

# CHRISTCHURCH DISTRICT PLAN

## PLAN CHANGE 14

### HOUSING AND BUSINESS CHOICE

PLANNING OFFICER'S REPORT OF SARAH-JANE OLIVER UNDER SECTION 42A  
OF THE RESOURCE MANAGEMENT ACT 1991

Strategic Overview, Strategic Directions Chapter 3, Qualifying Matters relating to Strategic  
and City Infrastructure and Coastal Hazards

Updated with corrections

10 October 2023

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## LIST OF ABBREVIATIONS

CCRP	Christchurch Central Recovery Plan
CRPS	Canterbury Regional Policy Statement
FDS	Future Development Strategy ('Our Space 2018-2048')
GCRA / GCR Act	Greater Christchurch Regeneration Act 2016
IMP	Mahaanui Iwi Management Plan
ITA	Integrated Transport Assessment
LPRP	Lyttelton Port Recovery Plan
LURP	Land Use Recovery Plan
NES XX	National Environmental Standard for XX
NPS	National Planning Standards 2019
NPS UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement
OARP	Ōtākaro Avon River Corridor Regeneration Plan
PC14	See 'the plan change'
RMA / the Act	Resource Management Act 1991
s32 / s32AA	Section 32 / Section 32AA of the RMA (evaluations)
the Council	Christchurch City Council
the Plan/CDP	Christchurch District Plan
the plan change	Proposed Plan Change 14

## 1 EXECUTIVE SUMMARY

- 1.1 I have been asked by the Council to prepare this report pursuant to section 42A of the Resource Management Act 1991 (the Act/RMA). This report considers the issues raised by submissions to Council initiated Plan Change 14 – Housing and Business Choice (the plan change/PC14) to the Christchurch District Plan (the Plan) and makes recommendations in response to the issues that have emerged from these submissions, as they apply to:
- a. A strategic overview of the future urban form for Ōtautahi Christchurch, including the consideration of matters of housing and business demand, the level of discretion and enablement, what constitutes a well-functioning urban environment in the Ōtautahi Christchurch context, and the Strategic Direction Objectives in Chapter 3 of the Plan including responses to submissions and further submissions; and
  - b. An overview of the Council’s approach to the identification and assessment of qualifying matters generally, including their impact on development capacity.
- 1.2 The following specific qualifying matters relating to strategic and city infrastructure and coastal hazards:
- a. Coastal Hazard High Risk Management Area, Coastal Hazard Medium Risk Management Area, and the Tsunami Management Area – new matter proposing new policy and retention of existing Plan densities;
  - b. Safe and efficient operation of nationally significant infrastructure (Christchurch Airport) - Airport Noise Contour – existing matter but new spatial extent and retention of existing Plan densities;
  - c. Safe and efficient operation of nationally significant infrastructure (Electricity Transmission Corridors) – existing matter and existing setbacks from transmission and distribution lines;
  - d. Safe and efficient operation of nationally significant infrastructure (NZ Rail Network) – existing matter and existing setbacks from rail corridor;
  - e. Safe and efficient operation of nationally significant infrastructure – Lyttelton Port Influence Overlay – existing matter and existing rules managing extensions and replacements to existing residential units (permitted or restricted discretionary, including noise insulation requirements, and new noise sensitive activities (non-complying activity));

- f. City Spine (transport) Corridor – new matter and proposed setback from road boundary; and the
  - g. Wastewater Constraint Area – new matter and retention of existing Plan densities.
- 1.3 This report forms part of the Council's ongoing reporting obligations to consider the appropriateness of the proposed provisions; the benefits and costs of any policies, rules or other methods; and the issues raised in submissions on PC14.
- 1.4 I will address submissions on the whole of the plan and/or where they raise matters not specifically on the plan change but more generally regarding urban growth matters and concerns. I consider there to be two main overarching issues arising from the Council's Proposal as it seeks to implement the NPS-UD and MDRS, and being raised by the submitters relevant to this s42A report, these being:
- a. Issue 1 – The Council's Proposal should be more, or conversely less, enabling of development with corresponding different positions on the future urban form of Ōtautahi Christchurch.
  - b. Issue 2 – Qualifying matters are an inappropriate barrier to development, adversely impact on development capacity, and are not necessary to achieve a well-functioning urban environment. Conversely, the proposed QMs are appropriate and necessary to achieve a well-functioning urban environment, better achieve the principles of sustainable management, do not adversely impact on development capacity and in some circumstances should be amended to be less enabling of development than under the Council's Notified Proposal.
- 1.5 This report addresses these two broad issues raised by submissions, as well as any other relevant issues raised in the submissions relating to the Strategic Direction Objectives in Chapter 3. I also refer in particular, to the planning evidence of Mr Willis and Ms Gardiner (Central City), Mr Lightbody (Commercial and Mixed Use Zones) and Mr Kleynbos (Residential) who address these two issues in more detail as they relate to their respective urban areas.
- 1.6 Having considered the notified PC14 material, the submissions received, relevant statutory and non-statutory documents, the findings of the Council's expert advisors and the additional information provided by the Council since notification, I have evaluated the PC14 provisions as follows and provided recommended changes in Appendix D in relation to:
- a. Strategic Directions Chapter 3 existing Objective 3.3.1, proposed Objective 3.3.7 Well-functioning urban environment, and existing Objective 3.3.7 (Notified Proposal as 3.3.8);

- b. Chapter 5 Natural Hazards, specifically the proposed QM for Coastal Hazard and Tsunami Management Areas, I have recommended changes to the proposed Policy 5.2.2.5.1 and Policy 5.2.2.5.2 and 5.4A Rules, and the spatial extents of the Coastal Hazard Management Areas and Tsunami Risk Management Area to only apply to relevant residential zones and impacted Commercial Centres.
- c. The spatial extent of the Airport Noise Qualifying Matter to align with the Updated 50dBA Ldn Noise Contour Outer Envelope, except within the planning maps only applied to relevant residential zones and commercial and mixed-use zones and excluding an area of land north of Riccarton Road within the area broadly between Straven Road, Otakaro Avon River, Matai Street, Deans Avenue and Riccarton Road.
- d. Retention of the Operative District Plan zoning for all areas located within the Updated 50dBA Ldn Noise Contour Outer Envelope, except for an area of land north of Riccarton Road within the area broadly between Straven Road, Otakaro Avon River, Matai Street, Deans Avenue and Riccarton Road, which I recommend to be rezoned High Density Residential Zone.
- e. The expansion of the High Density Residential Zone around Upper Riccarton, refer to specific spatial extent within Mr Kleynbos's s42A report, as compensation for impacted development capacity resulting from the application of the Updated 50dBA Ldn Noise Contour Outer Envelope.
- f. Deletion of references to the Airport Noise Influence Zone QM within the Residential Suburban and Residential Suburban Density Transition zones.
- g. Amendments to the City Spine QM assessment matters under 14.15.1.j.

## 2 INTRODUCTION

### 2.1 REPORTING OFFICER

2.2 My full name is Sarah-Jane Oliver. I am employed as the City Planning Team Leader, Strategy and Transformation Group of the Christchurch City Council (the Council). I have been in this position since 2022 and prior to this was in the role of Principal Advisor for the City Planning Team since 2010. Prior to my council planning roles, I was a planning consultant for over six years providing planning advice for a broad range of land development projects, and the preparation of submissions on District Plan.

2.3 I hold a Bachelor of Commerce and Management degree, Post Graduate Diploma in Resource Studies, and Post Graduate Certificates of Proficiency in Environmental Impact Assessment and Planning Theory from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.

- 2.4 I have 25 years' experience in planning and resource management in New Zealand, having worked as a policy planner for the Christchurch City Council for 20 years and a planning consultant for six years with Davie-Lovell Smith Limited. I have been a core contributor and lead planner in the development and hearings for local and sub-regional plans and policies, and earthquake recovery and regeneration projects.
- 2.5 I contributed to the development of the Greater Christchurch Urban Development Strategy (following this, an advisor to Proposed Change 1 to the Canterbury Regional Policy Statement) and was a core lead in the development of the 'Our Space Greater Christchurch Settlement Pattern Review' and more recently the draft Greater Christchurch Spatial Plan. I have been a core author of three Greater Christchurch Housing Capacity Assessments (2018, 2021, 2023).
- 2.6 I provided advisory and leadership roles in Council's response to the Canterbury Earthquake, including (on secondment to the Canterbury Earthquake Recovery Authority (CERA) as a core writer of the draft Recovery Strategy for Greater Christchurch and providing policy advice (within CERA and Council) regarding risk and hazard management on land instability issues. I was the Council's lead representative to assist with the development of the Ōtakaro Avon River Corridor Regeneration Plan. I led the review and hearing of stage two of the residential chapter under the Replacement Christchurch District Plan, and Council's approach to the retention and management of the Taylors Mistake and Boulder Bays beaches.
- 2.7 I have been in a project leadership role for PC14 since April 2022 and was the principal author of Parts 1 and 2 of the Section 32 evaluation for PC14. Except where I say otherwise in this report, I agree with the content and analysis set out in Parts 1 and 2 of the Section 32 evaluation. I rely on and refer back to, relevant parts of the s32 report, but do not intend to repeat its content in order to minimise duplication. The s32 reports including their appendices can be accessed from the Council's website<sup>1</sup>.
- 2.8 My role in preparing this report is that of an expert planner.
- 2.9 Although this is a Council-level process, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm I have considered all the material facts I am aware of that might alter or detract from

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<sup>1</sup> <https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/pc14/>



the opinions that I express. I confirm this evidence is within my area of expertise, except where I state I am relying on the evidence of another person.

2.10 I confirm that while I am employed by the Council, the Council has agreed to me providing this section 42A report in accordance with the Code of Conduct.

2.11 Whilst I have had limited involvement in the Christchurch City Council submission on PC14, I will not be considering or commenting on relief sought in the Council submission. I understand that planning evidence will separately be given in respect of that submission.

## 2.12 THE PURPOSE AND SCOPE OF THIS REPORT

2.13 In response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Housing Supply Amendment Act), tier 1 territorial authorities were required to notify changes or variations to their district plans to incorporate the Medium Density Residential Standards (MDRS) and give effect to Policy 3 of the National Policy Statement – Urban Development 2020 (NPS-UD). PC14 is an Intensification Planning Instrument (IPI) under section 80E of the Resource Management Act 1991 (RMA).

2.14 As a tier 1 territorial authority the Council has established an Independent Hearings Panel (IHP) to hear submissions and make recommendations on PC14 using the Intensification Streamlined Planning Process (ISPP).

2.15 I have prepared this report in accordance with the ISPP and Section 42A of the RMA for the purpose of presenting the key themes and associated issues that require consideration by the IHP. To assist the IHP in making directions, I have set out matters of scope, and the identification of any matters (plan provisions) that are not the subject of a submission seeking change and/or there is a commonality of relief sought.

2.16 This report identifies key submitters related to each theme, and outlines the specific issues related to each theme and raised in submissions, and the associated 42A reports and Council experts that will address specific matters.

2.17 This report considers the issues raised by submissions to Council initiated Plan Change 14 – Housing and Business Choice (PC14) to the Christchurch District Plan (the Plan) and makes recommendations in response to the issues that have emerged from these submissions, as they apply to:

- a. Strategic Direction Objectives Chapter 3 including responses to submissions; and the following QMs;
- b. Coastal Hazard High Risk and Medium Risk Management Areas;
- c. Tsunami Risk Management Area;
- d. Safe and efficient operation of nationally significant infrastructure (Christchurch Airport) - Airport Noise;
- e. Safe and efficient operation of nationally significant infrastructure - Electricity Transmission Corridors – setback from transmission and distribution lines;
- f. Safe and efficient operation of nationally significant infrastructure – Railway Corridors – setback from railway lines
- g. City infrastructure - City Spine (transport) Corridor – setback from round boundary;
- h. City infrastructure - Waste Water Constraint Area.

2.18 This s42A report addresses at a strategic level, the most appropriate future intensification and urban form for Ōtautahi Christchurch. I will address matters of housing and business demand, the level of discretion and enablement, what constitutes a well-functioning urban environment in the Ōtautahi Christchurch context, and the Strategic Direction Objectives in Chapter 3 of the Plan. It further provides an overview of the Council’s approach to the identification and assessment of QMs, including the impact on development capacity with a specific focus on those proposed QMs having the greatest impact on development capacity.

2.19 The specific provisions of the Council’s proposal this report discusses includes:

2.20 Chapter 3 Strategic Directions 3.1.a.iv, 3.3.3 Objective Ngai Tahu mana whenua, 3.3.4b Objective Housing capacity and choice, New Objective 3.3.7 Well-functioning urban environment, renumber Objective 3.3.8 Urban growth, form and design, and renumber Objective 3.3.10 Natural and cultural environment.

2.21 PC14 provisions as they relate to Chapter 5, proposed Policy 5.2.2.5.1 Managing development in Qualifying Matter Coastal Hazard Management Areas, Policy 5.2.2.5.2 Managing development within Qualifying Matter Tsunami Management Area, Rule 5.4A Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Management Area, and Planning Maps Series Existing and Proposed Qualifying Matter –.

