. He noted that it accorded with NZS 4404:2010⁹² and served a valid safety purpose in that shift workers often would arrive by car, park on the street and walk to their workplace often after dark, in an environment where heavy vehicles can also be expected.⁹³

⁹² NZS 4404:2010 Land Development and Subdivision Infrastructure.

⁹³ Evidence in chief of Oliver Brown on behalf of the Council at 7.1–7.5.

[133] We accept Mr Brown’s evidence and rely on it in finding that the provisions of the Notified Version are the most appropriate for achieving the objectives and policies of the plan.

The referencing of relevant Council guidelines and other documents

[134] The Notified Version included a proposed rule to the effect that new works and infrastructure to be vested in the Council is to be of a standard acceptable to the Council. Under a heading ‘Infrastructure Design Standard’, the Conferencing Version (drawing from Mr Long’s rebuttal evidence) proposed modified wording:

Note: Works and infrastructure to be vested in Council shall be of a standard acceptable to Council. The Infrastructure Design Standard is the Council’s technical compliance manual and sets out the relevant standards.

[135] We have changed this provision. Under the heading ‘Administration’, the new provision 8.2.1 is explicitly not a “standard” or other rule. Rather, it is explicitly a list of reference materials and guidelines, to assist applicants and clarify that the Council may elect to refer to these documents when setting subdivision consent conditions. It lists the various documents referred to us in evidence, namely the ‘Infrastructure Design Standard’, ‘Construction Standard Specifications’, ‘Stormwater Management Plans’ and ‘Waterways, Wetlands and Drainage Guide’.

[136] We consider this approach more appropriate than the Conferencing Version (and the Notified and Revised Versions and other variations proposed by the Crown and the Council).⁹⁴

[137] One matter that has influenced our approach is the OIC Statement of Expectations. This includes an expectation that the CRDP will clearly articulate how decisions about resource use and values will be made. The various documents are not, of themselves, means of control or regulation. That is the proper role of rules, including standards, specified in the CRDP. As such, it is inappropriate for these documents to be referred to as standards required to be met. To the extent that the rules allow for the exercise of discretion, we accept that these documents can be relevant to the exercise of that discretion. That is how they should be referenced, i.e. as potentially relevant to the exercise of that discretion.

⁹⁴ Closing submissions for the Crown at 4.1–4.5; closing submissions for the Council at 10.2.

[138] The Council evidence explained that these documents can, from time to time, be updated or replaced. We have accounted for this by making it explicit that the documents are listed on a non-exclusive basis. Given the documents are simply reference materials and guidelines having no mandatory force or effect, we do not consider that an update or replacement of any of them would trigger a need to undertake an associated change to the CRDP. In particular, we do not consider the listing of such non-mandatory guidance material would incorporate that material by reference, in terms of cl 30, Part 3 of Schedule 1 to the RMA. Therefore, nor would clause 31 apply. However, we see value in making that explicit to assist future administration of the CRDP, and have therefore added a note to that effect.

[139] We have not included the mandatory language of the Conferencing Version in reference to the Council's 'Infrastructure Design Standard', as that is not compatible with our intention that these documents are only for guidance purposes.

[140] For those reasons, we are satisfied that our modified provisions are the most appropriate for achieving the objectives and policies.

Remaining matters

[141] In addition to those matters, we have made a number of drafting refinements to the Conferencing Version. Several of these are to ensure better clarity and coherence, matters emphasised in the OIC Statement of Expectations. In that context, we have already referred to the need we identified to reframe several rules of the Conferencing Version so that matters of control and discretion are properly and comprehensively expressed.

[142] In addition, we have made a number of structural refinements, including in bringing together various matters (for instance, as to infrastructure) into fewer policies (so as to avoid unnecessary and confusing duplication and inconsistency).

[143] As all of these matters were shown in the discussion draft for the 10 December 2015 resumed hearing, and only gave rise to the confined comments of Mr Long that we have noted, we are satisfied that our revisions better respond to the clarity and consistency emphasis of the OIC Statement of Expectations, and are the most appropriate.

[144] We made a number of other non-contentious refinements to provisions of the Notified Version, to improve coherence and clarity.

[145] We are satisfied that these refinements from the Notified Version assist with clarity (as sought in the OIC Statement of Expectations) and are more appropriate for implementing the applicable CRDP objectives. We reach this view supported by the consensus of the experts concerning the Conferencing Version, and on the basis of the Panel’s own drafting expertise.

Statutory documents and OIC Statement of Expectations

[146] On the basis of the evidence, and having regard to legal submissions, we are satisfied that there is nothing in the provisions of the Conferencing Version that we have accepted that would fail to accord with applicable requirements of the RMA or the Higher Order Documents.

[147] We are satisfied that, where we have made changes from the Conferencing Version, the changes better respond to the Higher Order Documents (including the OIC Statement of Expectations). Returning to the theme of the first paragraph of this decision, we are satisfied that the provisions as a whole better give effect to the CRPS, including its intentions in regard to earthquake recovery and rebuilding and land use intensification. We will return to this matter again when we come to consider the deferred provisions.

Revisiting Repair and Rebuild Decision

[148] In addition to the matters earlier noted, at the resumed hearing on 10 December 2015, Mr Long also raised with us the need to consequentially revisit the Panel’s Decision 3 on Repair and Rebuild of Multi-Unit Residential Complexes (and Relevant Definitions) (‘Repair and Rebuild Decision’), and related CRDP provisions (‘Repair and Rebuild provisions’).⁹⁵

[149] We have the capacity to do so, under the OIC, cl 13(5):

While the hearings panel is considering a proposal, it may re-consider any decision it has already made on another proposal if it considers it is necessary or desirable to do so to ensure that the replacement district plan is coherent and consistent.

⁹⁵ Transcript, page 442, line 30 to page 444, line 44.

[150] From our preliminary analysis of the Repair and Rebuild provisions, we agree with Mr Long that the Decision Version appears to effectively and entirely supersede it. Schedule 2 sets out a comparison of the Decision Version provisions and the Repair and Rebuild provisions to demonstrate that.

[151] Therefore, our preliminary view is that we should issue a second decision to effect the removal of the Repair and Rebuild provisions from the CRDP. Before we reach a final view on that, however, we consider it appropriate to direct that the Council make further submissions on this and invite other parties to do so. In particular, we would value submissions from the Council and parties on the following:

- (a) Whether we are correct in our preliminary understanding, and if so, whether the Council and parties also agree that we have the capacity, under OIC clause 13(5), to effect the removal of the Repair and Rebuild provisions;
- (b) If any party disagrees with our preliminary understanding, in any respect, what alternative approach the party considers appropriate.

Overall evaluation and conclusions

[152] In light of the submissions and evidence we have considered, and for the reasons we have set out, we are satisfied that:

- (a) We have exercised our function, in making this decision, in accordance with the provisions of Part 2, RMA (there are no applicable regulations).
- (b) As part of the Replacement Plan, the Decision Version:
 - (i) accords with and will assist the Council to carry out its statutory functions for the purposes of giving effect to the RMA;
 - (ii) gives effect to the CRPS and properly responds to other Higher Order Documents.

[153] In view of the matters (including objectives) deferred, we can only express a qualified conclusion concerning related provisions, for the purposes of ss 32 and 32AA. That is that we are satisfied that the provisions of the Decision Version (insofar as they go) are the most appropriate for addressing related objectives of the CRDP, in order to achieve the RMA purpose.

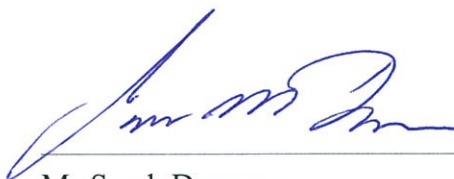
[154] For the purposes of our intended second decision concerning the Repair and Rebuild provisions, we make the following timetabling directions:

- (a) The Council is to file and serve supplementary submissions on the matters at [151], by **4 p.m., Friday 22 January 2016**;
- (b) Other parties are to file and serve and supplementary submissions on those matters (and in reply to the Council's supplementary submissions, by **4 p.m., Friday 29 January 2016**;
- (c) The Council is to file and serve any closing supplementary submissions on these matters, by **5 p.m., Friday 5 February 2016**;
- (d) Parties are reserved leave to seek further and/or replacement directions on these matters.

For the Hearings Panel:



Environment Judge John Hassan
Chair



Ms Sarah Dawson
Panel Member



Mr Martin Udale
Panel Member

SCHEDULE 1

Changes that the decision makes to the Proposals

Chapter 8 Subdivision, Development and Earthworks (part)

8.0 Introduction

The principal purpose of subdivision is to provide a framework for land ownership so that development and activities can take place. Subdivision is of strategic significance and plays an important role in determining the location and density of development and its impact on the character of both rural and urban areas. It provides a physical framework that reflects and implements urban growth, form and structure policies, and enables activities to be carried out as anticipated by the zone provisions in the various areas covered by the district plan. Because subdivision enables intensification, the impacts of it are often irreversible, so it requires careful planning.

The subdivision process regulates the provision of services for development and activities, including reserves, network infrastructure and community infrastructure. The adverse effects of activities are generally controlled by the provisions for each zone. However, some potential effects of those activities that may be undertaken on sites are most appropriately managed at the time of subdivision. For example, earthworks, and the formation of vehicle access, may have an impact on the amenity of an area, and the most effective means of addressing such effects may be conditions of consent.

The subdivision of land to create sites on undeveloped land creates expectations and property rights. It requires consideration of the need for public open spaces, reserves, community infrastructure and connections to and servicing by other infrastructure. Cost-effective servicing by infrastructure is an important consideration for greenfield developments. However, infrastructure servicing and access can also be an issue for the subdivision of already developed land. A significant reason for that is the considerable damage to public infrastructure caused by the earthquakes of 2010 and 2011. Those events resulted in parts of the City having limited ability to service new development pending further capital investment on improvements.

The Council's Development Contributions Policy (made under the Local Government Act 2002) is one method by which these servicing issues can be addressed, in addition to controls provided for through this Chapter 8. The Development Contributions Policy provides for development contributions to be levied for any subdivisions that generate a demand for reserves, network infrastructure, or community infrastructure (excluding the pipes or lines of a network utility operator).

The process of subdividing land provides an appropriate opportunity to consider a variety of issues including natural and other hazards in terms of the suitability of subdivided land for anticipated land uses, the provision of reserves and esplanade reserves. It allows for consideration of the potential for reverse sensitivity effects, or other ways in which new land uses may conflict with existing activities.

The subdivision process is also a means by which Ngāi Tahu cultural values can be communicated, addressed and enhanced.

8.1 Objectives and policies

8.1.1 Objective - Natural and built environments

[deferred to Natural and Cultural Heritage]

8.1.1.1 Policy – Natural features and landscapes

[deferred to Natural and Cultural Heritage]

8.1.1.2 Policy – Protection through subdivision

[deferred to Natural and Cultural Heritage]

8.1.1.3 Policy – Historic heritage and protected trees

[deferred to Natural and Cultural Heritage]

8.1.1.4 Policy – Access to waterways / Mana whakahaere

- a. Provide for appropriate public access and customary access to and along the margins of rivers, lakes, waterways and the coastline, including through esplanade reserves and strips, except in respect of Lyttelton Port of Christchurch where such provision is inappropriate due to the necessity to ensure public safety and the security of adjoining cargo and adjoining activities.

8.1.2 Objective – Design and amenity

- a. An integrated pattern of development and urban form through subdivision and comprehensive development that:
 - i. provides allotments for the anticipated or existing land uses for the zone;
 - ii. consolidates development for urban activities;
 - iii. improves people’s connectivity and accessibility to employment, transport, services and community facilities;
 - iv. improves energy efficiency and provides for renewable energy and use; and
 - v. enables the recovery of the district
- b. [deferred to Natural and Cultural Heritage]

8.1.2.1 Policy – Recovery activities

- a. Ensure that subdivision processes enable recovery initiatives including by facilitating:
 - i. subdivision of greenfield and intensification areas;
 - ii. the issue of fee simple title where the following permitted or approved initiatives occur:
 - A. conversion of a residential unit into two residential units;
 - B. conversion of a family flat into a residential unit;
 - C. replacement of a residential unit with two residential units;

- D. comprehensive development using the Enhanced Development Mechanism; or
- E. comprehensive development using the Community Housing Redevelopment Mechanism.
- iii. conversion of the type of tenure from a cross lease or unit title to fee simple;
- iv. subdivision of a cross lease or unit title site arising from the updating of a flat plan or unit plan;
- b. Recognise that short-term use of identified greenfields priority areas for aggregate extraction may be able to be undertaken as part of the preparation of an area for urban development, provided that the adverse effects of the quarrying activity can be adequately mitigated, including not compromising the use of the land for future urban development.

8.1.2.2 Policy – Design and amenity / Tohungatanga

This policy may be revisited following the hearing of the Natural and Cultural Heritage proposal

- a. Ensure that subdivision;
 - i. incorporates the distinctive characteristics of the place’s context and setting;
 - ii. promotes the health and wellbeing of residents and communities; and
 - iii. provides an opportunity to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirms connections between manawhenua and place.

8.1.2.3 Policy – Allotments

- a. Ensure that the layouts, sizes and dimensions of allotments created by subdivision are appropriate for the anticipated or existing land uses;
- b. In residential subdivisions, provide for a variety of allotment sizes to cater for different housing types and affordability.

[Clause a. of this policy may be revisited following the hearing for the Natural and Cultural Proposal]

8.1.2.4 Policy – Identity

- a. Create or extend neighbourhoods which respond to their context and have a distinct identity and sense of place, by ensuring that subdivision, where relevant:
 - i. incorporates and responds to existing site features (including trees, natural drainage systems, buildings), cultural elements and values and amenity values (including by taking advantage of views and outlooks);
 - ii. incorporates public spaces that provide opportunities for formal and informal social interaction;
 - iii. has a pattern of development that responds to the existing urban context;
 - iv. is designed with a focus on the use of open space, commercial centres, community facilities, and the use of views, density, roads, land form and stormwater facilities as key structuring elements; and
 - v. incorporates and responds to Rangatiratanga – the expression of te reo kawa, tikanga, history, identity and the cultural symbols of Ngāi Tahu;

[This policy may be revisited following the hearing for the Natural and Cultural Proposal]

8.1.2.5 Policy – Sustainable design

- a. Enable resource efficiency, use of renewable energy, and community safety and development, by:
 - i. ensuring that the blocks and lots maximise solar gain, including through orientation and dimension;

- ii. providing a development pattern that supports walking ,cycling and public transport; and
- iii. ensuring visibility and interaction between private and public spaces, and providing well-lit public spaces.

8.1.2.6 Policy – Integration and connectivity

- a. Ensure effective integration within and between developments and existing areas, including in relation to public open space networks, infrastructure, and movement networks.

8.1.2.7 Policy – Open space

- a. Ensure, where appropriate, the provision and development of public open space networks which:
 - i. are accessible and safe and provide for various forms of recreation, including active recreation, for the health and wellbeing of communities;
 - ii. are within 400m of new residential allotments in greenfields and brownfields areas;
 - iii. recognise the landscape and natural features in the wider area and link or connect to other green or open space, community facilities, commercial centres, areas of higher density residential development, landforms and roads;
 - iv. recognise and protect values associated with significant natural features and significant landscapes, and protect or enhance ecological function and biodiversity;
 - v. reinforce and uphold the Garden City landscape character of urban Christchurch City and the heritage landscapes and plantings of Banks Peninsula townships and settlements;
 - vi. provide access to heritage places and natural and cultural landscapes including the coastline, lakes and waterways and wetlands; and
 - vii. strengthen the relationship that Ngāi Tahu and the community have with the land and water, including by protecting or enhancing natural features, customary access historic heritage, cultural landscapes as identified in the Plan, and mahinga kai.

[This policy may be revisited following the hearing for the Natural and Cultural Proposal]

8.1.2.8 Policy – Urban density

- a. *Subdivision in greenfield or brownfield areas must enable development which achieves at least a net density of 15 households per hectare (averaged over the greenfield or brownfield area) [deferred see Minute dated 26 August 2015]*
- b. Subdivision in the Residential Medium Density Zone must enable development which achieves a net density of at least 30 households per hectare.

8.1.2.9 Policy - Outline Development Plans

- a. An Outline Development Plan (as relevant) must demonstrate that:
 - i. land uses will be distributed in a way that is consistent with Policies 8.1.2.8, 14.1.5.2 and 14.1.5.4;

Note that the italicised policies have been deferred. This policy will be revisited if required following the hearing for the Residential New Neighbourhood Zone.

 - ii. for a residential development area, a minimum net density of 15 households per hectare will be achieved across the area as a whole;
 - iii. land for community uses will be provided in locations convenient to the community and of an adequate size to serve the intended population;

- iv. adequate infrastructure capacity will be available to service the intended population [and/or business activities];
- v. infrastructure and transport connections will be integrated effectively with networks in neighbouring areas, and with strategic infrastructure;
- vi. infrastructure and transport connections through the Outline Development Plan area will support co-ordinated development between different landowners;
- vii. natural hazards will be managed in an integrated way across the area;
- viii. significant natural and cultural heritage features, and the quality of surface water and groundwater, will be protected;

and where required to give effect to the Canterbury Regional Policy Statement Policy 6.3.3, include the necessary information set out in that policy.

- b. Information in Outline Development Plans should be presented in the form of two plans:
 - i. a land use plan showing distribution of land uses, areas set aside from development and other land use features; and
 - ii. a servicing plan showing infrastructure and transport networks and connections.

Accompanying narrative may be included, but should be concise and should only address matters in Policy 8.1.2.9(a) and Canterbury Regional Policy Statement Policy 6.3.3 that cannot be shown on the plans.

[This policy will be revisited if required following the hearing for the Residential New Neighbourhood Zone]

8.1.3 Objective — Infrastructure and transport

- a. Subdivision design and development promotes efficient provision and use of infrastructure and transport networks.
- b. A legible, well connected, highly walkable, and comprehensive movement network for all transport modes is provided.
- c. Land is set aside for services which can also be used for other activities, such as pedestrian or cycle ways.

8.1.3.1 Policy – Identification of infrastructure constraints

- a. Areas subject to infrastructure capacity constraints will be identified by the Council to assist public understanding and decision-making regarding network capacity available to service subdivision and subsequent land use.

8.1.3.2 Policy – Availability, provision and design of, and connections to, infrastructure

- a. Manage the subdivision of land to ensure development resulting from the creation of additional allotments:
 - i. does not occur in areas where infrastructure is not performing, serviceable or functional;
 - ii. will be appropriately connected to and adequately serviced by infrastructure, including through any required upgrade to existing infrastructure.
- b. Ensure that new network infrastructure provided in relation to, or as part of, subdivision development is constructed, designed and located so that it is resilient to disruption from significant seismic or other natural events including by ensuring that, as far as practicable, damage from such events is minimised.

- c. Ensure that, as part of subdivision, there is adequate provision, with sufficient capacity, to service the scale and nature of anticipated land uses resulting from the subdivision, for:
- i. wastewater disposal, including lawful trade waste disposal for anticipated industrial development, consistent with maintaining public health and minimising adverse effects on the environment;
 - ii. water supply, including for fire-fighting purposes, of a potable standard for human consumption;
 - iii. telecommunication services including connection to a telecommunication system, with new lines being generally underground in new urban areas;
 - iv. electric power supply, with new lines being generally underground in new urban areas -
- including, if necessary, ensuring the provision of new or additional or the upgrading of existing infrastructure in a manner that appropriate for the amenities of the area.
- d. Where wastewater disposal is to a reticulated system, ensure all new allotments are provided with a means of connection to the system.
- e. Where a reticulated wastewater system is not available, ensure appropriate onsite or standalone communal treatment systems are installed.
- f. Promote use of appropriate on-site measures to manage the effects of trade wastes and reduce peak flows and loading on wastewater systems.