- 2.22 PC14 Chapter 6.1A Table and overall approach to incorporation of QMs into the structure of the District Plan.
- 2.23 Qualifying Matter relating to Airport Noise and the proposed underlying zoning of the impacted area as Residential Suburban Zone, Residential Suburban Density Transition Zone, and Residential Medium Density Zone, and the associated zone provisions under Chapter 14.
- 2.24 Qualifying Matter for nationally significant infrastructure Electricity Transmission Corridors and NZ Rail Network, Chapters 14, 15 and 16 and Planning Maps Series Existing and Proposed.
- 2.25 Qualifying Matter for nationally significant infrastructure Lyttelton Port Influence Overlay, Chapters 14, 15 and 16 and Planning Maps Series Existing and Proposed QMs. Qualifying Matter for City Spine, chapters 14 and 15 and Planning Maps Series Existing and Proposed Qualifying Matter.
- 2.26 Qualifying Matter for the Waste Water Constraint, Chapter 14 and Planning Maps Series Existing and Proposed QMs.
- 2.27 In this s42A report I consider the issues raised and the relief sought in submissions received by the Council in relation to the provisions and the QMs listed above. I then make recommendations on whether to accept or reject each submission and further submission point along with conclusions and recommendations for changes to PC14 provisions and/or maps where I consider these to be appropriate and necessary to achieve the Act and NPS-UD.
- 2.28 A summary of my recommendations as to acceptance, acceptance in part or rejection of the submissions is included in Appendix C – Table of Submissions with Recommendations..
- 2.29 As required by Section 32AA, I have covered within this report, a further evaluation of recommended changes (including reasonably practicable alternatives) to the Strategic Directions Chapter 3 Objectives (amendments to objectives), and the QMs in relation to Airport Noise (amendments to the spatial extent, underlying zoning and references to this QM under Chapter 14), City Spine (amendments to assessment matters only), Coastal Hazard Management Area (amendments to Chapter 5 policies and rules), and Tsunami Risk Management Area (amendments to spatial extent of this QM and Chapter 5 policy and rules). I have recommended no changes to the spatial extents or associated existing provisions relating to Electricity Transmission Corridors, NZ Rail Network, and the Lyttelton Port Influence Overlay.

2.30 This report is intended to be read in conjunction with the following reports, documents, assessments, expert evidence and other material which I have used or relied upon in support of the opinions expressed in this report. This includes the s42A reports and evidence of the following:

2.31 Strategic Overview

- a. Expert Mr Mitchell (Housing demand)
- b. Expert Mr John Scallan (Housing development and commercial feasible capacity up to 6-storeys)
- c. Expert Ms Allen (Commercial feasibility over 6-storeys)
- d. Expert Mr Heath (Economic impacts and opportunities, competitive housing and business markets)
- e. Expert Ms Foy (Social impacts of intensification)

2.32 Central City including related QMs

- a. Expert Mr Willis (Activity distribution building heights and density)
- b. Expert Ms Gardiner (Urban form and other matters excluding heights)
- c. Expert Mr Ray (Architectural form and function)

2.33 Commercial, Mixed-Use and Industrial including related QMs

- a. Expert Mr Lightbody (Centres hierarchy and building heights)
- b. Expert Ms Williams (Urban form, design within business and mixed-use zones)

2.34 Residential including related QMs

- a. Expert Mr Kleynbos (Walkable catchments, spatial extents, building heights, density, zoning and Riccarton Bush, Low Public Transport Accessibility, Sunlight Access QMs)
- b. Expert Mr Hattam (Urban design and Sunlight Access QM)
- c. Expert Mr Osborne (Economics)

2.35 Airport Noise – Strategic and nationally significant infrastructure - In relation to the Airport Noise Contour I rely on the evidence of the CIAL contained within the s32 evaluation (refer to Part 2, section 6.20 and supporting appendices 10-19), and recent publicly available documentation on

the 2023 Updated Christchurch International Airport Noise Contours<sup>2</sup> and an Independent Expert Panel Report prepared for Environment Canterbury on the Christchurch Airport Remodelled Contour<sup>3</sup>.

2.36 City Spine - City infrastructure

- a. Expert Mr Morahan (Transport)
- b. Expert Mr Field (Urban Design)
- c. Expert Mr Osborne (Economics)
- d. Expert Mr Chapman (Tree canopy)

2.37 Wastewater Constraint Area – City infrastructure

- a. Expert Ms McDonald (Waste water and water supply)
- b. Expert Mr Norton (Stormwater management)
- c. Expert Mr Osbourne (Economics)

2.38 Coastal and Tsunami Hazard Management Areas

- a. Expert Mr Todd (Coastal erosion risk)
- b. Expert Mr Debski (Coastal inundation risk)
- c. Expert Ms Foy (Social impacts of coastal erosion)
- d. Expert Ms Lane Niwa (Tsunami risk identification and mapping)
- e. Expert Mr Osbourne (Economics)

2.39 In addition to the expert evidence above, this report is intended to be read in conjunction with the following reports, documents, assessments and other material which I have used or relied upon in support of the opinions expressed in this report:

2.40 The following section 32 and 77 evaluation reports and related appendices:

- a. Section 32, Part 1: Overview, High Level District Issues and supporting appendices 1-4
- b. Section 32 Part 2: Qualifying Matters District Plan, section 77 evaluation parts 6.15 (Coastal Hazard Risk Management Areas), 6.16 (Tsunami Management Area), 6.17 (Lyttelton Port Influence Area), 6.18 (Railway Building Setback), 6.19 (Electricity Transmission Corridors and Infrastructure), 6.20 (Airport Noise Contours), 6.28 (Waste Water Constraint), 6.31 (City Spine), and supporting appendices 1, 2, 3, 6 (Parts 1-4), 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 33, 45, 52, and 53.

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<sup>2</sup> [2023-updated-christchurch-international-airport-noise-contours.pdf \(christchurchairport.co.nz\)](https://www.christchurchairport.co.nz/2023-updated-christchurch-international-airport-noise-contours.pdf)

<sup>3</sup> [ECanCIALFinalRemodelledNoiseContourIEPReviewReportFinal28Jun2023.PDF](#)

2.41 I have also had regard to the following additional reports and documents listed or included in Appendices x to x of this report and/or referenced within each issue of topic matter:

- a. Livingston and Associates – Housing Demand in Greater Christchurch Alternative Growth Scenarios, February 2023
- b. Christchurch City Council Life in Christchurch (Housing and Neighbourhoods) 2023 Survey
- c. Draft Greater Christchurch Spatial Plan
- d. Greater Christchurch Public Futures Mass Rapid Transit (MRT) Indicative Business Case
- e. Huihui Mai Community Engagement Report 2023
- f. Greater Christchurch Housing Development Capacity Assessment March 2023
- g. Draft PC14 Social Impact Assessment – Intensification (refer to Draft Appendix F of this report and Finalised Version Tabled by Ms Foy on 10 October 2023)
- h. PC14 Social Impact Assessment – Coastal Hazards (refer to Appendix A of Ms Foy's evidence)

2.42 The discussion and recommendations included in this report are intended to assist the IHP and submitters on PC14. Any conclusion and recommendations made in this report are my own and are not binding upon the IHP or the Council in any way. The IHP may choose to accept or reject any of the conclusions and recommendations in this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by persons during the hearing.

### 3 KEY ISSUES IN CONTENTION

3.1 My report traverses some of the key strategic issues sought to be addressed through PC14, to give effect to the intensification directions under the Amendment Act and NPS-UD. Whilst many of the objectives, policies and standards to enable development are set by the Act and the NPS-UD, Council has some discretion in how certain aspects of these are applied. Where this discretion is available, it has been applied to ensure that enabled intensification responds to the needs of the people of Christchurch, and what best achieves a 'well-functioning urban environment'. This discretion is however limited to the following areas:

- i. QMs – for certain areas to be less enabling of development if they exhibit specific characteristics identified in the Act as QMs.
- ii. Density and height in excess of the MDRS, noting minimum heights for metropolitan centres and rapid transit stops and their walkable catchments are prescribed, and the City Centre Zone must maximise the benefits of intensification.

- iii. The extent of walkable catchments as neither the Act nor the NPS-UD offer a definition of a walkable catchment, and corresponding to this the extent of high density residential enablement (densities and building height).
- iv. Commercial centre categorisation – taking account of the NPS-UD Policy 3(d), specifically building heights and densities of urban form commensurate with the level of commercial and community services, and/or applying the nearest equivalent commercial zone to the National Planning Standards, and commensurate with this building heights and associated extent of land-use activity enablement, including commercial, community services and residential, if in accordance with section 80E the related provisions are required to support or are consequential on policies 3 or 4 of the NPS-UD.
- v. Financial contributions – sections 77E and 77T provides discretion for the charging of financial contributions where there is a specific purpose.
- vi. Supporting and consequential provisions which in regard to ‘supporting provisions’ .

3.2 Key strategic matters I will address in detail and that the panel may consider in their recommended decision, relate to matters of scope; the broad approach to QMs and their impact on development capacity (comparative to a Full Development Scenario which is to mean the level of housing and business enablement without the application and impact of any QMs, noting that this calculated within Mr Scallans evidence and referenced throughout this report); and in the context of Ōtautahi Christchurch what constitutes a well-functioning urban environment, including a discussion on market competitiveness (housing demand and supply), amenity, social impacts, strategic and city infrastructure, and coastal hazards which impact significant parts of eastern Christchurch.

3.3 I will provide a summary of an Amended Proposal (see section 8 of this report) that draws from the Council’s planning experts s42a reports. The purpose of the Amended Proposal and its articulation in this strategic overview, is to provide the panel with a holistic picture of what is a changed position from the Notified Proposal following the consideration of submissions. The Amended Proposal will still give effect to the intensification directions under the Act and the NPS-UD, but takes account new and more recent technical information and expert evidence, that has informed this revised position on the future city form. The key matters that underpin the Amended Proposal related to the updated airport noise contour, changes to zone boundary extents (arising from changes to QMs) and building heights, these having the most significant impact on city form.

- 3.4 I have a specific focus on how the issues and directions are either already addressed under the Strategic Directions Chapter 3 of the Operative District Plan or proposed to be through this plan change. The Strategic Directions Objectives set the outcomes intended for the city, which are further expanded upon under the different chapters. The wording of the provisions and the linkages between the strategic directions and other objectives and policies of the plan, are therefore of leading importance in this plan change.
- 3.5 A further matter of strategic importance is the approach to and inclusion of QMs to reduce the scale and density of buildings enabled by the MDRS and NPS-UD. Qualifying matters are either those listed under section 771 or 770 of the Act, or are an 'other' matter which requires a site specific evaluation. There are two components to the identification and application of QMs within the District Plan. The first relates to the spatial aspect, being defined and represented within the Planning Map series. The second aspect relates to the provisions relevant to each qualifying matter, specifically the extent to which the level of enablement is reduced or limited and the consenting pathway. Related to this is the matter of what constitutes enablement (permitted or restricted discretionary activity status), which I will discuss throughout this report.
- 3.6 Existing QMs carry over their respective operative provisions with no changes proposed. All other QMs either propose amendments to existing provisions, for example for Residential Character Areas and Heritage Items and Setting; or propose entirely new provisions as they are a new matter, for example the Coastal Hazard Medium and High Risk Management Areas and Residential Heritage Areas.
- 3.7 In this report, I will only address in detail those proposed QMs that relate to strategic and city infrastructure and managing risks from hazards. A detailed discussion of other QMs is addressed under other s42A reports.

## 4 PROCEDURAL MATTERS

### 4.1 PRE-HEARING CONFERENCE

- 4.2 At the time of writing this report there has been a pre-hearing conference on 1 August 2023. There have not yet been any clause 8AA meetings or expert witness conferencing in relation to submissions on any RCA provisions. It is noted that many strategic and high-level submissions relate to matters that will be addressed (in more detail) in other s42A reports. Where this applies it has been identified in Table 1 with reference to the relevant s42A report.



## 5 BACKGROUND AND STATUTORY CONSIDERATIONS

### 5.1 THE RESOURCE MANAGEMENT ACT 1991

5.2 The key RMA matters to be considered by PC14 are set out in Part 1 of the section 32 report and will not be repeated in detail here.

5.3 In summary, PC14 has been prepared in accordance with the RMA and in particular, the requirements of:

- Section 74 Matters to be considered by territorial authority, and
- Section 75 Contents of district plans; and
- Section 76 District Rules.

5.4 The RMA-Enabling Housing Supply and Other Matters Amendment Act 2021 (Enabling Act/the Act) requires the Council to make changes to its operative district plan for the purposes of:

- Incorporating Medium Density Residential Standards into all relevant residential zones (s77G(1));
- Giving effect to the urban intensification requirements of Policy 3 of the NPS-UD in residential zones (s77G(2)) and non-residential zones (s77N); and
- Including the objectives and policies in clause 6 to Schedule 3A of the RMA (s77G(5)) relating to a well-functioning urban environment and providing for a variety of housing types and sizes.

5.5 Council may choose to make the MDRS and the building height/density requirements of the NPS-UD policy 3 less enabling of development if authorised under section 77I and 77O which relate to 'qualifying matters' specified by the Act<sup>4</sup>. Policy 4 of the NPS-UD also states the application of Policy 3 can be modified but only to the extent necessary to accommodate a qualifying matter in that area.