8.1.3.3 Policy – Transport and access

- a. Ensure the provision and development of comprehensive movement networks for all transport modes that:
- i. are legible, well connected, highly walkable, safe and efficient; and
 - ii. enable access by people of all ages and physical abilities to public open space facilities, public transport, suburban centres, and community facilities and to move between neighbourhoods and the wider urban area.
- b. Ensure movement networks enable:
- i. vehicle parking;
 - ii. access to properties, including for fire appliances;
 - iii. street landscaping, including street trees;
 - iv. safety and visibility;
 - v. ease of navigation;
 - vi. surface water management, in relation to movement networks; and
 - vii. utility services.
- c. Ensure that, where road or property access to an existing road is created, the existing road is of an appropriate standard.

8.1.3.4 Policy – Stormwater disposal

- a. Avoid any increase in sediment and contaminants entering water bodies as a result of stormwater disposal.
- b. Encourage stormwater treatment and disposal through low-impact or water-sensitive designs that imitate natural processes to manage and mitigate the adverse effects of stormwater discharges.
- c. Ensure stormwater is disposed of in stormwater management areas so as to avoid inundation within the subdivision or on adjoining land.
- d. Ensure that any necessary stormwater control and disposal systems and the upgrading of existing infrastructure are sufficient for the amount and rate of anticipated runoff.

- e. Ensure stormwater disposal in a manner which maintains or enhances the quality of surface water and groundwater.
- f. Where feasible, utilise stormwater management areas for multiple uses and ensure they have a high quality interface with residential or commercial activities.
- g. Ensure that stormwater is disposed of in a manner which is consistent with maintaining public health.
- h. Incorporate and plant indigenous vegetation that is appropriate to the specific site.
- i. Ensure that realignment of any watercourse occurs in a manner that improves stormwater drainage and enhances ecological, mahinga kai and landscape values.
- j. Ensure that stormwater management measures do not increase the potential for bird strike to aircraft in proximity to the airport.
- k. Encourage on-site rain-water collection for non-potable use.
- l. Ensure there is sufficient capacity to meet the required level of service in the infrastructure design standard or if sufficient capacity is not available, ensure that the effects of development are mitigated on-site.

8.1.3.5 Policy – Adverse effects on infrastructure

- a. Ensure that the requirements of infrastructure, including their ongoing operation, development and maintenance, are recognised in subdivision design, including any potential for adverse effects (including reverse sensitivity effects) from subdivision.
- b. Ensure that the operation, development and maintenance of the Lyttelton Port is not compromised by subdivision, including in relation to reverse sensitivity effects.

8.2 Administration

8.2.1 Subdivision guidance documents

- a. There are a number of guidance documents that assist developers when preparing applications for subdivision consent and understanding the required level of service for matters relating to their development and whether these are acceptable to the Council. Where conditions are placed on subdivision consents within the matters of control or discretion specified in this chapter, such conditions may reference documents, including the following, as a means of achieving the matter of control or discretion:
 - i. Infrastructure Design Standard;
 - ii. Construction Standards Specifications;
 - iii. Stormwater Management Plans; and/or
 - iv. Waterways, Wetlands and Drainage Guide.

Note: These documents are not incorporated by reference into the District Plan.

8.2.2 Development contributions

- a. Where applicable, development contributions as set out in the Development Contributions Policy will be required to be paid prior to the issue of a certificate pursuant to section 224 of the Resource Management Act 1991.

8.2.3 Staging of subdivision

- a. A subdivision may be completed in stages, provided that each stage meets all of the conditions of approval appropriate to that stage, and that the balance of the site remaining after the completion of each stage is a site which either complies with the provisions of the Plan or with the conditions of a resource consent.

8.2.4 Suitability for proposed land use

- a. Where section 106 of the Act applies to any part of the land to be subdivided it is the applicant's responsibility to provide all information relevant to the potential hazard and to show the means by which the land shall be made suitable for the proposed land use, including legal and physical access. Regard should be had to any information held on the Council's hazards register. The Council shall have regard to any appropriate mitigation measures before issuing the subdivision consent, or declining approval pursuant to section 106. Chapter 5 of this Plan provides for the management of hazards as might be relevant to consideration of an application under section 106.
- b. Where any part of the land contains contamination, it is the applicant's responsibility to provide all relevant information and to show the means by which the land shall be made suitable for the proposed land use. Regard should be had to any information held on the Council's hazard register and the Hazardous Activities and Industries List held by Environment Canterbury.
- c. All subdivisions of land that involve buildings on or near allotment boundaries shall comply with the relevant requirements of this Plan and the Building Act 2004.

8.2.5 Restricted discretionary subdivision activities

Chapter 8 includes both matters of control and matters of discretion. The rules are structured so that the Council can only decline a restricted discretionary activity application in relation to the matters of discretion specified for that purpose for that activity. However, the Council can also impose conditions on restricted discretionary activity consents in relation to the matters of discretion specified for that purpose for that activity, and which may include matters of control specified to be treated as matters of discretion for that activity.

8.3 Rules

8.3.1 General rules

8.3.1.1 Written approval and non-notification

- a. Unless stated otherwise in this chapter, for applications for subdivision consent:
 - i. where the activity is a controlled or restricted discretionary activity, the application will not require written approvals and shall not be limited or publicly notified;
 - ii. where the activity is a discretionary or non-complying activity, the application may be limited or publicly notified and the Council may require the written approval of other persons. Where the activity is a discretionary or non-complying activity and the subdivision seeks access to a State Highway, the written approval of the New Zealand Transport Agency will be required.

8.3.1.2 Standards for specific zones

- a. Zone-specific standards shall have precedence where there is any inconsistency with the general standards.

8.3.1.3 Servicing constraints

- a. In order to determine the activity status for subdivision in relation to Activity standard 8.3.3.8.b, the applicant must demonstrate that the wastewater system has adequate capacity for the respective potential land uses on all proposed allotments. The Council offers a certification process (*link*) as the means of demonstrating such capacity. The certificate will be valid for 6 months and will remain valid during the consenting process (following the lodging of a complete subdivision consent application and for the term of the consent). Certification is not necessary where a relevant Outline Development Plan shows that adequate wastewater capacity is available for the proposed allotments.

8.3.2 Activity status tables

8.3.2.1 Controlled activities

- a. The activities listed below are controlled activities if they comply with the relevant standards set out in this table.
- b. Matters of control for which conditions may be imposed are specified in the following table and are set out for those matters in Rule 8.4.
- c. Activities may also be restricted discretionary, discretionary or non-complying as specified in Rules 8.3.2.2, 8.3.2.3 and 8.3.2.4.

	Activity	Relevant standards	Matters of control
C1	Boundary adjustments	<ol style="list-style-type: none"> a. No additional titles are created. b. Minimum allotment size requirements shall not apply providing that the boundary adjustment does not change the existing net site area by more than 10%. 	Rule 8.4.1

	Activity	Relevant standards	Matters of control
		c. The boundary adjustment will not lead to, or increase, the degree of non-compliance with land use standards of the applicable zone.	
C2	Conversion of tenure	a. Nil, other than provided in b. below. b. For the conversion of tenure from unit title or cross lease to fee simple for the repair and rebuild of multi-unit residential complexes, the size of the resulting fee simple title shall be within 10% of the size of the original allotment or leased area, excluding any access.	Rule 8.4.2
C3	Alteration of cross leases, company leases and unit titles	Nil	Rule 8.4.2
C4	Subdivision to create allotments for access, utilities, roads and reserves	Nil	Rule 8.4.3
C5	Subdivision in any zone (except as otherwise specified in Rules 8.3.2.1, 8.3.2.2, 8.3.2.3 or 8.3.2.4)	a. Activity standards 8.3.3.1 – 8.3.3.9 and 8.3.3.12. b. Where located in an area shown on an Outline Development Plan, the subdivision shall be undertaken in accordance with the relevant Outline Development Plan, except that in relation to any Outline Development Plan contained in Chapters 15 or 16 compliance is only required with the key structuring elements for that Outline Development Plan area as described in the relevant chapter. c. In the Industrial Heavy Zone (South West Hornby), Activity standard 8.3.3.10 also applies. d. In the Industrial Park Zone (Awatea), disposal of wastewater shall be via the Christchurch City Council reticulated sanitary sewage disposal system.	Rule 8.4.4 and, where relevant for industrial zones, Rule 8.4.5

8.3.2.2 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities if they comply with the relevant standards set out in the following table.
- b. When considering applications for restricted discretionary activities, the Council's power to decline consent is restricted to the matters over which discretion is specifically restricted for that purpose in the following table and as are set out for those matters in Rule 8.5.
- c. When considering applications for restricted discretionary activities, the Council's power to impose conditions on the consent is restricted to the matters over which discretion is specifically restricted for that purpose in the following table and as are set out for those matters in Rule 8.4 (whose matters of control are to be treated as matters of discretion) and Rule 8.5.

	Activity	Relevant standards	Matters of discretion for the purpose of imposing conditions	Matters of discretion for the purpose of declining consent and imposing conditions
RD1	Boundary adjustments not complying with C1	Nil	Rule 8.4.1	Rule 8.5.1
RD2	Subdivision in any zone not complying with any one or more of the relevant standards in Rule 8.3.2.1 C5 (except as specified in Rules 8.3.2.3 or 8.3.2.4)	Nil	Rule 8.4.4 and, where relevant for industrial zones, Rule 8.4.5	<p>The relevant matters of discretion in relation to the non-compliance with Activity standards as follows:</p> <ul style="list-style-type: none"> i. for Rule 8.3.3.1 - Minimum net area and dimensions: Rule 8.5.12; ii. for Rule 8.3.3.3 – Access: Rule 8.5.2; iii. for Rule 8.3.3.4 - Roads: Rule 8.5.3; iv. for Rule 8.3.3.5 – Service lanes, cycleways and pedestrian access ways: Rule 8.5.4; v. for Rule 8.3.3.6 – Esplanade reserve, strip or additional land: Rule 8.5.5; vi. for Rule 8.3.3.7 - Water supply: Rule 8.5.7; vii. for Rule 8.3.3.8 – Wastewater disposal: Rule 8.5.7; viii. for Rule 8.3.3.9 – Stormwater disposal: Rule 8.5.7; ix. for Rule 8.3.3.12– Radiocommunications: Rule 8.5.7.i; x. in the Industrial Heavy Zone (South West Hornby), for Rule 8.3.3.10 - Rule 8.5.3. <p>Where located in an area shown on an Outline Development Plan, Rule 8.5.9.</p> <p>In the Industrial Park Zone (Awatea), in relation to the disposal of wastewater, Rule 8.5.7.</p>