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<sup>4</sup> RMA S. 77I

- 5.6 Section 77G(7) clarifies that existing provisions in a district plan that allow the same or a greater level of development than the MDRS do not need to be amended or removed from the district plan. Section 77H enables council to modify the MDRS to enable a greater level of development by not including a density standard. Section 77N relates to giving effect to NPS-UD policy 3 in urban non-residential zones, such as commercial and industrial. Similar to MDRS, intensification may be less enabling than the requirement of Policy 3 if a qualifying matter is to be accommodated.
- 5.7 Section 77T provides for Councils to include financial contributions in support of an Intensification Planning Instrument (IPI).
- 5.8 The required plan changes and variations must be undertaken using an IPI in accordance with sections 80E to 80H of the RMA. Councils must use the ISPP set out in Part 6 of Schedule 1 of the RMA.
- 5.9 The primary focus of PC14 is to achieve the above requirements of the RMA as amended by the RMA-EHS.
- 5.10 The NPS-UD is central to Plan Change 14 and recognises the national significance of achieving a well-functioning urban environment to enable people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. It requires Councils to provide sufficient development capacity to meet the different needs of people and communities; plan well for growth (short to long term) particularly in locations that have good access to existing services, public transport networks and infrastructure; rules are not unnecessarily constraining growth; and that urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi).

#### 5.11 TRADE COMPETITION

- 5.12 There are no known trade competition issues raised within the submissions.

#### 5.13 TE TIRITI O WAITANGI AND THE MAHAANUI IWI MANAGEMENT PLAN

- 5.14 I have had regard to the Mahaanui Iwi Management Plan (IMP) which is a manawhenua planning document reflecting the collective efforts of six Papatipu Rūnanga that represent the hapū who

hold manawhenua rights over lands and waters within the takiwā<sup>5</sup>. The plan sets out the takiwā boundaries of each Papatipu Rūnanga according to the Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001 (see excerpt Table 1 from the IMP). The geographical scope of PC14 principally impacts the takiwā of Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga and Te Taumutu Rūnanga.

- 5.15 Consultation on the draft proposal was undertaken with Mahaanui Kurataiao on behalf of the papatipu rūnanga of the area. The consultation resulted in agreed changes to better recognise the enablement of papakāinga/kāinga nohoanga<sup>6</sup> within the Strategic Directions Chapter 3 Objectives and specific provisions enabling or managing business and residential development. The proposed changes were to recognise the importance of Ngāi Tahu providing for their wellbeing and to more fully give effect to the Act and NPS-UD. I have also recommended additional references within the Chapter 3 Strategic Directions Objectives (refer to section of this report)

Section 80E(1)(b) of the Act states that an IPI may amend or include provisions to enable papakāinga housing in the district<sup>7</sup> (refer to Christchurch District Plan Appendix 2.1 below). The Council were advised they would be approached in the future regarding a more fulsome response to the enablement of papakāinga/kāinga nohoanga enablement (beyond that already provided for under Chapter 12 of the District Plan), to be given effect to through a separate plan change process.

## 5.16 THE ŌTAUTAHI CHRISTCHURCH URBAN ENVIRONMENT

- 5.17 Section 77G(2) requires that every residential zone in an urban environment must give effect to Policy 3 of the NPS-UD. The RMA further specifies the criteria for urban environments, being any area of land (regardless of size, and irrespective of territorial authority or statistical boundaries) that "*...is, or is intended by the specified territorial authority to be, predominantly urban in*

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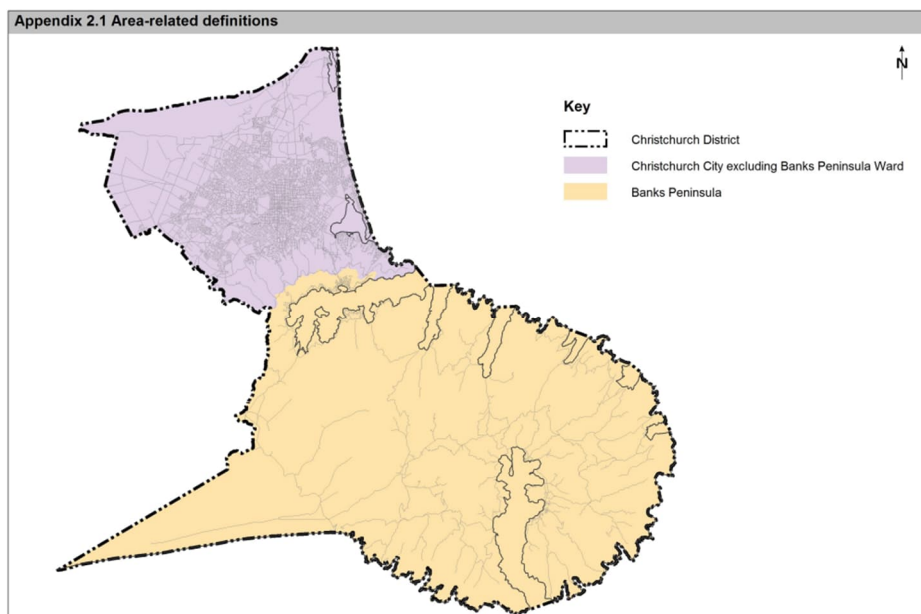
<sup>5</sup> From the Hurunui River to the Hakatere River and inland to Kā Tiritiri o Te Moana

<sup>6</sup> Kāinga nohoanga is the term used for such development by Te Ngāi Tūāhuriri Rūnanga, whose takiwā includes the majority of the main Christchurch urban area. Papakāinga is the term used for such development by Te Hapū o Ngāti Wheke in relation to Rāpaki.

<sup>7</sup> The Christchurch District is defined under the District Plan as meaning "*...the area under the jurisdiction of the Christchurch City Council, as shown on Appendix 2.1 Area-related provisions*" (Christchurch District Plan, Chapter 2 Definitions).

*character; and is, or is intended by the specified territorial authority to be, part of a housing and labour market of at least 10,000 people."*

5.18 PC14 was determined to apply to the urban environment described as Christchurch City excluding the Banks Peninsula ward, except for Lyttelton. The total population of Banks Peninsula is less than 10,000 people, which means it does not meet the prescribed threshold alone. An apparent distinction also exists with the Lyttelton housing and labour market when compared to Christchurch. There is no definitive conclusion whether Lyttelton is part of the urban environment. 2018 Census indicates there were 2,982 people residing in Lyttelton. On its own, Lyttelton would not meet the 10,000 people threshold, however given the function of the Lyttelton Port (being a strategic asset and major employment area) Lyttelton has been included as part of the Christchurch City urban environment.



## 5.19 REPORT STRUCTURE

5.20 My report is structured in accordance with the IHP Minute 3 Agenda for Pre-Hearing Meeting And Draft Hearing Procedures:

5.21 Part A - Strategic Overview

Section 6 – an overview of the Council's approach, the Notified Proposal, to give effect to the legislative directions.

Section 8 – a high level overview of an Amended Proposal drawing from the recommendations of Council planning and technical experts. The purpose of this

section is to provide the panel from the outset an understanding of an alternative approach (option) to the Notified Proposal for consideration through the hearing process.

Section 10 – a response to submissions on the whole of the plan change, including submissions that do not seek any specific relief.

Section 9 – a response on submissions on the Strategic Directions Chapter 3 Objectives and changes requested through submissions.

Sections 10 and 11 - a more detailed discussion on strategic matters central to the plan change in the context of achieving a well-functioning urban environment (NPS-UD Objective 1 and Policy 1), including:

- i. Housing capacity (demand and supply) – to maintain a competitive housing market, including addressing submissions on the level of enablement being inadequate or alternatively too great. I note that business capacity will be addressed by Mr Lightbody (refer to Mr Lightbody's s42A report).
- ii. Social impacts of intensification and addressing submissions raising concerns of no social impact assessment being provided to date.
- iii. Infrastructure and submissions raising concerns of the inadequacy of infrastructure to support the level of intensification directed by the legislation.

#### 5.22 Part B – Strategic and City Infrastructure QMs

Section 12 – Strategic and city infrastructure QMs and submissions on these, specifically the Airport Noise Contour (existing matter new spatial extent), proposed City Spine Transport Corridor (new matter), Wastewater Constraint Areas (new matter), Lyttelton Port Influence Overlay (existing matter), NZ Rail Network (existing matter), and Electricity Transmission Corridors (existing matter).

#### 5.23 Part C – Coastal Hazards (Coastal Erosion and Inundation, and Tsunami Risk) QMs

Section 13 – Specific QMs that have a significant impact on the future urban form and function of the city. Where decisions on submissions relating to these matters will have a direct impact on the consideration of the underlying residential and commercial zoning of specific parts of the city. These QMs include the proposed, Coastal Hazard Management Areas (new matter) and Tsunami Risk Management Area (new matter).

- 5.24 For each identified topic, my consideration of submissions has been undertaken in the body of this report within each topic matter (with reference to Appendix C of this report containing submitter tables), together with any section 32AA evaluation (where required). For ease of reference, all submission points have been grouped and considered under a particular issue. I note that due to the number of submission points, my evaluation of the submissions is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally.
- 5.25 As a result of consideration of submissions, for the reasons discussed below I recommend some amendments to the District Plan provisions. I have included within this report those recommended changes either as 'track changed' versions of my recommended amendments, or for greater readability (where tracked changes are more significant) as bold underlined purple text without tracked changes. In addition, it is the intention of Council to file a complete consolidated package of amended provisions (the Amended Proposal).

## 6 PART A – STRATEGIC OVERVIEW

### 6.1 PLAN CHANGE 14 – NOTIFIED PROPOSAL

### 6.2 SCOPE OF COUNCIL'S POWERS PURSUANT TO SECTION 80E OF THE RMA

6.3 Section 80E of the RMA sets out what must and what may be included in an IPI. In summary, section 80E requires PC14 to incorporate the MDRS and give effect to Policies 3 and 4 of the NPS-UD.

6.4 Section 80E also allows PC14 to amend or include the following:

- a. Provisions relating to financial contributions;
- b. Provisions to enable papakāinga housing in the Christchurch district;
- c. Related provisions, including objectives, policies, rules, standards, and zones that support or are consequential on (1) The MDRS; or (2) Policies 3 and 4 of the NPS-UD.

6.5 Section 80E(2) says that "related provisions" includes provisions that relate to any of the following (without limitation):

- a. District wide matters;
- b. Earthworks;

- c. Fencing;
- d. Infrastructure;
- e. Qualifying matters identified in accordance with section 77I or 77O;
- f. Stormwater management (including permeability and hydraulic neutrality);
- g. Subdivision of land.

## 6.6 OVERVIEW OF THE NOTIFIED PROPOSAL

- 6.7 MDRS must be incorporated into every relevant residential zone (s77G(1)), irrespective of any inconsistency with a regional policy statement (s77G(8)). Policy 3 of the NPS-UD specifies the parameters for the level of density and building height enablement in and around various centres. The Council has a discretion regarding where it is appropriate to make the MDRS and/or requirements of Policy 3 less enabling of development through the accommodation of a qualifying matter (QM).
- 6.8 In giving effect to policy 3, Plan Change 14 as notified seeks to change objectives, policies and other provisions throughout the District Plan that support or are consequential to the following enablement:
  - a. Change to height limits in and within walking distance of the central city, with the greatest height proposed to be enabled in the city centre (90m) and Central City Mixed Use zones (32m).
  - b. Increased building heights in most suburban commercial centres, ranging from 12 metres in the smallest neighbourhood and local centres to 22 metres in the larger Town Centre zones. Precincts around these centres will enable increased building heights for housing (14-32 metres).
  - c. Change to rules within commercial zones to ensure that they achieve high quality urban environments and to permit small buildings that meet certain criteria to be established without the need for resource consent in some zones.
  - d. MDRS, and in some situations more lenient provisions than the MDRS, across all urban residential areas, including (but not limited to) Lyttelton and residential Port Hill areas, through new medium and high density residential zones.
  - e. MDRS on the residential hills, while retaining the minimum allotment size of 650m<sup>2</sup> and adopting the same earthwork controls as in the operative Residential Hills Zone.

- f. Change to zoning and associated policies and rules for some industrial areas located within walking distance of the central city and introduce a brownfield overlay for some industrial areas within walking distance of large commercial centres. This is to enable redevelopment for housing and mixed-use activities if certain criteria are met. but
- 6.9 Modification of the above enabled building heights and requirements as needed to accommodate 'qualifying matters'; and
  - 6.10 In response to the directed intensification, proposes new strategic objectives for the city relating to urban form and tree canopy cover in the urban environment given effect to through a proposed financial contribution.
  - 6.11 The Notified Proposal seeks to introduce qualifying matters (QMs) where the scale and density of buildings enabled by the MDRS and NPS-UD is reduced through either specific provisions and/or a consequential zoning approach (in most cases retention of the pre-existing development rights under existing operative zones);
  - 6.12 Matters of national importance (RMA s6), being Outstanding and Significant Natural Features and Landscapes; areas of Significant Ecological Value; sites of Wahi Tapu; Wahi Taonga, Silent Files, Nga Turanga Tupuna; Nga Wai; areas at risk of rockfall, cliff collapse and mass movement (Slope Hazard Areas); High Flood Hazard Management Areas; Flood Ponding Management Areas; Heritage items and settings; Heritage Areas, areas that interface with heritage areas and significant public open space including surrounding Cathedral Square, New Regent Street, Arts Centre and the Styx River; and Waterbody Setbacks.
  - 6.13 Other QMs include Residential Character Areas; Electricity Transmission corridors and structures; Airport Noise Influence Area; Significant and Other Trees; Lyttelton Port Influences Overlay; sites adjoining the railway network; Coastal Hazard Management Areas and Tsunami Risk Management Areas; Radio Communication Pathways; Vacuum Sewer Wastewater Constraint Areas; reduced height limits along Victoria Street; Outline Development Plan features; Low Public Transport Accessibility; Sunlight Access; City Spine Transport Corridor setback; and Residential-Industrial Interface Areas; and
  - 6.14 The Notified Proposal which applies all of the proposed QMs as listed above, will achieve a plan-enabled capacity (adopting mid-range estimate) of 544,000 dwellings through intensification, noting a further capacity of 6,000 dwellings are enabled through remaining (undeveloped)



greenfield areas<sup>8</sup>. This is well in excess of that required to meet long term Housing Bottom Line as set out under Chapter 3 Strategic Directions Objective 3.3.4, being a required development capacity for an additional 41,300 dwellings between 2021 and 2051.