	Activity	Relevant standards	Matters of discretion for the purpose of imposing conditions	Matters of discretion for the purpose of declining consent and imposing conditions
RD3	Conversion of tenure for the repair and rebuild of multi-unit residential complexes not complying with the relevant standards for C2	Nil	Rule 8.4.2	Rule 8.5.11 and Rule 8.5.12
RD4	Subdivision in a Flood Management Area	Nil	Rule 8.4.4 and, where relevant for industrial zones, Rule 8.4.5	Rule 8.5.8
RD5	Subdivision of any site (other than an allotment to provide for a network utility) located within the following corridors: a. 37 metres of the centre line of a 220kV National Grid transmission line as shown on planning maps; or b. 32 metres of the centre line of a 66kV or 110kV National Grid transmission line as shown on planning maps.	The subdivision shall identify a building platform for the principal allotment that is: i. greater than 12 metres from the centre line of a 220kV or 110kV National Grid transmission line and greater than 12 metres from an associated support structure; or ii. greater than 10 metres from the centre line of a 66kV National Grid transmission line and greater than 10 metres from an associated support structure.	Rule 8.4.4 and, where relevant for industrial zones, Rule 8.4.5	Rule 8.5.7.i
RD6	Subdivision of any site (other than an allotment to provide for a network utility) located within the following corridors: a. 32 metres of the centre line of a 66kV electricity distribution line as shown on	The subdivision shall identify a building platform for the principal allotment that is: i. greater than 10 metres from the centre line of a 66kV electricity distribution line or a foundation of	Rule 8.4.4 and, where relevant for industrial zones, Rule 8.4.5	Rule 8.5.7.i

	Activity	Relevant standards	Matters of discretion for the purpose of imposing conditions	Matters of discretion for the purpose of declining consent and imposing conditions
	b. planning maps; or 24 metres of the centre line of a 33kV electricity distribution line as shown on planning maps.	iii. an associated support structure; or greater than 5 metres from the centre line of a 33kV electricity distribution line or a foundation of an associated support structure.		

8.3.2.3 Discretionary activities

The activities listed below are discretionary activities.

There are no discretionary activities.
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8.3.2.4 Non-complying activities

The activities listed below are non-complying activities.

	Activity
NC1	Subdivision in a residential zone (other than the Residential Medium Density Zone) which does not comply with the minimum net site area requirements in Activity standards 8.3.3.1 or 8.3.3.2
NC2	Subdivision not complying with the relevant standards for RD5 or RD6.
NC3	Subdivision within the Lyttelton Port Influences Overlay, other than where a condition is proposed prohibiting noise sensitive activities on each allotment, to be complied with on a continuing basis, for the purpose of incorporation into a consent notice to be issued by the Council.

8.3.3 Activity standards

8.3.3.1 Minimum net area and dimension

- a. Allotments in the Residential Suburban Zone shall have a minimum dimension of 16m x 18m.
- b. Allotments in the Residential Suburban Density Transition Zone shall have a minimum dimension of 13m x 16m.
- c. Allotments in the Residential Medium Density Zone shall either have a minimum dimension of 10m; or the application shall include a plan demonstrating that a permitted residential unit can be located on any new allotment that has a minimum dimension less than 10m, including in relation to recession planes, unit size, access and parking, outdoor living space, and floor level requirements.
- d. Allotments in any zone except the Residential New Neighbourhood Zone shall comply with the minimum net site area and other requirements specified at Tables 1 and 2 to this rule.
- e. *Allotments in the Residential New Neighbourhoods Zone shall comply with the applicable standards at 8.2.3.1 (13). [deferred to NNZ Hearing]*

Table 1. Minimum net site area – residential zones

Zone	Minimum net site area	Additional standard
Residential Suburban	450m ²	
Residential Suburban Heathcote Village	2000m ²	In the Peat Ground Condition Constraint Overlay at Heathcote (refer to notation 4 on Planning Map 47), the total number of additional allotments created in this part of the zone, since 24 June 1995, shall not exceed 30.
Residential Suburban Existing Rural Hamlet	2000m ²	
Residential Suburban Redwood	750m ²	
Residential Suburban (Corner Henderson's and Sparks Roads)	1ha	
Residential Suburban Density Transition	330m ²	
Residential Medium Density	200m ²	
Residential Banks Peninsula	400m ²	
Prestons Retirement Village Overlay	4ha	

Table 2. Minimum net site area – commercial and industrial zones

Zone	Minimum net site area
Commercial Core, Commercial Office, Commercial Mixed Use, Commercial Retail Park, Commercial Local, and Commercial Banks Peninsula Zones	250m ²
Industrial General, Industrial Park Zones, and where connected to a Council owned reticulated sanitary sewage disposal system in the Industrial Heavy Zone	500m ²
Industrial Heavy Zone where no connection to a Council owned reticulated sanitary sewage disposal system is provided	4ha

8.3.3.2 Allotments with existing or proposed buildings

- a. Where an allotment is to be created around an existing building (that has been constructed to the extent that its exterior is fully closed in), or a proposed building (where the subdivision consent is to be issued at the same time as, or after, the building consent for that building is issued):
 - i. the provisions of Rule 8.3.3.1 do not apply to that allotment; and
 - ii. the existing or proposed building(s) shall either comply with all relevant standards for a permitted activity (except site density standards) in relation to the proposed allotment boundaries, or have been approved through a resource consent in relation to any standards that are not complied with; and
 - iii. no allotment shall be less than the minimum net site area specified in Table 3 to this rule.
- b. Where a. above applies and a building is not yet constructed, the subdivision consent holder shall be required to erect the building before obtaining a certificate under section 224 of the Resource Management Act 1991, and the subdivision consent shall have attached to it a condition to that effect.

Table 3. Allotments with existing or proposed buildings

Zone	Minimum net site area
Residential Suburban Zone (except as provided for below)	400m ²
Residential Suburban Density Transition Zone (except as provided for below)	300m ²
Allotments for comprehensive developments provided through the Enhanced Development Mechanism (Chapter 14, Rule 14.7), or the Community Housing Redevelopment Mechanism (Chapter 14, Rule 14.8)	No minimum
Allotments for residential units which have been converted into two residential units in compliance with or the subject of land-use consent under Chapter 14	No minimum
Allotments for a residential unit where a family flat has been converted into a separate residential unit in compliance with or the subject of land-use consent under Chapter 14	No minimum

Zone	Minimum net site area
Allotments for each residential unit where two residential units replace a single residential unit in compliance with or the subject of land-use consent under Chapter 14	No minimum
Allotments for a residential unit where an elderly person's housing unit has been converted to a separate residential unit that may be occupied by any person(s) in compliance with Chapter 14	No minimum
Allotments for a residential unit which is an older person's housing unit or is part of a multi-unit residential complex, retirement village, or a social housing complex, within the Residential Suburban or Residential Suburban Density Transition Zones	No minimum
Residential Medium Density Zone	No minimum
Industrial General, Industrial Heavy, Industrial Park, Commercial Office, Commercial Core, Commercial Local, Commercial Banks Peninsula, Commercial Mixed Use and Commercial Retail Park Zones	No minimum

8.3.3.3 Access

- a. All sites shall have access which is able to allow vehicles to pass to and from a formed road, and such access shall be in accordance with Appendix 8.6.2 to this chapter and the standards set out in Chapter 7.
- b. Access shall not be to a state highway, limited access road or across a rail line.

8.3.3.4 Roads

- a. All roads shall be laid out, constructed and vested in accordance with the standards set out in Appendix 8.6.3, and in Chapter 7, except where alternative standards are set out in an Outline Development Plan.
- b. In the Industrial Park Zone (Tait Campus) the subdivision shall be in accordance with the provisions of the Outline Development Plan shown in Chapter 16 Appendix 16.6.9 and specific road and access requirements as follows:
 - i. There shall be two main vehicle access points to the Industrial Park zoned part of the site. These access points shall be located on Wooldridge Road as indicated in Chapter 16 Appendix 16.6.9.
 - ii. Prior to the creation of vehicle access from the site to Stanleys Road, give-way markings on the Stanleys Road approach to its intersection with Harewood Road shall be provided.
 - iii. Any access from Stanleys Road shall be in the locations marked on the Outline Development Plan in Appendix 16.6.9 as 'Secondary access'.
 - iv. Within 6 months of access being established to Stanleys Road, a left turn lane shall be provided on the Stanleys Road approach to the Stanleys / Harewood Road intersection.
 - v. Any subdivision with access to Stanleys Road shall include a footpath along the Industrial Park Zone frontage with Stanleys Road linking the site with Wairakei Road.
 - vi. All work associated with design and construction of vehicle access to the zone, intersection works, internal roads and footpaths within the zone, and a footpath along the road frontage of Stanleys Road carried out at the cost of the developer or their successor/s in title.

- vii. A shared cycleway and footpath of minimum 2.5 metre width from Wooldridge Road to Stanleys Road shall be provided, as marked on the Outline Development Plan in Appendix 16.6.9 as 'Public shared walk and cycle connection', connecting with pedestrian and cycle facilities adjoining the zone.
- viii. Any pedestrian and cycle way through the site shall be illuminated to a level between 2 and 10 lux.
- ix. Any roads or accessways shall be set back from trees identified on the Outline Development Plan in Appendix 16.6.9 as 'Existing trees not to be affected by road layout' by a distance of at least 10 metres.
- c. In the Industrial General Zone (Stanleys Road) shown in Chapter 16 Appendix 16.6.9 a footpath along the Industrial General Zone road frontage shall be provided.
- d. In the Industrial General Zone bound by Deans Avenue and the railway line, any allotments shall only have access from Lester Lane.
- e. In the Industrial General Zone (Trents Road), subdivision shall be in accordance with the provisions of the Outline Development Plan shown in Chapter 16 Appendix 16.6.6 and specific road and access requirements as follows:
 - i. Access from Trents Road shall be provided at the two vehicle access points defined on the Outline Development Plan shown in Chapter 16 Appendix 16.6.6, comprising:
 - A. a northern road connection designed, and with signage, to limit its use to vehicles entering the zone (as shown on the outline development plan in Appendix 16.6.6);
 - B. a southern road connection designed, and with signage, to limit its use to vehicles exiting the zone (as shown on the outline development plan in Appendix 16.6.6).
 - ii. Access from Main South Road shall be provided at the one road connection shown on the Outline Development Plan shown in Chapter 16 Appendix 16.6.6, which shall be designed to restrict its use to light vehicles, and designed and signage displayed to restrict vehicle movements to left entry into the zone and left exit out of the zone as shown on the Outline Development Plan in Appendix 16.6.6.
 - iii. An internal road shall be provided as shown on the Outline Development Plan in Chapter 16 Appendix 16.6.6 as 'internal roading/ access way layout', including a footpath along one side of the internal road.