6.15 Appendix A of this report provides a summary of the key details of the Notified Proposal including information on the zoning approach, housing and business capacity compared with long term demand projections, and the impact of each qualifying matter on development capacity. The following section discusses the general approach and differences between the various QM's.

## 6.16 OVERVIEW OF THE PROPOSED APPROACH TO QUALIFYING MATTERS

6.17 Qualifying matters are either those listed under section 771 or 770 of the Act, or are an 'other' matter which requires a site-specific evaluation. There are two components to the identification and application of QMs within the District Plan. The first relates to the spatial aspect, being defined and represented within the Planning Map series<sup>9</sup>. The second aspect relates to the provisions relevant to each qualifying matter, including in some cases the main response being retention of the underlying operative district plan zoning.

6.18 PC14 proposes that some existing QMs carry over their respective operative provisions with no changes proposed. Other QMs either propose amendments to existing provisions, for example for Residential Character Areas and Heritage Items and Setting; or propose entirely new provisions as they are a new matter, for example the Coastal Hazard Medium and High Risk Management Areas and Residential Heritage Areas. A new section and schedule of QMs is proposed to be included under Chapter 6 General Rules and Procedures. In addition, new references and advisory notes are proposed to be included under the "How to Use the Rules" for Chapter 5 Natural Hazards; Chapter 6 General Rules and Procedures; Chapter 8 Subdivision, Development and Earthworks; Chapter 9 Natural and Cultural Heritage; Chapter 14 Residential; and Chapter 15 Commercial.

6.19 A fourth series of plans, to be titled "Series D-Qualifying Matters", was proposed to identify where a qualifying matter may apply. I however note in practice the addition of the many new spatial

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<sup>8</sup> This greenfield development capacity estimate was as at 2021 and will have seen an reduction over the last two years of development

<sup>9</sup> Planning Map series includes: Series A-Zones, Other Notations, Designations and Heritage Order; Series B-Natural Hazards and Water Bodies; Series C-Natural and Cultural Heritage

features within the proposed map Series D, unnecessarily duplicates the Series A-C maps and cannot be easily viewed together (i.e. identifying overlaps). For the plan user I consider a more user-friendly approach is to include any relevant new QMs within the Series A-C maps where possible and retain (if necessary) a much refined Series D matters that do not duplicate features within Series A-C.

6.20 I have copied from Part 2 of the s32, diagrams below depicting the different approaches to the various QMs.

Diagram 1 – Approaches to reducing intensification under MDRS

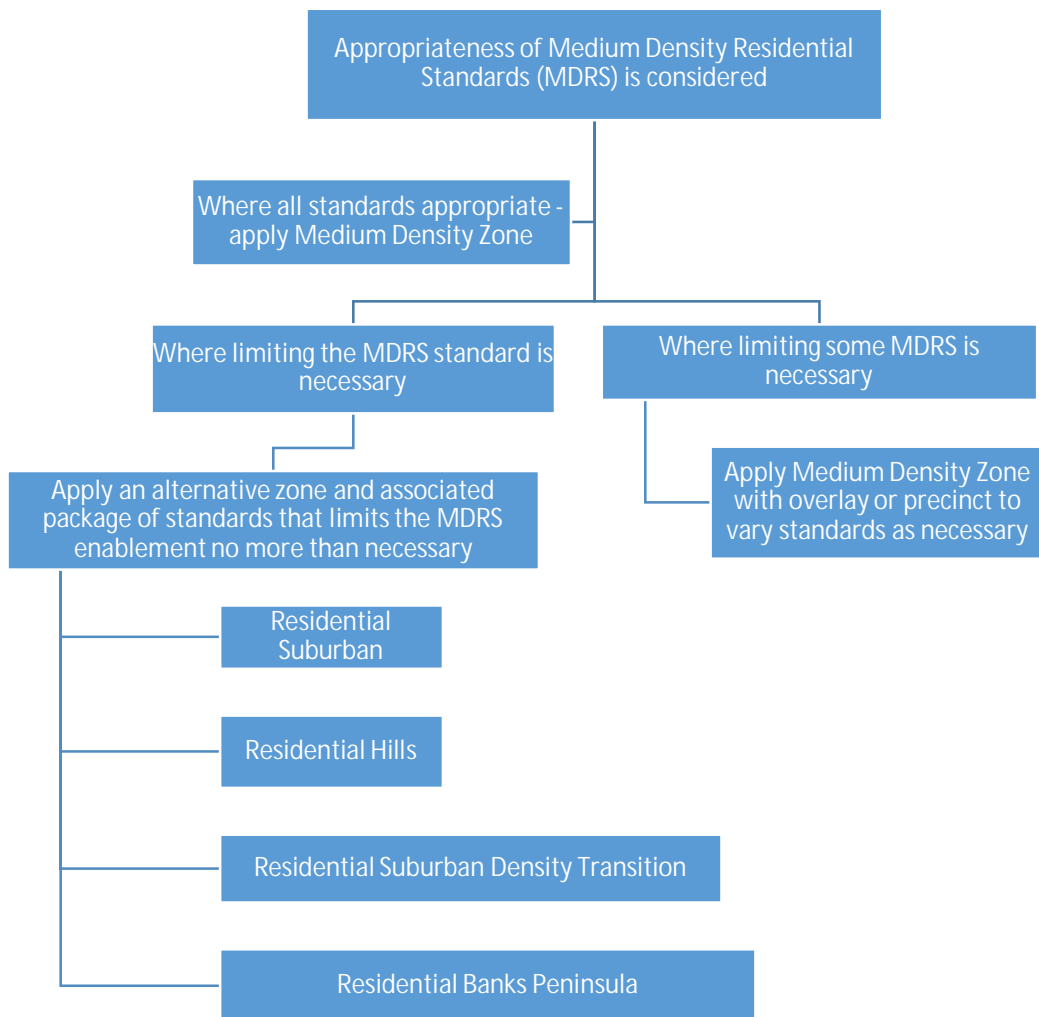
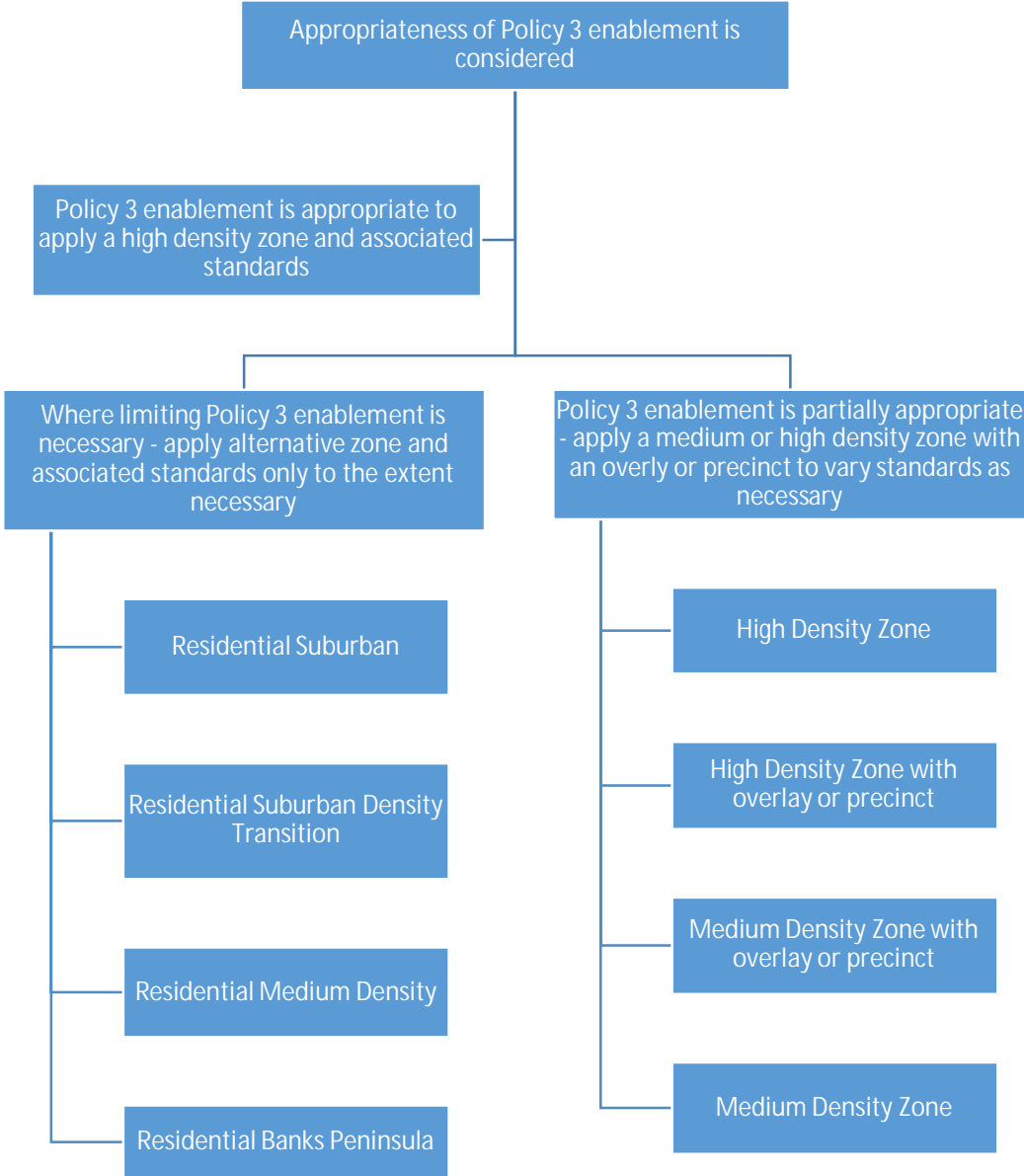


Diagram 2 – Approaches to reducing intensification under Policy 3



6.21 Part 2 of the s32 sets out a number of tables explaining the proposed alternate building heights and/or rules (managing the development of sites and buildings) that could (but not always in a significant way) impact housing density yields to accommodate the qualifying matter. For some QM's the impact on density and height cannot be specified with any certainty, as may just change the activity status (from permitted to restricted discretionary to manage the design to address

potential adverse effects of the increased building heights and density). The table below<sup>10</sup> explains this in more detail.

Table 5 – Qualifying matter types and evaluation approach	
Type	Description & approach
	<ul style="list-style-type: none"> <li>• Capture specific spatial features, such as flood hazard extent, ecological areas, railway setbacks. A geospatial intersect was undertaken of where sites overlap with specific features and captures the area of overlap with the site in m<sup>2</sup> and as a %. This included proposed zoning and existing site size.</li> <li>• All area specific types were s77K or s77Q matters, including: <ul style="list-style-type: none"> <li>○ Sites of ecological significance</li> <li>○ High flood hazard management area</li> <li>○ High risk slope hazard areas (multiple Plan layers)</li> <li>○ Outstanding natural landscapes and features</li> <li>○ Transmission line and structures setbacks</li> <li>○ Railway setbacks</li> <li>○ Waterway setbacks</li> <li>○ Coastal hazards (inundation, erosion, and tsunami)</li> <li>○ Airport noise contours</li> <li>○ Lyttelton Port Influences layer</li> <li>○ Wāhi Tapu / Wāhi Taonga</li> </ul> </li> </ul>
Site specific	<ul style="list-style-type: none"> <li>• Relate to specific sites, such as Wāhi Tapu sites and Character Areas. A geospatial output was provided of intersecting sites, showing the proposed zoning and site area.</li> <li>• Includes all ‘other’ matters under s77L, including Character Areas, Wastewater Constraint Area and Low Public Transport Accessibility Area.</li> </ul>
Bespoke approach	<ul style="list-style-type: none"> <li>• QMs that are unique in their spatial configuration or type of development controls, capturing significant trees, and heritage sites, features, and areas. A bespoke model was developed for each of these QM’s, factoring in what would otherwise be enabled over intersecting sites/areas versus what the proposed control for the qualifying matter is.</li> <li>• Involved a combination of 77J, 77K, 77L, and 77P matters, as follows: <ul style="list-style-type: none"> <li>○ Schedule of Significant and Other Trees (minority are ‘other’ under s77L)</li> <li>○ Heritage areas, settings, items, and features</li> <li>○ Radio communication pathways (‘other’ under s77L)</li> <li>○ ODPs and Residential New Neighbourhood zones (‘other’ under s77L)</li> </ul> </li> </ul>

<sup>10</sup> Table 5 draw from Part 2 of the s32

6.22 Appropriate site layout together with mitigation and innovative urban design solutions, may result in consent being granted for a development proposal. Therefore whilst an evaluation of the impact has been undertaken, the results should not be viewed as an absolute or definitive position as to the true and actual impact of a proposed matter.

6.23 The total estimated cumulative impact of the Notified Proposal QM's was not calculated, as doing so could be misleading as to the actual impact of the proposed QM's. However sub-totals have been provided for matters that manage density and heights in a similar manner, and where their spatial application is broadly similar .

## 7 PART A – STRATEGIC OVERVIEW

### 7.1 SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS

7.2 PC14 was notified on 17 March 2023, with submissions and further submissions closing on 12 May 2023 respectively. The following numbers of submissions and further submissions were received:

Overall Topic/Chapter	Submission Points	Submitter Numbers	Further Sub Points	Further Sub Numbers
1-Introduction	8	8	12	7
2-Abbreviations and Definitions	190	39	281	16
3-Strategic Directions	92	52	94	24
5-Natural Hazards	84	39	100	17
6-General Rules and Procedures	948	397	737	43
7-Transport	137	73	126	11
8-Subdivision, Development and Earthworks	237	82	250	25
9-Natural and Cultural Heritage	317	115	397	23
10-Designations and Heritage Orders	5	4	3	2
12-Papakainga/Kainga Nohoanga Zone	3	2	3	2
13-Specific Purpose Zones	75	20	83	13
14-Residential	3309	630	1657	46
15-Commercial	792	120	760	27
16-Industrial	33	15	36	5
17-Rural	3	2	1	1
18-Open Space	4	4	6	6
19-Planning Maps	1579	707	922	55
20-All of Plan	218	159	102	12

7.3 A number of submissions and further submissions raised common issues or themes which are set out in Table 1 below. Submissions associated with the specific themes are addressed in more depth in the separate s42A reports as also indicated in Table 1.

Table 1: Overview of submissions and further submissions		
Theme	Key issue/common thread raised	Other S42A report where issue/theme addressed
Too enabling or not enabling enough	<ul style="list-style-type: none"> <li>No identified need to intensify to the extent proposed.</li> <li>Greater intensification is necessary in terms of inclusion of metropolitan centres at Riccarton, Papanui and Hornby, increased building heights in specified locations, and the expansion of walkable catchments and enablement of higher density housing within these catchments.</li> <li>Less or conversely more intensification is required to ensure a well-functioning urban environment.</li> <li>Intensification will create adverse social effects and lack of undertaking of a social impact assessment.</li> </ul>	<p>Central City Chapter 15 and Residential Chapter 14 Central City Ms Gardiner and Mr Willis</p> <p>Residential Chapter 14 – Residential Hills, Residential Suburban and Suburban Density Zones, Medium Density and High Density Zones - Mr Kleynbos</p> <p>Commercial Chapter 15 and Industrial Chapter 16, Mr Lightbody, Mr Willis, Ms Gardiner.</p>
Identification of qualifying matters to limit or reduce intensification, specifically a modification of NPS-UD Policy 3 response and application of MDRS	<ul style="list-style-type: none"> <li>The extent and number of QM's is too great.</li> <li>Support for the extent and number of QM's, and the request for additional (new) matters.</li> <li>The appropriateness of strategic and city infrastructure as a qualifying matter, and the extent of setbacks and/or reduced density enablement, with greatest opposition to the airport noise contours.</li> <li>The appropriateness of city infrastructure as a qualifying matter and reduced density enablement, with greatest opposition to the Low Public Transport Access, City Spine, and Waste Water Constraint.</li> <li>The appropriateness of hazards, specifically coastal hazard and areas at risk from tsunami as a qualifying matter and the reduced level of density enablement</li> </ul>	<p>Residential Chapter 14 – Central City – Mr Willis and Ms Gardiner</p> <p>Residential Chapter 14 – Residential Hills, Residential Suburban and Suburban Density Zones, Medium Density and High Density Zones – My Kleynbos</p> <p>Commercial Chapter 15 – Mr Lightbody</p> <p>Heritage – Ms Dixon and Ms Richmond</p> <p>Residential Character Areas – Ms White</p> <p>Residential Heritage Areas – Ms Dixon and Ms Richmond</p>

	<ul style="list-style-type: none"> <li>• The identification of historic heritage and character areas as a qualifying matter, and the spatial extent of Residential Heritage Areas and Residential Character Areas (extended or reduced in size), and the inclusion or removal of specific heritage sites, settings and items.</li> <li>•</li> </ul>	<p>Tree Canopy Financial Contribution – Ms Hansbury</p> <p>Existing QMs – Ms Hansbury and Ms Ratka</p>
Matters of scope	<ul style="list-style-type: none"> <li>• What is a relevant residential zone</li> <li>• Rezoning of properties from rural to medium density residential zone.</li> <li>• Rezoning of properties in response to the application of NPS-UD Policy 3</li> <li>• Spatial definition and zone boundary extent of centres, specifically as it does or does not apply to metropolitan and town centres.</li> <li>• Inclusion of new QM's not currently identified under the Operative District Plan – in reference to <i>NZEnvC056 – Waikane Land company Limited and Heritage New Zealand Pouhere Taonga/Kapiti Coast District Council/AtiawaKi Whakarongotai Charitable Trust</i></li> <li>• In accordance with section 80E related provisions district-wide matters; earthworks; fencing; infrastructure; QM's identified in accordance with section 77I or 77O; storm water management (including permeability and hydraulic neutrality); and subdivision of land.</li> </ul>	All s42A reports.
Chapter3 Strategic Directions Objectives	<ul style="list-style-type: none"> <li>• Request for explicit reference to papakainga/kainga nohoanga in Objective 3.3.3 – Ngai Tahu mana whenua (in addition to its mention under Objective 3.3.4 – Housing bottom lines and choice). A further addition of papakainga/kainga nohoanga within Objective 3.3.7 – Well-functioning environment within the sentence relating to “cultural traditions and norms”.</li> </ul>	Financial Contributions – Ms Hansbury

	<ul style="list-style-type: none"> <li>• Removal of proposed addition of wording in Objective 3.3.7 Well-functioning urban environment in relation to “contrasting building cluster within the cityscape and the wider perspective of the Te Poho o Tamatea/the Port Hills” as it confuses urban form with landscape outcomes.</li> <li>• Deletion of objective relating to areas of special character and amenity value under Objective 3.3.8 Urban growth, form and design.</li> <li>• Removal of words under Objective 3.3.8 Urban growth, form and design that narrow the focus for intensification, specifically to “larger Local neighbourhood centres and core public transport routes”.</li> <li>• Removal of the proposed objective for tree canopy cover under 3.3.10 Objective – Natural and cultural environment.</li> <li>• Removal of reference to avoidance of noise sensitive activities within the 50dBA Ldn Air Noise contour under 3.3.13 Objective – Infrastructure.</li> <li>• Inclusion of references to non-residential activities such as educational facilities and supermarkets.</li> </ul>	
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#### 7.4 OUT-OF-SCOPE SUBMISSIONS

7.5 Below I provide a summary of my understanding of the principles to be applied in determining whether submission points are within the scope of a plan change. I anticipate that scope will be addressed further in legal submissions and within supporting s42A reports. I provide the following summary to inform the IHP and submitters of the approach Council has taken in considering the scope of submissions. The principles and points below have informed the assessment of the scope of submissions points on matters addressed in the Council's section 42A reports for PC14.

7.6 Case law has confirmed that if a submission point is not "on" the plan change and falls outside the scope of the plan change, then the Council cannot consider it.



7.7 The High Court in *Clearwater Resort Limited v Christchurch City Council*<sup>11</sup> identified two interconnected limbs requiring consideration as to whether a submission is "on" a plan change:

- (a) First, the submission must reasonably fall within the ambit of the plan change by addressing the extent to which the plan change changes the pre-existing status quo.<sup>12</sup>
- (b) Second, consideration should be given to whether there is a real risk that persons directly or potentially directly affected by changes sought in a submission, have been denied an effective opportunity to respond to those changes and participate in the decision-making process.<sup>13</sup> If the effect of regarding a submission as "on" a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly "on" the variation.

7.8 The High Court in *Palmerston North City Council v Motor Machinists Limited* provided further useful guidance on the Clearwater test as follows<sup>14</sup>:

- (a) The first limb requires that submissions "must reasonably be said to fall within the ambit of the plan change. One way of analysing that is to ask whether the submission raises matters that should have been addressed in the s32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another is to ask whether the management regime in a district plan for a particular resource (such as a particular lot) is altered by the plan change. If it is not, then a submission seeking a new management regime for that resource is unlikely to be "on" the plan change". However, "incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s32 analysis is required to inform affected persons of the comparative merits of that change."

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<sup>11</sup> *Clearwater Resort Ltd v Christchurch City Council* AP 34/02, 14 March 2013, Young J

<sup>12</sup> *Ibid* at [69](a).

<sup>13</sup> *Albany North Landowners v Auckland Council* [2016] NZHC 138 at [119] to [128]; *Palmerston North Industrial and Residential Developments Limited v Palmerston North City Council* [2014] NZEnvC 17 at [34] to [36]; *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290 at [90]; *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

<sup>14</sup> [2013] NZHC 1290 at [80] to [83].

(b) The first limb is subject to the second limb which asks "*whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective response to those additional changes in the plan change process ... To override the reasonable interests of people and communities by a submissional side-wind would not be robust, sustainable management of natural resources.*"

7.9 I also understand that the context of PC14 and the requirements of the Amendment Act will be relevant to the application of the above tests to submissions and submission points on PC14.

7.10 I have been made aware of a recent Environment Court decision, *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056 (Waikanae), which addresses the scope of local authorities' powers in notifying an Intensification Planning Instrument in accordance with section 80E of the RMA.

7.11 The case concerned the Kapiti Coast District Council's (KCDC) IPI which sought to insert a new wāhi tapu listing that would affect status quo development rights. That new wāhi tapu listing was a new qualifying matter in the IPI. The question the Environment Court considered was whether the KCDC had the statutory power to list the new wāhi tapu site as part of the IPI process.

7.12 The Environment Court found:

*[31] For the reasons we have endeavoured to articulate we find that the purpose of the IPI process inserted into RMA by the EHAA was to impose on Residential zoned land more permissive standards for permitted activities addressing the nine matters identified in the definition section and Schedule 3A. Changing the status of activities that are permitted on the Site in the manner identified in para 55 of WLC's submissions goes well beyond just making the MDRS and relevant building height or density requirements less enabling as contemplated by s 77I. By including the Site in Schedule 9, PC2 "disenables" or removes the rights which WLC presently has under the District Plan to undertake various activities identified in para 55 as permitted activities at all, by changing the status of activities commonly associated with residential development from permitted to either restricted discretionary or non-complying.*

*[32] We find that amending the District Plan in the manner which the Council has purported to do is ultra vires. The Council is, of course, entitled to make a change to the District Plan to include the new Schedule 9 area, using the usual RMA Schedule 1 process.*

7.13 I understand the Waikanae decision is under appeal. However, to assist the Panel, I and the other Council section 42A reports will include a section which identifies any PC14 provisions that the report writer considers impose additional controls or restrictions that affect status quo/pre-

existing development rights. Section 42A report writers will also identify any submission points that fall into the same category.

7.14 I have provided in the table below a list of provisions (matters) I address in this report that impose additional controls or restrictions that affect status quo/pre-existing development rights (as per the Operative District Plan). I have addressed these matters of scope as part of my discussion on the Airport Noise and Coastal Hazards QMs.

Chapter	Proposed Provision(s)	Explanation
5 – Natural Hazards	Policy 5.2.2.5.1 and Policy 5.2.2.5.2, 5.4A Rules – Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Management Area	The Operative District Plan does not currently include Coastal Hazard Management Areas nor a Tsunami Management Area. PC14 seeks to introduce these and include rules to manage intensification activities within residential and business zones. Whilst the intent of the rules is only to reduce or limit intensification above or greater than what is currently enabled under the Operative District Plan (i.e. above and beyond the status quo), application of the rules as currently proposed could have the effect of reducing pre-existing development rights.
Airport Noise Influence Area Qualifying Matter	Chapter 14, Rule 14.4.1.1 Permitted activities; P20 Activity standard a.ix; and 14.4.1.3 Restricted Discretionary activities, RD34	The effect of including “..the <i>Qualifying Matter Airport Noise Influence Area</i> ” to this standard is to impose a restriction on properties that under the current Operative District Plan are outside of the 50dBA Ldn Air Noise Contour as defined under the Planning Maps, reducing pre-existing development rights as otherwise be provided for under 14.4.1.1. P20 a.ix and 14.4.1.3 RD34 (relating to education activity, preschools, health care facility, veterinary care facility, places of assembly).