8.3.3.5 Service lanes, cycleways and pedestrian access ways

- a. Service lanes, cycle ways and pedestrian access ways shall be laid out and vested in accordance with the standards set out in Table 4 below.

Table 4.

	Minimum Legal Width (m)	Minimum Formed Width (m)	Turning Area	Passing Area	Sealed and Drained	Height (m)
Service lanes	6.0	4.0	Only where the service lane has a blind end	No	Yes	4.5
Cycleways and pedestrian access ways (public)	8.0	2.5	N/A	N/A	Yes	3.5

	Minimum Legal Width (m)	Minimum Formed Width (m)	Turning Area	Passing Area	Sealed and Drained	Height (m)
Pedestrian access ways (private)	1.5	1.5	N/A	N/A	Yes	3.5

Note – Chapter 7 (Transport) sets out requirements for the provision of right of ways.

8.3.3.6 Esplanade reserve, strip or additional land

- a. Esplanade reserves and strips shall be provided in accordance with Appendix 8.6.1.
- b. Within Banks Peninsula, where any allotment of less than 4 hectares is created, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river or along the margin of any lake.
- c. In accordance with section 237A of the Act, any part of the land contained in the title to which that Section applies, forming the bed of a river or within the coastal marine area, shall vest in the Council or the Crown as appropriate.

8.3.3.7 Water supply

- a. All allotments shall be provided with the ability to connect to a safe potable water supply.
- b. Provision shall be made for sufficient water supply and access to water supplies for firefighting consistent with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008), except where the allotment is for a utility, road, reserve or access purposes.

8.3.3.8 Wastewater disposal

- a. All allotments shall be provided with the ability to connect to a wastewater system.
- b. A valid certificate, issued in accordance with Rule 8.3.1.3, is held which certifies that the wastewater system has adequate capacity for the respective potential land uses on all proposed allotments, except where a relevant Outline Development Plan shows that adequate wastewater capacity is available.
- c. Where a reticulated sewer is available, and discharge is accepted in the Council's network, each new allotment shall be provided with a piped outfall connection laid at least 600mm into the net site area of the allotment.
- d. Where a reticulated sewer is not available, all allotments shall be provided with a means of disposing of sanitary sewage within the net site area of the allotment.
- e. In the case of the Meadowlands Residential New Neighbourhood Zone (Exemplar Housing Area – North Halswell), the outfall for wastewater disposal shall be to the Pump Station 42 catchment until the South East Halswell pressure sewer network is available, at which time these sites shall be connected to the South East Halswell pressure sewer network.

Note: the certification process at clause (b) is described in Rule 8.3.1.3.

8.3.3.9 Stormwater disposal

- a. All allotments shall be provided with a means for the management of collected surface water from all impervious surfaces. Where discharge is accepted in the Council's network, each new allotment shall be provided with a piped outfall laid at least 600mm into the net area of the allotment.
- b. In the Industrial General Zone (Trents Road) shown in Chapter 16 Appendix 16.6.6, all stormwater discharge shall be treated and discharged to ground within the Outline Development Plan area so that:
 - i. no discharge to surface water takes place from any site for all events up to the critical duration 2% annual exceedance probability event; and
 - ii. where the stormwater treatment and discharge system is to be vested in Council, the following requirements are met:
 - A. treatment of the first 25mm of runoff from roads and hardstanding areas; and
 - B. design conforms with the relevant Council guidelines for stormwater management systems.
- c. Creation of stormwater drainage ponding areas shall not occur within three kilometres of the edge of the Christchurch International Airport Runways.
- d. Creation of stormwater drainage ponding areas shall not occur within 15 metres of the rail corridor.
- e. In the Industrial Park Zone (Tait Campus), stormwater shall be treated and attenuated in accordance with the following requirements:
 - i. First flush treatment for the first 25mm of runoff from hardstanding areas shall be provided using vegetated dry sedimentation basins.
 - ii. Flows in excess of the first flush and including the 50 year return events (9 hour duration) shall be attenuated in the locations defined on the Outline Development Plan in Appendix 16.6.9 as 'On site stormwater treatment and attenuation'.
 - iii. Stormwater discharge from the zone to the Council stormwater network shall be attenuated to pre-development levels (for up to 50 year storm events).
 - iv. Any stormwater from any activity shall be conveyed by open naturalised swales (defined on the Outline Development Plan in Appendix 16.6.9 as 'Open naturalised stormwater conveyance/swales') running through the zone from west to east via a series of basins as defined on the Outline Development Plan in Appendix 16.6.9 as 'On site stormwater treatment and attenuation' to a point defined on the Outline Development Plan from where stormwater shall be piped to an existing drain on the east side of Wooldridge Road.

8.3.3.10 Additional standards for South West Hornby

- a. Any subdivision within the area shown as "rural wastewater irrigation area" on the Outline Development Plan at Chapter 16 Appendix 16.6.8 for the Industrial Heavy Zone (South West Hornby) shall not occur until the following works have been undertaken:
 - i. the construction and opening for traffic of the full southern spine road between Main South Road and Shands Road (marked as 'C') on the Outline Development Plan; and
 - ii. the commencement of the physical construction works for capacity upgrades at both the following intersections -
 - A. the intersection of the southern spine road and Shands Road (marked as 'A' on the Outline Development Plan); and
 - B. the intersection of the northern spine road and Shands Road (marked as 'B' on the Outline Development Plan).
- b. Any subdivision within the Industrial Heavy Zone (South West Hornby) as identified on the Outline Development Plan in Chapter 16 Appendix 16.6.8, south west of the area identified as "rural wastewater irrigation area", shall not occur until the following works have been undertaken:
 - i. the commencement of the physical construction works for the traffic signalised intersection of Shands Road and the southern spine road (marked as 'A' on the Outline Development Plan).

- c. Any subdivision of more than 15 hectares (excluding roads) within the Industrial Heavy Zone (South West Hornby) as identified in Chapter 16 Appendix 16.6.8, south west of the area identified as “rural wastewater irrigation area”, shall not occur until physical construction works of the Christchurch Southern Motorway have commenced.

8.3.3.11 Additional New Neighbourhood Zone

[deferred]

8.3.3.12 Radiocommunications

- a. Any new allotment(s) within 1km of Radio New Zealand’s facilities on Gebbies Pass Road must be of a size and shape to allow a permitted residential unit (or permitted commercial/industrial activity) to be located no closer than 1km from Radio New Zealand’s facilities. This standard shall not apply to any subdivision carried out to enable Radio New Zealand’s operations.

8.4 Matters of control

- a. When considering applications for controlled activities, the Council's power to impose conditions is restricted to the matters over which control is reserved as set out in the table in Rule 8.3.2.1 and as set out for that matter below.

8.4.1 Boundary adjustments

- a. Whether access to the sites will continue to be appropriate and safe.
- b. Whether each allotment has connections to services.
- c. Whether the allotments are of sufficient size and dimension to provide for the existing or proposed purpose or land use.
- d. The degree to which natural topography, drainage and other features of the natural environment, sites of cultural significance to Ngāi Tahu, or existing built features of significance, determine site boundaries where that is practicable.
- e. The relationship of the proposed allotments within the site and their compatibility with the pattern of the adjoining subdivision and land use activities.

8.4.2 Conversion of tenure, alteration of cross leases, company leases and unit titles

- a. Whether each title or leased area has vehicle access, and whether there is any decrease in formed width, parking spaces and size, or manoeuvring areas which materially compromises function or safety.
- b. Whether each title or leased area has access to services.
- c. Whether any title or leased area would be reduced in area or dimension in a manner which might result in a more than minor reduction in functionality in relation to outdoor living space, outdoor service space or outdoor storage space.
- d. Whether fire safety requirements can be met.
- e. Effects of works associated with the subdivision on:
 - i. surface and subsurface drainage patterns and stormwater management; and
 - ii. hydrological and geological features, both underlying and surface and on site and on adjoining sites.

8.4.3 Allotments for access, utilities, roads and reserves

- a. Whether the allotments (including any balance allotment) are of sufficient size and dimension to provide for the existing or proposed purpose.
- b. Whether any easement is required.
- c. The relationship of the proposed allotments within the site and their compatibility with the pattern of the adjoining subdivision and existing or anticipated land use activities, including in relation to safety and visibility.