7.15 In undertaking my review of submissions within the scope of this report, I have identified the following submissions that I consider seek to impose additional controls and/or restrictions that affect status quo development rights (as per the Operative District Plan):

Sub no.	Submitter name	Submission point	Explanation
S852	Christchurch International Airport	Chapter 14, Rule 14.4.1.1 Permitted activities; P20 Activity standard a.ix;	The effect of including “..the <i>Qualifying Matter Airport Noise Influence Area</i> ” to this standard is to impose a restriction on properties that under the current Operative District Plan are outside of the 50dBA Ldn Air Noise Contour as defined under the Planning Maps, reducing pre-existing development rights as otherwise be provided for under 14.4.1.1. P20 a.ix and 14.4.1.3

		and 14.4.1.3 Restricted Discretionary activities, RD34	RD34 (relating to education activity, preschools, health care facility, veterinary care facility, places of assembly).
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## 8 OVERVIEW OF AN AMENDED PROPOSAL (S42A RECOMMENDATIONS)

- 8.1 Submissions have raised matters that have given rise to the Council's team of planning, economic and urban design experts to reconsider the most appropriate way to achieve the purpose of the RMA and respond to the intensification directions (MDRS, QM's and NPS-UD Policies 3 and 4), which has led to recommendations to change some of the provisions notified in PC14.
- 8.2 To provide the panel with a holistic picture (overall package) of the revised PC14 proposal recommended by Council's team of planners and experts, (herewith referred to as the 'Amended Proposal'), I provide the following summary of the main changes proposed, with specific references to the relevant s42A reports (planning experts) that will discuss the recommended changes in more detail.
- 8.3 The Amended Proposal and key details (as described for the Notified Proposal) are as follows and in regard to housing and business capacity and zoning and qualifying matter details, is set out in Appendix B of this report.
- 8.4 Continues to give primacy to the Central City providing an urban form defined by permitted heights of 90m within the Central City Zone, 39m within the High Density Residential Zones surrounding the Central City Zone and 22m enabled thereafter to a walkable catchment of at least 1.2km. Within the 4 Avenues, 32m is enabled within the Central City Mixed Use Zone, and 21m in the Central City Mixed Use (South Frame) Zone. Please refer to the evidence of Mr. Willis and associated recommendations on pages 25 and 32 and section 6.3 of the s42A report by Mr Kleynbos. In view of the building height recommendations made by Mr. Willis, and advice of Mr. Ray and Ms. Williams, the urban form and design provisions have been amended to support a well-functioning urban environment in the Central City – refer to S42A – Central City Urban Form report by Ms. Gardiner.
- 8.5 Larger Town Centres (Papanui, Riccarton, Hornby) and Town Centres (Shirley, North Halswell, Linwood, Belfast) are enabled for a mix of commercial, community and residential activity, to a

form defined by permitted building heights of 32m (Large Town Centres) and 22m (Town Centre), refer to S42A Commercial Report. The PC 14 TCZ and associated amended provisions will provide either a theoretical additional 198ha of commercial floorspace or plan-enabled theoretical household capacity of 53,000 households. Similarly Local Centres, are enabled for a mix of commercial, community and residential activity, to a form defined by permitted building heights of 22m (Large Local Centre) and 14m (Local Centre), The PC 14 LCZ and associated amended provisions will provide either a theoretical additional 222ha of commercial floorspace or plan-enabled theoretical household capacity of approximately 18,000 households.

- 8.6 High density residential development within walkable catchments of between 800m and 400m and to permitted building heights of 22m – refer to S42A of Mr Kleynbos and associated recommendations in section 6.3. The amended zoning will provide and an additional plan-enabled household capacity of at least 34,700 residential units. Medium density residential development across the city, except in locations specified below (where a lower density and/or variations to the MDRS rules are proposed) – refer to S42A of Mr Kleynbos and associated recommendations in section 6.4 and section 7.4. The amended zoning will provide an additional plan-enabled household capacity of approximately 8,600 through Local Centre changes and an additional 26,780 plan-enabled households through LPTAA changes.
- 8.7 Changes proposed to the Specific Purpose School, Tertiary and Hospital (SPZ) Zones are to give effect to proposed changes to the HRZ and commensurate response to centres enablement. Where SPZ's are proposed to have significant height enablement, additional provisions are proposed to mitigate adverse effects on the surrounding residential environment (interface height and landscaping rules). Each site in the SPZ's and the 'underlying or alternative zone' is reflective of the land use zone those sites are located within. SP sites impacted by QM's will also have the alternative zone that is to be applied as a result of that QM (for example, RS and RSDT). For SP School sites the alternative zone is used to determine the provisions that apply to that site. Some SP School sites are consequentially proposed to have greater enablement than others in relation to MDRZ and HRZ, and others will generally remain the same in relation to RS and RSDT.
- 8.8 Changes proposed to the Transport Chapter are to support the changes to the residential chapter that increases residential densities and to manage or mitigate transport effects of this increase in density. This includes a new definition, policy, and requirements for 'Pedestrian Access' to be provided in driveways. Amending policy for High Trip Generating Activity in relation to greenhouse gas emission reduction. Amendments to transport provisions in relation to

residential activities to increase in vehicle access widths for firefighting requirements, and increase in vehicle access widths and layouts to support co-location of vehicle crossings and new cycle, mobility and loading space parking requirements.

8.9 The following table summarises the proposed changes (or not) from the Notified Proposal to the identification and application of QM's. I also refer to Appendix B of this report which provides a comparative spatial picture of the applied differences of the (more major) QM's between the Notified Proposal and Amended Proposal.

8.10 The urban form described above and with the QMs as set out below, will provide an estimated total 627,600 of plan-enabled housing capacity supporting over the very long term, a competitive housing and business market (as set out in the evidence of Mr Scallan). If it is assumed that demand is consistently averaged at 2,000hh per annum, this would equate to 313 years of housing supply. If it is assumed only one third of this capacity is feasible over the long term, this would equate to over 100 years of housing supply.

8.11 The Amended Proposal (refer to Mr Lightbody's s42A report) will theoretically enable 1129ha of commercial/residential floor within permitted height limits across the Town Centre and Local Centre Zones, this equates to an additional 420ha of enablement across the centres hierarchy.

Proposed Qualifying Matter	Amended Proposal including purpose	Key change from the Notified Proposal	Relevant S42A Report
Sites of Ecological Significance (SES), Outstanding Natural Landscapes/Features (ONL/ONF), Sites of Cultural Significance (SCS), water body setbacks	Areas having outstanding, significant and/or special value in terms of culture and ecology, landscape, and character; and open space natural and recreational values.	No changes proposed	Ms Hansbury
Open Space Zones, Specific Purpose (Cemetery) and (Ōtākaro Avon River Corridor) Zones		Changes proposed to the rules applicable to three private properties within Specific Purpose (Ōtākaro Avon River Corridor) Zone to which 'alternative' residential zoning applies and that fall within the walkable catchment of the City Centre.	
Natural hazards comprising the existing High Flood	Management of land use, subdivision and earthworks in areas at risk from unstable	No changes proposed	Ms Ratka

Proposed Qualifying Matter	Amended Proposal including purpose	Key change from the Notified Proposal	Relevant S42A Report
Hazard Management Area, Flood Ponding Management Area, Cliff Collapse Management Area 1, Cliff Collapse Management Area 2, and Rockfall Management Area 1	land and susceptibility to flooding		
Significant and Other Trees	Protection of scheduled QM trees from adverse effects arising from intensification	Change to the new tree protection zone radius definition. Change to 9.4.4.1.3 RD6 relating to the Significant Trees area at Riccarton Bush. Addition to 9.4.6 Matter of discretion 'c'. Inclusion of T13 as a QM tree.	Ms Ratka
Industrial Interface	Management of residential building height at the interface with industrial zones to address potential adverse effects on residential amenity and reverse sensitivity on industrial activities	Change to new Policy 14.2.12.1. Removal of the QM over Residential Suburban, Residential Suburban Density Transition, and Residential Hills Zones. Change to the proposed height limit from 7m/two storey to 8m/two storey.	Ms Ratka
Coastal Hazard Management Areas (CHMA)	Avoidance of residential intensification within areas at medium and high risk from coastal inundation and erosion,	Change to policy and rules. Change to spatial extent of the CHMA to apply only to relevant residential zones and business zones within a walkable catchment of centres and inclusive of centres.	Ms Oliver
Tsunami Risk Management Area	Avoidance of residential intensification within areas at medium and high risk from a tsunami event.	Change to policy and rules. Change to spatial extent of the TRMA to apply only to relevant residential zones and business zones within a walkable catchment of centres and	Ms Oliver
Airport Noise	Management of reverse sensitivity effects on the Christchurch Airport and effect on amenity, taking account of the updated 2023 50dBA Airport Noise Contours;	Change to the spatial extent of the Airport Noise QM based on the updated 50dBA Ldn noise contour, and consequential amendment to underlying residential zones in some impacted areas, and upzoning of some locations to	Ms Oliver Mr Kleynbos Mr Lightbody

Proposed Qualifying Matter	Amended Proposal including purpose	Key change from the Notified Proposal	Relevant S42A Report
		compensated for new impacted areas.	
Strategic and City Infrastructure	No change to CDP standards for electricity corridors and distribution lines, railway lines, Lyttelton Port and no change to the proposed new requirements for the protection of Radio Communications Pathways.		Ms Oliver
Low Public Transport Accessibility	Limiting greater intensification in area with poor accessibility to public transport	Re-zoning of all RS, RH, and RBP areas within extent to MRZ with associated Precincts. Some MDRS density standards and/or MRZ standards are upheld.	Mr Kleynbos
Sunlight Access	Ensuring improved sunlight access relative to the latitudinal and climatic conditions of Christchurch.	No changes proposed.	Mr Kleynbos
Riccarton Bush Interface	Protection of heritage landscape and associated s6 matters.	Three new sites added and MRZ applied.	Mr Kleynbos
Residential Heritage Areas	Protection of residential areas with collective heritage values	Minor changes to rules	Ms Dixon
Residential Character Areas	The protection of identified Residential Character Areas, particularly outside Policy 3 catchments.	Character areas removed or clipped within Policy 3 areas without RHAs: Beverley and Ranfurly; Dudley extent modified and addition of Cashmere View.	Ms White
Height limits in Victoria Street, Cathedral Square, and Radio Communications areas.	Victoria Street – 45m Cathedral Square – 45m Radio Communications – Applies non-complying activity status to buildings between 40 – 79m high for CCMUZ and CCMUZ(SF)	Victoria Street – no change Cathedral Square – no change Radio Communications – no change	Mr Willis



## 9 CHAPTER 3 STRATEGIC DIRECTIONS OBJECTIVES

### 9.1 CHAPTER 3 STRATEGIC DIRECTION OBJECTIVES – ANALYSIS OF SUBMISSIONS

9.2 The Strategic Direction objectives contained in Chapter 3 of the District Plan provide the overarching direction for the district. Chapter 3 has primacy over the objectives and policies in the other chapters of the Plan, which must be consistent with the objectives in the Strategic Directions Chapter. Objectives 3.3.1 and 3.3.2 have primacy over all objectives and policies, meaning that the remaining objectives must be expressed and achieved in a manner consistent with Objectives 3.3.1 and 3.3.2<sup>15</sup>.

9.3 The Strategic Direction objectives (Operative District Plan numbering) that were not sought to be amended as part of this plan change, but which still have relevance to the proposal and amended proposal are:

- Objective 3.3.1 - Enabling recovery and facilitating the future enhancement of the district
- Objective 3.3.2 - Clarity of language and efficiency
- Objective 3.3.5 - Business and economic prosperity
- Objective 3.3.6 - Natural hazards
- Objective 3.3.8 - Revitalising the Central City
- Objective 3.3.10 - Commercial and industrial activities
- Objective 3.3.11 - Community facilities and education activities
- Objective 3.3.12 - Infrastructure
- Objective 3.3.13 – Emergency services and public safety
- Objective 3.3.15 - Incompatible activities
- Objectives 3.3.17 - Wai (Water) features and values, and Te Tai o Mahaanui.

9.4 The Strategic Direction objectives proposed to be amended by under the Notified Proposal (Operative District Plan numbering) are:

- Objective 3.3.3 - Ngāi Tahu mana whenua
- Objective 3.3.4 - Housing bottom lines and choice
- Objective 3.3.7 - Urban growth, form and design

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<sup>15</sup> Refer to Christchurch District Plan, Chapter 3, Clause 3.1(e)

- Objective 3.3.9 - Natural and cultural environment

9.5 As noted within Part 1 of the section 32 evaluation, the current Strategic Directions were prepared in the context of recovery from the Canterbury Earthquakes which occurred over ten years ago. The introduction and context sections to Chapter 3 (sections 3.1 and 3.2) discuss in detail the impact of the earthquakes. Whilst parts of the city, the central city particularly, is still recovering, much has been progressed. While the strategic directions objectives could be updated in the future to recognise progress from the earthquakes, my approach has been to work within the scope of PC14 as an Intensification Planning Instrument. This being to consider the strategic directions objectives and proposing amendments only to the extent necessary to give effect to the requirements of the Amendment Act and the directions in the NPS-UD, and to improve consistency with the National Planning Standards.

9.6 The submissions received on Strategic Direction objectives where amendments are sought under the Notified PC14 are set out in Appendix C with my recommendations. This includes recommendations on [submitters Clair Higginson #657.3](#) requests to amend Objective 3.3.1 and [submitters Julie Farrant #292.1 and Orion NZ Limited #854.9 request amendments](#) to Objective 3.3.12 Infrastructure, which were not proposed to be amended as part of the Notified Proposal.

9.7 Objective 3.3.1 - Enabling recovery and facilitating the future enhancement of the district - Whilst no submission has been received on this matter, I have considered further (since the section 32 evaluation<sup>16</sup>) the most appropriate location for the following objective directed under clause 6(1) to Schedule 3A of the RMA (s77G(5)) relating to a well-functioning urban environment:

*“Objective 1(a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.”*

9.8 It is my view that as this objective provides a very high-level overarching aspiration for the urban environment, and the other Strategic Direction Objectives contribute to aspects of a “well-functioning environment” it is more appropriately located in Objective 3.3.1. I do not consider this gives rise to any matters of scope as the objective focuses this direction only on the “urban environment”. As a consequence of this proposed relocation, I have recommended changes to proposed Objective 3.3.7 which I will discuss in more detail below.

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<sup>16</sup> [Plan-Change-14-HBC-NOTIFICATION-Section-32-Introduction-Issues-and-Strategic-Directions.pdf \(ccc.govt.nz\)](#)

9.9 Submitter Clair Higginson (#S657) has sought an addition to objective 3.3.1 to recognise an overarching objective to address and respond to climate change. I acknowledge the direction under NPS-UD Objective 8 and Policy 1(e) and (f) relating to reducing greenhouse gas emissions and resilience to climate change impacts, particularly how intensification of our urban areas in appropriate locations contributes to this outcome. The Notified Proposal did propose to better reflect this matter through proposed strategic direction objective 3.3.7.a.iv stating “...*The benefits of urban environments that support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.*” However, I agree with this submission point that these are significant strategic city objectives and could be recognised in the leading strategic direction’s objective. I have therefore recommended shifting these matters to Objective 3.3.1 and rewording accordingly, noting I have ensured to include reference to “urban environments” such not to create a potential scope issue.

9.10 I note the submission of Toka Tū Ake EQC (#S377) seeking the inclusion of “natural hazards” as part of subclause 3.3.1(b)(ii) to read “..*Is resilient to natural hazards and the current and future effects of climate change.*” Whilst I note this matter is already well addressed within Strategic Direction Objective 3.3.6 Natural hazards, it does provide a more specific focus for this overarching direction, as the wording “resilience to the current and future effects of climate change” is quite broad and could include a range of responses.

9.11 Objective 3.3.1 is therefore recommended to read as follows:

*3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district*

*a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:*

- i. Meets the community’s immediate and longer term needs for housing, economic development, **community facilities**, infrastructure, transport, and social and cultural wellbeing; and*
- ii. Fosters investment certainty; ~~and~~*
- iii. Sustains the important qualities and values of the natural environment;*

*b. A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; that*

*i.Supports reductions in greenhouse gas emissions; and*

*ii.Is resilient to natural hazards and the current and future effects of climate change.*

- 9.12 Objective 3.3.3 - Ngāi Tahu mana whenua – Submitter Te Hapū o Ngāti Wheke (#S695) has sought to include within this objective specific direction for the enablement of papakāinga/kāinga nohoanga, being a direction under NPS-UD Policy (a)(ii). The Notified Proposal proposed to include this matter as part of strategic directions objective 3.3.4 Housing bottom lines and choice.
- 9.13 I accept that this direction could also fall within objective 3.3.3 and/or 3.3.7 Urban growth, form and design (new numbering 3.3.8). Whilst I consider it is unnecessary to be repeat the direction for papakāinga/kāinga nohoanga under three strategic direction objectives, equally I have no objection to it featuring in multiple locations. There are other matters (outcomes) that could also feature under multiple objectives, but I consider that if all such matters were repeated in multiple Strategic Directions objectives, it would result in the strategic directions becoming unnecessarily long and unwieldy.
- 9.14 I note that Chapter 12 of the Plan contains further papakāinga/kāinga provisions (enablement). However these provisions only apply to land within the Papakāinga/Kāinga Nohoanga Zone. These areas include some of the areas of traditional settlement of the Papatipu Rūnanga who represent those who hold mana whenua over land in Ōtautahi Christchurch District. The zones incorporate a variety of land types, but only land which has the status of Māori customary or freehold land, or Māori land reserved for communal purposes, under Te Ture Whenua Māori Act 1993, is able to be used or developed as papakāinga/kāinga nohoanga.
- 9.15 Section 80E(1)(b)(ii) provides for this intensification planning instrument (IPI PC14) to include provisions to enable papakāinga housing in the district. However as I have noted, the Council were advised they would be approached in the future regarding a more fulsome response to the enablement of papakāinga/kāinga nohoanga enablement.
- 9.16 Objective 3.3.4 - Housing bottom lines and choice - I accept the submission of Submitter # to include reference again to the provision of “papakāinga/kāinga nohoanga housing, including within the urban area and on Māori land” as part of this objective addressing the range of housing opportunities to be provided for.
- 9.17 Objective 3.3.5 - Business and economic prosperity - I do not consider a change to the wording “economic prosperity” to “economic well-being” as requested by Submitter **Clare Higginson #657.4** to be appropriate. Economic well-being is in my view may be considered a that for an individual, which whilst is important can fall within the wider aspiration for economic prosperity

which would apply to the whole of the district. I have therefore recommended no change to this strategic direction.

- 9.18 Proposed Objective 3.3.7 – Well-functioning urban environment and existing Objective 3.3.7 (Notified Proposal number 3.3.8 )– Urban growth, form and design - I will discuss together the submissions received in relation to these two objectives, as there is a strong relationship between the outcomes and directions sought under both. As a first point I highlight the strategic importance of urban form in achieving Objective 3.3.1 and significance of the change that is being directed under the NPS-UD. A more consolidated or compact urban form supports competitive land and development markets (Objective 2 of the NPS-UD); enables more people to live in accessible and high demand locations (Objective 3 of the NPS-UD); provides for change to meet diverse and changing needs (Objective 4 of the NPS-UD); and supports reductions in greenhouse gas emissions (Objective 8 of the NPS-UD).
- 9.19 Intensification within and around the central city and major centres, has for some decades been the preferred direction for Ōtautahi Christchurch, as sort under the Greater Christchurch urban Development Strategy (2007) and its implementation through the CRPS Chapter 6. However, the scale of the change to the urban form required to be achieved under the NPS-UD is significantly greater than provided for to date, specifically with regard the spatial extent of medium and higher density zones and heights of building. For this reason alone, I consider it appropriate that the Strategic Directions more clearly recognise the scale of change directed for the city, and the planned outcomes as the city transitions.
- 9.20 Whilst the existing Objective 3.3.7 describes elements of a changed urban form, it does not in my view adequately articulate the expected and required changes to the built form, together with the important elements within the urban form and design of the city. As I have recommended above, I consider the first part of Proposed Objective 3.3.7 is more appropriately located in Objective 3.3.1, this then leaves the second part of Proposed Objective 3.3.7 for further consideration.
- 9.21 Submitter Cameron Matthews (#S121) requests that proposed objective 3.3.7 be deleted and the wording of NPS-UD Policy 1 be repeated within objective 3.3.7. I have assumed this to be for the most part an objection to the proposed parts of this objective that relate to urban form direction regarding the clustering and massing of density in and around centres. A full repletion of Policy 1 of the NPS-UD is not necessary as aspects such as “enabling a variety of homes” are addressed in Strategic Directions Objective 3.3.4 Housing bottom lines and choice. The matter of “good

accessibility” is proposed to be addressed through an amendment to an existing provision under Objective 3.3.8 (new numbering) – Urban growth, form and design. Other aspects of Policy 1 are proposed to be included in a close form to the Policy 1 wording under Strategic Directions Objective 3.3.7. I have therefore recommended accepting in part this submission.

- 9.22 Submitters Winton Land Limited (#S556), Carter Group Limited (#S814), The Catholic Diocese of Christchurch (#S823), Kāinga Ora Limited (#S834), Danne Mora Limited (#S903) and Davie Lovell-Smith (#S914) oppose the proposed inclusion of additional urban form matters. Concerns raised include that the matters do not reflect Policy 1 of the NPS-UD and risk narrowing what constitutes a well-functioning urban environment; that some subparts are too subjective, represent vague aesthetic preferences, are restrictive and irrelevant to the short, medium, and long-term aspirations of the city’s residents. Another concern raised is that the reference to the “wider perspective of the Te Poho-o-Tametea/the Port Hills and Canterbury Plains” confuses natural landscape matters with urban form.
- 9.23 I do not agree the inclusion of urban form matters inappropriately narrows what constitutes a well-functioning urban environment. The matters listed in NPS-UD Policy 1 are expressed “as a minimum” for what constitutes a well-functioning urban environment. However I do consider that aspects of what was proposed under Notified Objective 3.3.7 Well Functioning Urban Environment, would better integrate with the existing directions under Operative Objective 3.3.7 Urban growth, form and design.
- 9.24 To aide this discussion and my reasoning, I have included below my recommended changes to existing Objective 3.3.7 (refer also to Appendix X of this report), such to include those matters I still consider to be important to guide the urban growth, form and design of the city. The purpose of these additional matters is to provide a direction for urban form that traverses across the urban environment, knits together the sought outcomes under the commercial, industrial and residential chapters, and sets the scene for the different zones, their spatial extents, densities and building heights.

### 3.3.78 Objective - Urban growth, form and design

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
- i. Is attractive to residents, business and visitors; and
  - ii. Provides for development and change over time to address the diverse and changing needs of people and communities, and
  - iii. Provides for a distinctive, legible urban form and strong sense of place, comprising:
    - A. The pre-eminence of the city centre built form, supported by enabling the highest buildings;
    - B. The clustering, scale and massing of development in and around commercial centres, with an extent, intensity and built form commensurate with the role of the centre and the extent of commercial and community services provided; where
    - C. The largest scale and density of development, outside of the city centre, is provided within and around town centres, and lessening scale for centres lower in the hierarchy; and
    - D. specific design controls and lower heights and design controls for development located in more sensitive environments;
  - iv. Recognises that whilst amenity values will change through the planned redevelopment of the existing urban area, the amenity values and the quality of the urban environment will be maintained and enhanced; and
  - v. Enables Ngāi Tahu mana whenua to express their cultural traditions and norms;
  - v.i Ensures the protection and/or maintenance of specific characteristics of qualifying matters;
- ii. Has its areas of special character and amenity value identified and their specifically recognised values appropriately managed; and
- iii. Provides for urban activities only:
- A. within the existing urban areas unless they are otherwise expressly provided for in the CRPS; and
  - B. on greenfield land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A; and
- iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 (1); particularly:
- A. in and around the Central City, Key Activity Centres (as identified in the Canterbury Regional Policy Statement), Town Centre, and larger Local neighbourhood centres, and nodes of core public transport routes; and

9.25 I have also provided in Appendix E of this report, a culmination of the proposed and existing objectives and policies relating to urban form and design, and also amenity values and the quality of the urban environment, these matters in my view all being closely interrelated. I consider that the outcomes that I am proposing be added to Objective 3.3.7 are a high level expression of an objective that is given effect to through those further and more detailed articulation of outcomes sought under each chapter. I consider that the additions to Objective 3.3.7 provide a clearer

relationship between the strategic directions and the Chapter 14 and 15 objectives and policies. Those in Chapters 14 and 15 are consistent with, but importantly are an appropriate extension of, the urban form direction proposed under Objective 3.3.7.

- 9.26 I have further summarised below what I consider to be the key determinants as described by other s42A authors, in relation to the future urban form proposed in Strategic Direction Objective 3.3.7.a.iii. Where proposed sub-clauses A to D are intended as a high level articulation of the outcomes sought for each part of the city, the neighbourhoods within and the transition between areas.
- 9.27 Mr Heath has advised that for Christchurch to improve its economic wellbeing and efficiency, it is fundamental that business locations, particularly the City Centre, are competitive as both a business and residential environment. As a highly influential competitive asset it is critical to the ongoing recovery of the City Centre (and wider Christchurch economy) that emphasis continue to be placed on generating appropriate activity within this principal centre. Furthermore, that high value-added employment requires high amenity, accessible locations exhibiting convenience to other services, agglomeration benefits and often high profiles. In order to achieve the economic benefits of a centralised city and facilitate the recovery of the City Centre it is considered necessary to continue with the existing limits on the basis of a hierarchy, with the City Centre and surrounds possessing the greatest development opportunity followed by the identified Large Town Centres.
- 9.28 Mr Ray advises that building form and design is a major urban design principle and key contributor to a well-functioning environment. Further that observing the principles of good urban design plays a significant role in the creation of well-functioning built urban environments. Building form and building design directly impact the quality, vitality and enjoyment of the built environment for people occupying and using the city. Effects can range from positive to adverse, depending on the design and spatial arrangement of buildings, and people's experience of the city can be from close up or afar, from the street or at a height. All perspectives contribute to the experience of the city, as well as specific aspects such buildings height volume, mass and bulk, architectural quality, craftsmanship and materials, all playing a significant role in shaping the quality of the built environment and the degree to which it can be described as a WFUE.
- 9.29 Mr. Willis recommends a building height framework for the central city that ensures there is a balance between the ongoing earthquake recovery and realising future opportunities for the cityscape. Mr. Willis' proposed framework includes specific matters of discretion for buildings



above 28m, with buildings above 90m becoming discretionary activities, demonstrates a balanced approach to accommodating taller structures while having regard to evolving amenity values.