8.4.4 General matters

8.4.4.1 Subdivision design

- a. Whether the allotments (including any balance allotment) are of sufficient size and dimension to provide for any existing land use or a permitted land use such as might reasonably be expected to establish on a site, and provision of access, storage space and service connections.
- b. Whether the dimensions and orientation of the allotments will ensure the capture of solar gain appropriate to the subsequent land uses.
- c. Whether any corner allotments have an appropriate corner rounding.
- d. The relationship of the proposed allotments within the site and their compatibility with the pattern of the adjoining subdivision and land use activities.
- e. The degree to which natural topography, drainage and other features of the natural environment, or sites of cultural significance to Ngāi Tahu, existing built features of significance, determine site boundaries where that is practicable.
- f. Whether any local purpose reserves, or easements are required, such as for services, stormwater, access, party walls, floors or ceilings, and that they are sufficiently designed for their purpose.
- g. The extent to which the subdivision design mitigates any adverse effects, including potential reverse sensitivity effects, on strategic infrastructure, including for the National Grid, electricity distribution lines as shown on the Planning Maps, or Radio New Zealand facilities on Gebbies Pass Road.
- h. In an Outline Development Plan area, integration and connection to and within the site and whether the subdivision would preclude or discourage development in another part of the Outline Development Plan area.
- i. The extent to which a development needs to comply with any flexible element of an Outline Development Plan, including for phasing or location of infrastructure or other internal elements; and consideration of the effects of the movement of any elements on other landowners of land located within or adjacent to the Outline Development Plan area, or on the safe, efficient or effective operation of infrastructure.
- j. Whether the application provides allotments of a size and dimension that promotes building typologies with a high level of visual interaction with the street and other public spaces, while providing for a cohesive street scene and neighbourhood.
- k. Whether the subdivision meets the required household density target, the housing typologies proposed to meet that target and location and mix of typologies within the subdivision, including whether the typologies cater for all life stages, physical abilities, and opportunities for socio-economic diversity.
- l. Where the site is to be used for residential purposes, whether the application supports the provision of residential allotments which would allow garaging and parking to be secondary to habitable spaces both with respect to size and expression of form, and which are able to be incorporated into the overall building design especially when accessed directly from the street.
- m. Whether fire safety requirements are met in relation to the conversion of existing residential units into multiple residential units.
- n. The extent to which the subdivision design and construction allows for earthworks, buildings and structures to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

8.4.4.2 Hazard constraints

- a. For any site that has been identified as contaminated or potentially contaminated, whether the site is safe for habitation, and the adequacy of any proposed mitigation and remediation.
- b. The extent to which any hazard or geotechnical constraints exist on the land and the appropriateness of measures to reduce risk, including liquefaction, flooding, rockfall, cliff collapse and other matters addressed in Chapter 5 (Natural Hazards).

8.4.4.3 Servicing and infrastructure

- a. Whether each allotment has appropriate servicing and connections to water supply, wastewater disposal, stormwater management systems and other services; whether it is necessary to provide or upgrade services or utilities to enable the site to be serviced, and whether the design, location, capacity, type and construction of services and infrastructure, including the suitability of the proposed water supply for fire-fighting purposes, and any required infrastructure upgrades, are acceptable to the Council.
- b. Whether the electricity and telecommunications supply and connection to any new allotment(s) are appropriate and provide adequate capacity, including whether it is appropriate to require additional space for future connections or technology and whether any ducting or easements are required to achieve connection.
- c. Whether appropriate provision is made for onsite storm water treatment or connection to a catchment based treatment network.
- d. The contribution of proposals towards the development of an integrated naturalised surface water network of soil absorption, sedimentation and detention basins, wet-ponds, swales and/or wetlands to treat and manage surface water and avoid (where practicable) a proliferation of smaller facilities.
- e. The extent to which the construction or erection of utilities for servicing a site incorporate and/or plant appropriate indigenous vegetation.
- f. Whether any proposed ponding area will be attractive to birdlife that might pose a bird strike risk to the operation of Christchurch International Airport Limited.
- g. Where wastewater capacity is close to reaching a limit, whether to reduce the lapsing period of the subdivision consent below five years to enable that capacity to be utilised by others if the development opportunity that is the subject of the consent is not implemented.
- h. The ability for maintenance, inspection and upgrade of utilities and infrastructure occur, including ensuring continued access for the same.
- i. The extent to which the design will minimise risk or injury and/or property damage from utilities or infrastructure.
- j. The extent to which potential adverse effects of electricity lines, including visual impacts, are mitigated, for example through the location of building platforms and landscape design.
- k. The suitability of the proposed water supply for fire-fighting purposes (the Council may obtain a report from the Chief Fire Officer), including the extent of compliance with SNZ PAS:4509:2008 in respect of the health and safety of the community, including neighbouring properties.
- l. The extent to which a development needs to comply with any flexible element of an Outline Development Plan, including for phasing or location of infrastructure; and consideration of the effects of the movement of any elements on other landowners of land located within or adjacent to the Outline Development Plan area, or on the safe, efficient or effective operation of infrastructure.
- m. Within the Lyttelton Port Influences Overlay, the imposition of an appropriate, volunteered condition prohibiting noise sensitive activities on the allotments, to be complied with on a continuing basis, for the purpose of incorporation into a consent notice to be issued by the Council.

8.4.4.4 Transport networks

- a. Whether the provision, location, design, safety and efficiency of any road, frontage road, access (including access for fire-fighting), pedestrian access way, service lane, cycle way/route/lane, corner rounding, intersections, landscaping or parking area including the formation and construction, is suited to the development it serves and is acceptable to the Council.
- b. Whether service lanes, cycleways and pedestrian access ways are required or appropriate and are located and constructed in a safe and efficient manner.
- c. Whether the subdivision layout and road network supports walking, cycling and public transport, including access to reserves, facilities, commercial areas, public transport facilities.

- d. Whether provision of a cycleway or pedestrian access way encourages active modes of transport, including to community facilities.
- e. Any works or upgrades to the Council's road network required, including in relation to any network utility, state highway or rail line.
- f. In the case of multiple site subdivision where parking is provided as a common facility, whether that parking area has appropriate access to a formed road and has an appropriate layout and number of parking spaces.
- g. For the Industrial General Zone (Stanleys Road) and Industrial Park Zone (Tait Campus): the extent of the developer's contribution to the costs of Wairakei/Wooldridge Roads intersection upgrading will be agreed with the Council in accordance with the Council Development Contribution Policy, which may include a Private Developer Agreement.
- h. The extent to which a development needs to comply with any flexible element of an Outline Development Plan, including for phasing or location of internal elements; and consideration of the effects of the movement of any elements on other landowners of land located within or adjacent to the Outline Development Plan area, or on the safe, efficient or effective operation of transport networks.

8.4.4.5 Open space, reserves and recreation (including esplanade reserves, strips or additional land)

- a. The need, type, location and layout of any land to be provided for reserves for open space and recreation purposes, including whether an active frontage is provided and any requirements for the formation of that land prior to it vesting in the Council, where applicable.
- b. The degree to which the subdivision encourages active frontages to reserves for open space and recreation purposes.
- c. The provision and / or width of an esplanade reserve or esplanade strip.
- d. The manner in which the subdivision responds, in particular, to the place making and context, block layout, and relationship to street and public open spaces.
- e. Any impact of subdivision works on land for open space and recreation, on sites or areas of significance to tangata whenua, or on waterways, springs, any cultural landscape identified in the District Plan, indigenous biodiversity, mahinga kai and the coastline.
- f. The need for land to be set aside and vested in the Council as a reserve for open space and/or recreation where it will provide for one or more of the following:
 - i. land for a local neighbourhood park, accessible to the user population and of a size adequate to accommodate children's play equipment, substantial tree plantings and open space;
 - ii. a linkage or potential linkage along or to significant natural features, or between other areas of public open space and community facilities;
 - iii. protection and enhancement of significant mature trees, significant areas of indigenous vegetation, margins of waterways or other significant natural features;
 - iv. protection or enhancement of historic or cultural features of significance to the population;
 - v. a usable area of open space for planting as visual relief from a built or highly developed environment;
 - vi. a flat usable area of land for district sports fields, accessible with full road frontage, and of a size adequate to accommodate at least two rugby-sized sports fields and associated user facilities and training field, tree planting, a playground and open space required for other recreation activities;
 - vii. recognition of Ngāi Tahu cultural values, historic and contemporary identity associated with sites of Ngāi Tahu cultural significance and any cultural landscapes identified in the District Plan where appropriate;
 - viii. smaller sized public spaces that allow for community interaction, including seating and planted areas.

- g. Whether appropriate mechanisms are in place to ensure the maintenance of open space areas and reserves not being vested in Council.
- h. The extent to which a development needs to comply with any flexible element of an Outline Development Plan, including for phasing or location of internal elements; and consideration of the effects of the movement of any elements on other landowners of land located within or adjacent to the Outline Development Plan area, or on the safe, efficient or effective operation of open space and reserves.

8.4.4.6 Natural and cultural values

These matters may be re-visited following the Natural and Cultural Heritage Hearing

- a. The extent to which springs are protected, maintained and enhanced, including in relation to ecological, cultural and amenity values and the extent to which the development provides for pathways, for the water to flow from the spring head, that have regard to the existing natural flow path.
- b. Any adverse effects of the proposal on the quality of surface and ground water, mahinga kai, including within waterways, on drainage to, or from, adjoining land, existing drains, waterways, ponding areas
- c. The extent to which the proposal would protect and provide for the flood storage and conveyance capacity of waterways, or on drainage to, or from, adjoining land, existing drains, waterways, ponding areas.
- d. The extent to which the proposal manages erosion and sediment discharge to waterways.
- e. Recognition of Ngāi Tahu's history and identity and cultural values.
- f. The extent to which Ngāi Tahu cultural values associated with waterways, springs, indigenous biodiversity and mahinga kai are protected.
- g. The manner in which the subdivision responds to sites and areas identified in Chapter 9 (Natural and Cultural Heritage).

8.4.4.7 Consent notices

- a. The requirement for any consent notice where a condition is to be complied with on a continuing basis.

8.4.5 Additional matters for industrial zones

- a. Industrial Park Zone (Awatea)
 - i. The adequacy of site investigation.
 - ii. The risk to the health and safety of any persons.
 - iii. The suitability of remedial and/or site management measures to be undertaken to make the site suitable for the intended purposes and to ensure the protection of mahinga kai, water, and ground water quality during the remediation process.
 - iv. Whether the subdivision disposes of wastewater to Council's reticulated system and the capacity of that system.
- b. Industrial General Zone (Waterloo Park)
 - i. The use of conditions to require implementation of the planting plan along the full frontage of Pound Road (including that area covered by Appendix 16.6.2 Industrial General Zone (Waterloo Park)), prior to the issue of a Section 224 certificate.
 - ii. The Pound Road frontage affected by a proposed road realignment shall be subject to a condition that planting is not implemented until such time as the final location of the realignment is confirmed and the road is constructed.

- iii. Whether the landscape plan appropriately identifies plant species, density of planting, and the planting and maintenance programme - including irrigation, weed control and replacement of dead and diseased plants.
 - iv. For any application to create new allotments for commercial or industrial activities which are located wholly between Pound Road and the internal road immediately to the east of Pound Road (as shown on Chapter 16 Appendix 16.6.2, whether the application is accompanied by a landscape plan for:
 - A. the area of land identified the Chapter 16 Appendix 16.6.2 requiring specific landscape treatment and whether the plan submitted is in accordance with the design shown on the Outline Development Plan;
 - B. the balance of any new allotment frontage areas located within 10m of the Pound Road boundary that are not already covered by the specific landscape plans required at (a) above;
 - v. Conditions on implementation need not be imposed on the portion of frontage subject to Chapter 16 Appendix 16.6.2 if planting in full accordance with Appendix 16.6.2 has already been established.
 - vi. These conditions should also require that such landscaping be irrigated for a minimum of five years from the time of planting to ensure the landscaping is able to become established.
 - vii. The extent to which the proposed landscape treatment will be effective in softening and / or screening any future buildings and creating a quality rural/urban interface as viewed by users of Pound Road and occupiers of the adjoining land.
 - viii. The extent to which the proposed landscape treatment includes a mix of canopy specimen trees and under planting and contributes to indigenous biodiversity.
 - ix. The number and spacing of specimen trees. In general this should comply with the minimum criteria set out in Chapter 16 Rule 16.2.4.2.2 (Landscaped Areas).
 - x. The extent to which the proposed landscape design will ultimately achieve a consistent and high quality landscape treatment along the entire Industrial General Zone frontage of Pound Road. In general this shall include:
 - A. a predominance of evergreen species with a lesser proportion of deciduous specimen trees;
 - B. adoption of a sustainable planting and maintenance plan which minimises energy inputs such as irrigation and fertiliser;
 - C. a planting pattern and species choice that it is simple and bold so as to provide design continuity and consistency and is in general accordance with the landscaping shown on Chapter 16 Appendix 16.6.2;
 - D. the use of plants that are readily available;
 - E. the use of plants that are adapted to local soils, namely Templeton soil type;
 - F. the use of plants that are naturally drought and disease resistant;
 - G. a planting pattern and density of plants that will result in a landscape outcome that is aesthetically pleasing with no avoidable gaps;
 - H. trees are able to attain sufficient height to soften the appearance of buildings.
 - xi. The design and layout of the subdivision and whether the subdivision is in accordance with Chapter 16 Appendix 16.6.2.
- c. Industrial Heavy Zone (South West Hornby)
- i. The extent to which the development has an adverse effect on the function, capacity and safety of the internal and adjoining road network.
 - ii. The extent to which the measures for mitigating the effects of development support a comprehensive and integrated approach to development of the South West Hornby industrial area.
 - iii. The extent to which the development affects the construction and future operation of the Movement network as shown on the Outline Development Plan, including whether it provides opportunities for walking, cycling and public transport use.

8.5 Matters of discretion

- a. When considering applications for restricted discretionary activities, the Council's power to decline consent is restricted to the matters over which discretion is specifically restricted for that purpose in the table in Rule 8.3.2.2 and as are set out for those matters in Rule 8.5 below.
- b. When considering applications for restricted discretionary activities, the Council's power to impose conditions on the consent is restricted to the matters over which discretion is specifically restricted for that purpose in the table in Rule 8.3.2.2 and as are set out for those matters in Rule 8.4 (matters of control to be treated as matters of discretion) and Rule 8.5 below.

8.5.1 Boundary adjustments

- a. Whether access to the sites will continue to be appropriate and safe.
- b. Whether each allotment has connections to services.
- c. Whether the allotments are of sufficient size and dimension to provide for the existing or proposed purpose or land use.
- d. The degree to which natural topography, drainage and other features of the natural environment, sites of cultural significance to Ngāi Tahu, or existing built features of significance, determine site boundaries where that is practicable.
- e. The relationship of the proposed allotments within the site and their compatibility with the pattern of the adjoining subdivision and land use activities.

8.5.2 Property access

- a. The location, safety and efficiency of any access, including whether the location, formation and construction is suited to the development it serves, and whether any associated works or upgrades are required.
- b. The provision of vehicular access to all properties, unless topography of the ground prevents such access to any part of the site (including non-contiguous areas of a site), including for fire fighting purposes.
- c. In case of multiple site subdivision where parking is provided as a common facility, whether that parking area has appropriate access to a formed road.
- d. The safety and efficiency of state highways, limited access roads and rail corridors.

8.5.3 Roads

- a. Whether the provision, location, design, safety and efficiency of any road, frontage road, corner rounding, intersections or landscaping, including the formation and construction, is suited to the development it serves.
- b. Whether new roads or upgrades to existing roads are required, including in relation to any network utility, state highway or rail line.
- c. Whether new roads are appropriately routed and integrate safely and efficiently with the existing road network.
- d. Whether new or upgraded roads are satisfactorily designed and constructed, including providing a safe environment for road users and pedestrians, and are acceptable to the Council.
- e. Whether subdivision layout and new or upgraded roads provide for public transport, cycling and walking, where appropriate, including access to reserves, facilities, commercial areas, and public transport facilities.

8.5.4 Service lanes, cycleways and pedestrian access ways

- a. Whether service lanes, cycleways and pedestrian access ways are required or appropriate, and whether their provision, location, design, safety and efficiency, including the formation and construction, is suited to the development it serves.
- b. Whether the subdivision layout and access network supports walking, cycling and public transport, including access to reserves, facilities, commercial areas, public transport facilities.
- c. Whether provision of a cycleway or pedestrian access way encourages active modes of transport, including to community facilities.
- d. Whether service lanes, cycleways and pedestrian access ways are satisfactorily designed and constructed, including providing a safe environment for road users and pedestrians, and are acceptable to the Council.

8.5.5 Esplanade reserves, strips or additional land

- a. The appropriateness of esplanade provision where the subdivision is a minor boundary adjustment, for minor additions to existing cross lease or unit titles, a reallocation of accessory buildings to different units, or is necessary because garages are erected in locations shown on earlier survey plans for an existing cross lease or unit title, where an existing strip agreement is varied or where no additional sites are being created by the subdivision.
- b. The provision and / or width of an esplanade reserve or esplanade strip, having regard to:
 - i. the existing or anticipated development, water quality, habitats, ecological or natural values, conservation values, wāhi tapu, mahinga kai, customary access and other taonga, topography and landscape;
 - ii. public safety or the security of property;
 - iii. recreational use;
 - iv. the existence or mitigation of natural hazards; and
 - v. any existing or proposed reserve or access to that reserve;
- c. Whether the costs of the provision and maintenance of a 20 metre wide esplanade reserve or esplanade strip are more than the potential public benefits of the purposes of esplanade reserves or strips.
- d. Whether an access strip may be required by Council where an esplanade reserve exists or is proposed that does not have public access.
- e. Whether, under section 230 of the Resource Management Act, the Council might waive a requirement for an esplanade reserve or esplanade strip where there is:
 - i. adequate alternative public access; or
 - ii. adequate means of protecting water quality and conservation values; or
 - iii. adequate provision for public recreational use of the area of coast, river or lake in question; or
 - iv. where a site is being subdivided for the sole purpose of creating a utility allotment.
 - v. Provision of land for open space and recreation

8.5.6 Springs

[deferred]

8.5.7 Servicing

- a. Whether each allotment has appropriate servicing and connections to water supply, wastewater disposal, stormwater management systems and other services, whether it is necessary to provide or upgrade services or utilities to enable the site to be served, and whether the design, location, capacity, type and construction of services and infrastructure, including the suitability of the proposed water supply for fire-fighting purposes, and any required infrastructure upgrades, are acceptable to the Council.
- b. Whether appropriate provision is made for onsite stormwater treatment and disposal, or connection to a catchment based treatment network.
- c. Any impact of the provision or operation of service utilities or infrastructure on sites or areas of significance to tangata whenua or on waterways and the coastline.
- d. Any adverse effect on public health.
- e. Where a reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems.
- f. Where infrastructure serving the land has been damaged by earthquakes; whether the infrastructure is performing, serviceable and functional.
- g. Whether there is the ability for allotments to appropriately connect to an electrical supply system and a telecommunications network.
- h. The suitability of the proposed water supply for fire-fighting purposes (the Council may obtain a report from the Chief Fire Officer), including the extent of compliance with SNZ PAS:4509:2008 in respect of the health and safety of the community, including neighbouring properties.
- i. Whether the subdivision impacts on strategic infrastructure, including its ongoing operation, development and maintenance, and any potential for adverse effects on that infrastructure (including management of potential reverse sensitivity effects).

Notes:

1. National Grid transmission lines and strategic electricity distribution lines are shown on planning maps.
2. The Council will consult the network utility operator or line owner where an application proposes to subdivide land within the transmission corridors.

8.5.8 Flood Management Area

- a. Whether the subdivision includes measures that will reduce susceptibility to flooding.
 - i. Whether the subdivision would have an impact on adjoining land in terms of flooding, and any measures to mitigate that impact.
 - ii. The extent to which flood hazard areas will impinge on the intended activities on any allotment.

8.5.9 Compliance with Outline Development Plans

- a. Whether the subdivision precludes the required household density target to be met across the Outline Development Plan area, including the housing typologies required to meet that target, and whether the typologies cater for all life stages, physical abilities, and opportunities for socio-economic diversity.
- b. Whether the subdivision precludes or discourages development in another part of the Outline Development Plan area.

- c. Whether the subdivision integrates and connects appropriately to other parts of the Outline Development Plan area, and the surrounding area, and any layering diagrams.
- d. Whether the proposed layout is practicable and provides for the existing or intended purpose or land use.
- e. Whether the potential effects of natural hazards will be appropriately avoided or mitigated.
- f. The extent to which the subdivision affects the ability of any future subdivision stages by other landowners in the Outline Development Plan area to be in accordance with the Outline Development Plan.
- g. The extent to which a development complies with any fixed or flexible elements of an Outline Development Plan, including for phasing or location of infrastructure or other internal elements; and consideration of the effects of the movement of any elements on other landowners of land located within or adjacent to the Outline Development Plan area, or on the safe, efficient or effective operation of infrastructure.

8.5.10 Residential New Neighbourhood Zone assessment criteria

[deferred to NNZ hearing]

8.5.11 Conversion of tenure, alteration of cross leases, company leases and unit titles

- a. Whether each title or leased area has vehicle access, and whether there is any decrease in formed width, parking spaces and size, or manoeuvring areas which materially compromises function or safety.
- b. Whether each title or leased area has access to services.
- c. Whether any title or leased area would be reduced in area or dimension in a manner which might result in a more than minor reduction in functionality in relation to outdoor living space, outdoor service space or outdoor storage space.
- d. Whether fire safety requirements can be met.
- e. Effects of works associated with the subdivision on:
 - i. surface and subsurface drainage patterns and stormwater management.
 - ii. hydrological and geological features, both underlying and surface and on site and on adjoining sites.

8.5.12 Allotment net area and dimensions

- a. Whether the allotments (including any balance allotment) are of sufficient size and dimension to provide for any existing land use or a permitted land use such as might reasonably be expected to establish on a site, and provision of access, storage space and service connections.
- b. Whether the dimensions and orientation of the allotments will ensure the capture of solar gain appropriate to the subsequent land uses.
- c. Whether any corner allotments have an appropriate corner rounding.
- d. The relationship of the proposed allotments within the site and their compatibility with the pattern of the adjoining subdivision and land use activities.
- e. The degree to which natural topography, drainage and other features of the natural environment, or sites of cultural significance to Ngāi Tahu, existing built features of significance, determine site boundaries where that is practicable.

- f. Whether fire safety requirements are met in relation to the conversion of existing residential units into multiple residential units.

8.5.13 Natural and cultural heritage

[deferred to Natural and Cultural Hearing]

8.6 Appendices

Appendix 8.6.1 Esplanade reserve and strip schedule

Water Body	Reserve or Strip	Location	Column A: Width (metres)
Styx River (upper section)	Strips	True left and right banks, commencing at the east side of Gardiners Road, thence downstream to the west boundary of the Styx Mill Conservation Reserve except where the strip on the true right bank extends into the reserve	40 <u>20</u>

Appendix 8.6.2 – Access Standards

Standard	When Applicable
1. The access shall be formed and metalled, and any vehicle crossing shall be designed and formed in accordance with the requirements of Chapter 7.	Minimum standard applying to all access.
2. The access shall be paved and sealed or the pedestrian path paved and sealed.	All residential uses serving four or more sites or potential sites; All access on hill sites where the grade is steeper than 1 in 10; and All business and industrial zones.
3. Paved and sealed areas shall be drained to an approved outfall.	As for standard 2 above.
4. Provision of a turning place for 85 percentile vehicles making not more than a three point turn. Turning places shall be at intervals not greater than 80m apart; except in the Residential Medium Density Zone where an access way serves 10 or more units, turning places shall be at intervals not greater than 60m apart.	All residential uses serving 4 or more sites or potential sites. All hill sites where the access is to 2 or more sites or potential sites. All business and industrial zones.
5. Provision of passing bays and vehicle queuing space shall be designed and formed in accordance with Chapter 7.	Where required by Chapter 7.
6. Provision of a footpath separated from the access.	All residential uses serving 9 or more sites or potential sites.
7. Landscaping of surplus areas where legal width is wider than the formation.	Any access where legal width exceeds formation requirements.
8. Where the access is reserved for pedestrians only, a footpath shall be formed and sealed.	All pedestrian access.

Appendix 8.6.3 - New road standards

Road classification	Road widths (m)		Roadway widths (m)		Minimum lanes	Minimum Number of Footpaths	Median	Amenity strip	Cycle facilities
	Min	Max	Min	Max					
Major arterial - Urban	25	40	14#	34	2	2	Yes	Yes	Yes
Major arterial - Rural	25	50	15#	22#	2	No	Yes	Yes	Yes
Minor arterial - Centres	24	30	14#	22#	2	2	*	Yes	Yes
Minor arterial - Urban	23	30	14#	22#	2	2	*	Yes	Yes
Minor arterial - Rural	23	30	12#	14#	2	No	*	No	Yes
Collector – Urban	22	25	10#	14#	2	2	*	Yes	Yes
Collector - Industrial	22	25	11#	14#	2	2	*	Yes	Yes
Collector - Rural	22	25	10#	14#	2	No	*	No	*
Local – Industrial	18	25	11	14#	2	2	No	Yes	*
Local - Centres	20	25	8#	14#	2	2	No	Yes	*
Local – Residential:	16##	20	**	12	2	2##	No	Yes	*
Local - Rural	16	20	7	14	2	No	No	No	*

Clarification of standards	
1	"Yes" means that the provision of those facilities shall be incorporated into the design and construction of the road.
2	* means that the provision of those facilities is allowed for in the standards for road design and construction and/or shall be considered as conditions of consent on subdivision.
3	** means that a local residential road with a roadway width 7m or wider, but less than 9m is a controlled activity. A local residential road with a roadway width 9m or wider, but less than 12m is a restricted discretionary activity. A local residential road with a roadway width less than 7m or greater than 12m is a full discretionary activity.
4	Amenity strips shall only be required on rural roads where these adjoin a residential zone.
5	Local hillside roads (on any part of a zone on the slopes of the Port Hills and Banks Peninsula) may only require one footpath.
6	Some localised road widening may be required at intersections to increase capacity.
7	The minimum diameter for a cul-de-sac turning head is:
	Residential 25 metres
	Business 30 metres
8	# means excludes any parking
9	For more information on the Road Classification, refer to Appendix 7.12 of Chapter 7
10	## A 14m road width and one footpath is optional where a road only provides access to less than 20 residential units and is less than 100m in length.

Appendix 8.6.4 - North Halswell Outline Development Plan

[Renotified under Cl 13(4) Order in Council to be considered as part of Residential New Neighbourhood Zone Hearing]

Appendix 8.6.5 - South Masham Outline Development Plan

[Renotified under Cl 13(4) Order in Council to be considered as part of the Residential New Neighbourhood Zone Hearing]

Appendix 8.6.6 - Residential Suburban and Residential Medium Density - Halswell West

[Decision deferred to Stage 2 Residential]

SCHEDULE 2

Decision 3 provisions we provisionally consider to be superseded

Decision 3 provision	How the provision is incorporated into this decision
Policy 8.1.2.1	Matters included into amended Policy 8.1.2.1
Rule 8.2.1.1 Activity status	This section is amended and incorporated into new Rule 8.3.2 Activity status tables. New controlled activities introduced.
Rule 8.2.2.5 Suitability for proposed land use	Replaced by Rule 8.2.4. Rule 8.2.2.5(3) (of Decision 3) deleted in entirety to ensure that chapter is concise.
Rule 8.2.3 Conversion of tenure, alteration of cross leases, company leases and unit titles, including 8.2.3.1, 8.2.3.2.	Consent status amended to controlled activity in line with this decision on general subdivision and in light of para [31] of Decision 3. Conversion of tenure, and alteration of cross leases, company leases and unit titles now provided for under Rule 8.3.2.1 C2 and C3. Non-compliance with the activity standards for C2 are now identified under Rule 8.3.2.2 RD3.
Rule 8.2.3.4 Matters for discretion	Replaced by Rule 8.4.2 and 8.5.11.
Rule 8.3.9 Compliance with Outline Development Plan	Replaced by Rule 8.3.2.1 C5 and associated activity standard b., and Rule 8.3.2.2 RD2. Matters of discretion replaced with matters of control under Rule 8.4.4.1 h. and i.; Rule 8.4.4.3 l.; Rule 8.4.4.4 h.; Rule 8.4.4.5 h.; and matters of discretion under Rule 8.5.9.

SCHEDULE 3

Table of submitters heard

This list has been prepared from the index of appearances recorded in the Transcript, and from the evidence and submitter statements, and from the legal submissions shown on the Independent Hearing Panel's website.

Submitter Name	Nº	Person	Expertise or Role	Filed/ Appeared
Christchurch City Council	310	A Long	Planner	Filed/Appeared
		B O'Brien	Planning Engineer (Water and Waste Water)	Filed/Appeared
		B Norton	Planning Engineer (Stormwater)	Filed/Appeared
		C Gregory	Engineer	Filed/Appeared
		O Brown	Traffic Engineer	Filed
Canterbury Regional Council	342			Filed
Crown	495	R Rouse	Horizontal Infrastructure	Filed/Appeared
		S McIntyre	Planner	Filed/Appeared
		A McLeod	Planner	Filed
Deans Avenue Precinct Society Inc	549	C Mulcock		Filed/Appeared
NZ Institute of Surveyors	575	W McCall	Surveyor	Filed/Appeared
Radio New Zealand Limited	596, FS1361	G Fowles	Radio technician	Filed
K Bush Road Limited and Brian Gillman Limited	788	K Seaton	Planner	Filed/Appeared
Transpower New Zealand Limited	832, FS1331	A McLeod	Planner	Filed
		R Noble	Engineer	Filed/Appeared
Ngāi Tahu Property Limited	840, FS1375	J Jones	Planner	Filed/Appeared
Christchurch International Airport Limited	863, FS1359	D Chrystal	Planner	Filed/Appeared
Lyttelton Port Company Limited	915, FS1444	D Chrystal	Planner	Filed/Appeared
		A Purves	Planner	Filed/Appeared
Waterloo Park Limited	920, FS1277	D Chrystal	Planner	Filed/Appeared
Orion New Zealand Limited	922	L Buttimore	Planner	Filed/Appeared
		S Watson	Engineer and Network Assets Manager	Filed/Appeared
Davie Lovell-Smith	969	W McCall	Surveyor	Filed/Appeared
Calder Stewart Industries Limited	985	M Weaver	Company Evidence	Appeared

Submitter Name	Nº	Person	Expertise or Role	Filed/ Appeared
Fulton Hogan Limited	1011	B Willis	Company Evidence	Filed/Appeared
		K Bligh	Planner	Filed/Appeared
Christian Jordan	1122	C Jordan		Filed/Appeared
Danne Mora Holdings Limited	1134	A Hall	Engineer	Filed
		M Brown	Planner	Filed/Appeared
		S Mortlock	Company representative	Appeared
Te Rūnanga o Ngāi Tahu and Ngā Rūnanga	1145, FS1448	T Stevens	Planner	Filed/Appeared