- 9.30 Ms. Gardiner largely recommends the retention of the notified planning framework for the Central City Zone, Central City Mixed Use Zone and CCMU(South Frame), with amendments to improve the clarity and application of the provisions, including those for building towers, to ensure the provisions can provide for a well-functioning urban environment in the central city. Collectively, the amendments recommended by Mr Willis and Ms Gardiner seek to blend city recovery and forward-looking urban planning, reflecting Christchurch's resilience and evolution.
- 9.31 Ms Williams describes the three-dimensional urban form of the central city being loosely shaped towards a soft bell-curve, offering the tallest height in the City Centre Zone (CCZ) stepping down to the Central City Mixed Use Zone (CCMUZ) and inner High Density Residential Zone (HDZ) which together form the inner ring around the CCZ. Ms Williams states that Ōtautahi Christchurch is far more sensitive to height than Auckland (given the location 6.7-degrees south in latitude) which results in a lower sun altitude at the Equinox of 46.5-degrees versus 53.2-degrees in Auckland. In combination with a cooler climate, building heights and envelopes should be managed to avoid adverse solar impacts on streets and residential properties. Additionally in this context, quality is inseparable from density to guide these areas to develop into well-functioning urban environments. Furthermore, that high quality urban environments maximising strategic central city sites, can be achieved with a sound policy framework, comprehensive built form standards and high quality public realm.
- 9.32 Mr Lightbody stating the critical importance that a centres hierarchy is maintained; the Amended Proposal providing significant intensification opportunities within centres for a mix of activities; and further opportunities for the transitioning of industrial areas within walkable catchments of the CCZ and TCZ to higher residential density living (comprehensively developed).
- 9.33 Mr Hattam recommends six storeys residential developments are concentrated around the most accessible locations, with twelve storeys in parts of the central city with immediate access to the highest quality facilities and amenities. Elsewhere, development of three and four storeys should be facilitated. Mr Hattam states that in all locations, new development can and should contribute to a good quality environment, the attributes of which will vary according to density. The High Density Residential Zone in particular should have active streets framed by buildings with windows and doors facing the street, with some access to sunlight between the

buildings throughout the year. The Medium Density Zone should have a high quality mix of multi-unit developments including attached houses and the potential for walk-up apartments, with visible planting and built interfaces that complement the street and create a safe and welcoming environment. The Notified and Amended Proposal will ensure an appropriate level of internal sunlight access is provided during most winter months, taking into account the desired level of development and the lower sunlight angles in Christchurch.

- 9.34 Mr Kleynbos sets out the degree of intensification within the prescribed catchments, enabling 12 storeys clustered around the Central City Zone, dropping to six storeys thereafter across the rest of the catchment. The split in height being based on where the greatest levels of accessibility; the prominence of the city centre; housing demand within and around the city centre; and providing a height at a level that actively incentivises greater housing uptake. All other larger centres also provide for six storey development, with lesser centres enabling 4-5 story development thereafter. Periphery suburban areas, which are less accessible and serviceable, are largely retain as per operative density, however medium density is provided for on a case-by-case basis.
- 9.35 I have sought to simplify the direction to better convey desired urban form outcomes, thereby accepting in part the submissions of [Winton Land Limited #556.2](#), [Retirement Villages Association of NZ #811.8](#), I agree some parts of the Notified Objective 3.3.7 were difficult to comprehend, specifically how the built environment can effectively sit within a wider natural landscape.
- 9.36 With regard to part (iv) of the objective I propose above, I recommend accepting the submissions of [CIAL #852.4](#) and [Transpower NZ Limited #878.1](#) to include specific recognition of QM's as part of this objective for a well-functioning urban environment and the proposed urban form matters. Many of the proposed QM's will have a significant impact on the urban form of the city, shaping neighbourhoods and the cityscape. Each qualifying matter seeks to protect or maintain a particular characteristic that contributes to the amenity and the quality of the urban environment (within this being elements of the natural environment). Collectively, they help achieve the Strategic Direction Objective 3.3.1 namely "*...future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that....i. Meets the communities immediate and longer term needs for ....social and cultural wellbeing....iii. Sustains the important qualities and values of the natural environment.*"
- 9.37 Whilst I accept that greater intensification may lead to increased demand for commercial activities, I do not recommend any further changes to this objective, as requested by Submitter [Marjorie Manthei #237.49](#) and [Foodstuffs submitter #705.11](#), to specifically provide for more

business (such as supermarkets) in or near centre zones in accordance with Objective 1, Objective 3 and Policy 1 NPS-UD. Existing Objective 3.3.10 Commercial and industrial activities (new proposed numbering 3.3.11) already in my view adequately provides for such activities, together with the Chapter 15 objectives and policies.

- 9.38 Similarly, regarding the Ministry of Education request (Submitter 806.2) to specifically provide "*...for educational opportunities throughout the districts to support communities and development*" as part of a well-functioning urban environment, I do not consider this necessary. The existing Strategic Direction Objective 3.3.11 Community facilities and education activities (new proposed numbering 3.3.12) adequately provides for future required provision of educational opportunities, as well as through Chapter 14 objectives, policies and rules.
- 9.39 Submitter Kāinga Ora #834.5 have requested deletion of objective 3.3.8a.ii which seeks a high quality urban environment to include "*..areas of special character and amenity value identified and their specifically recognised values appropriately managed*". I defer to the evidence of Ms White and Ms Rennie and their recommendations of whether the city has areas of special character that should be maintained and managed as a qualifying matter. Notwithstanding this, I consider it inappropriate to delete this matter as areas of 'special character' could equally be defined in terms of their landscape value which contributes to the special character of an area.
- 9.40 I have recommended changes to proposed objective 3.3.7 Well-functioning urban environment, specifically the inclusion of 3.3.7.a.iv "*...Recognises that whilst amenity values will change through the planned redevelopment of the existing urban area, the amenity values and the quality of the urban environment will be maintained and enhanced*;" . If accepted I consider the second part of 3.3.8a.ii "*... amenity value identified*" could be deleted, also with the inclusion of the wording "*...Ensures the protection and/or maintenance of specific characteristics of qualifying matters*" .
- 9.41 With regard to the proposed inclusion of matter 3.3.7.a.iv in relation to amenity values and the quality of the urban environment, I acknowledge the NPS-UD Policy 6 direction that planned built form may involve significant changes to an area, and those changes may detract from amenity value, and the changes are not, of themselves, an adverse effect. However, in my opinion NPS-UD Policy 6 does not further define or constrain the direction of section 7 of the Act, except in relation to development that is enabled by plans. Policy 6 is expressing that the amenity values of existing urban areas can change significantly when being redeveloped in accordance with planned built form in RMA planning documents.

- 9.42 This does not prevent a consideration of amenity impacts and associated adverse effects when determining a (new) proposed building form as part of a plan change or plan review. Policy 6 also states that detracting from amenity values appreciated by some people may "...improve amenity values appreciated by other people, communities, and future generations". For these reasons, I consider that plan making must still, with some limited qualification as discussed above, ensure the "*maintenance and enhancement of amenity values and the quality of the urban environment*".
- 9.43 I proposed to address the matter of amenity and the quality of the environment in some length, given the many submissions received concerned with the impact of PC14, and what many infer as "density done poorly". Furthermore, to provide a foundation for the proposed approach under both the Notified and Amended Proposal, seeking through provisions to manage urban form and design outcomes.
- 9.44 There is strong community expectation for overall improvement in amenity values. Submitters have expressed the need for high quality and/or good quality developments and urban environments. The community has strongly advocated for urban amenity, particularly as a requirement in higher density urban environments. Through the engagement on the draft Greater Christchurch Spatial Plan<sup>17</sup>, 39% of the respondents (more younger people) stated they were open to living in high density housing in the future with a further 17% saying they might consider it in some situations. Common themes however were that high density housing would need to be affordable and have good design that maintains privacy, space and energy efficiency and promotes access to green spaces. As I have already commented, particularly in Ōtautahi Christchurch, there is currently a high and on-going risk that homeowners and even renters (although only when rental supply is moderate to high), will not view higher density living as an acceptable housing choice and continue to prefer less dense locations.
- 9.45 Christchurch City Council's Life in Christchurch survey (2023) asked respondents the type of housing they would consider in the future; 57% stated stand-alone detached two or three bedroom, 55% single storey duplex, 30% terraced housing, 25% low rise apartment, and 19% in an apartment building. This survey also observed an increase in importance of street trees and gardens from respondents (up 5% to 56% from 2021 to 2023). Privacy, private outdoor space, sunlight access and on-site parking were the primary considerations for whether respondents might choose higher density typologies.

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<sup>17</sup> [Huihui-Mai-Community-Engagement-Full-Report-March-2023.pdf \(greaterchristchurch.org.nz\)](https://www.greaterchristchurch.org.nz/Huihui-Mai-Community-Engagement-Full-Report-March-2023.pdf)

- 9.46 Conversely some submitters, particularly from the development sector, have objected to the level of development control proposed. These submitters requesting to remove what they perceive as barriers to development, through increasing building heights, relaxing built form standards, change consenting requirements (i.e. restricted discretionary to permitted activity status). Commonly citing that some proposed rules will result in additional costs to development without significant benefits.
- 9.47 When achieved at all spatial scales, good urban design and form can support economic performance of the city (attracting investment and citizen growth), contribute to improving the attractiveness of the city as a tourist destination, whilst also increasing the quality of life of its existing residents. Good urban design becomes particularly important in the development of the street and block structure, at the interface between buildings/structures and spaces, and between public and private space.
- 9.48 Furthermore, without a level of amenity control (management of activities and built form), it would result in negative effects and externalities, which overtime could change the general attractiveness of the city and community well-being. As an example, prior to urban design controls being in place through the Living 3 and 4 Zone Plan Change 53 (Operative in 2012), there were few urban design controls on medium density development, which resulted in some poor-quality developments that contributed to issues already facing some lower socio-economic areas of the city. One planning response was to introduce consenting and urban design requirements for medium density zones, that were subsequently broadly carried through into the Operative District Plan. A further planning response was to provide for Residential Character Areas, albeit significantly reduced in scale from the previous City Plan. Higher density zones including the Central City similarly include urban design controls and consenting thresholds, all intended to manage amenity.
- 9.49 As some further context for the appropriateness of amenity controls (or conversely not as some submitters state), I draw from the PWC Cost-benefit analysis for a National Policy Statement on Urban Development July 2020. The PWC report assesses the difference between rigid and flexible zones (or regulation), and the positive benefits (including less pressure on greenfield expansion) that a model of urban form with less binding height restrictions offers. It discusses supply constraints commonly used by planners, residents or elected members to maintain or protect values such as heritage, character, sightlines or other urban traits. Noting that none are without

cost and that such rigidities “...play a greater and more central role in pushing development to second best locations”.

- 9.50 I have raised the above as it is relevant to any submissions opposing activity and built form standards, including restricted discretionary status applied at some building scale thresholds, tree canopy financial contributions, and Residential Character and Heritage Areas, which to some degree contribute to the management of amenity values and the quality of the environment. I also refer to again to Appendix E of this report containing a summary of key provisions which relate to the management of amenity values and achieving a quality of urban environment, and to the rules that implement these objectives and policies. The benefits of these rules are discussed within the section 32 evaluation and s42A reports and supporting expert evidence. An overarching consideration I have had regard to, is whether the application of these proposed rules, will have a major difference or significant impact on Ōtautahi Christchurch’s housing market, detracting investment and redevelopment.
- 9.51 The PWC report comments that the benefits of the NPS-UD Policy 6 were notably low (due to low constraints, stable housing prices, and moderate supply elasticity and population growth), the reasoning is likely to be because the existing rules are not yet constraining under the demand conditions. If the population of Ōtautahi Christchurch was to experience Auckland’s growth, the NPS-UD policy benefits would be greater<sup>18</sup>. I note that Auckland’s projected population could reach 2,376,707 by 2048 however Christchurch’s population in 2048 is expected to be around 448,000. The likelihood of Christchurch reaching an Auckland growth scenario is somewhat fanciful within a 30-50yr period.
- 9.52 That aside, what is not quantified in the PWC Report is how much greater these benefits would be, nor the granularity of the costs imposed and level of enablement still achieved (under an Auckland scenario) if for example controls (rules) managing amenity values are in place, these also benefiting the quality of urban environments. My point is that the inclusion of amenity and quality based rules, will not necessarily reduce the benefits of intensification as directed under Policy 6 of the NPS-UD, particularly under the demand and supply market conditions of Ōtautahi Christchurch. Density can be done well.

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<sup>18</sup> PWC Report, page 38

- 9.53 The aspiration for well-designed buildings, sites and neighbourhoods is clearly (based on the submissions received and extensive community consultation on related urban plans and strategies), a common and enduring city issue. Whilst this is reflected already in the extensive planning framework established under the Canterbury Regional Policy Statement and the Christchurch District Plan, with the significance in the scale of change directed by the Enabling Act and NPS-UD, I consider it appropriate and necessary to reiterate the need for good amenity and high-quality urban environments. I note that a many number of District Plan provisions either directly or collectively as a package are designed to manage development and encourage good amenity outcomes and quality developments. Therefore I have recommended the inclusion of Objective 3.3.7.a.iv.
- 9.54 I also consider that Objectives 3.3.7 could be drawn together with Objective 3.3.4 Housing bottom lines. I have not at this stage advanced the consolidation of these objectives and redrafting. However, should the panel agree the Strategic Directions objectives would benefit from some consolidation, and there was considered scope within this IPI to do so, I suggest the consolidating Objectives 3.3.4 and 3.3.7. Those matters relating to infrastructure and accessibility currently under 3.3.7 could be relocated to 3.3.13 Objective – Infrastructure.
- 9.55 Notwithstanding the above, I agree with Kainga Ora Limited (S834) to amend Objective 3.3.8.a.iv. “larger” before the word “Local centres”, such that increased housing development opportunities are provided in and around larger and small-medium centres. I refer to the reports of Mr Kleynbos and Mr Lightbody and the Amended Proposal description in section 8 of this report. Intensification opportunities are being increased around most centres and therefore I consider the scope of this objective to be appropriately widened as requested by the submitter.
- 9.56 Submitters have requested rewording of Objective 3.3.8.a.viii (now proposed to be renumbered back to 3.3.7) to achieve a high quality urban environments that “has good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces including by way of public or active transport.” I agree this recommended wording is simpler and seeks to achieve the same outcome as the Notified Proposal and recommend the wording be amended accordingly as set out above.

#### *Objective 3.3.9 - Natural and cultural environment*

- 9.57 I refer to the s42A report of Ms Hansbury and her supporting experts, addressing the importance of retaining and increasing tree canopy cover to improve the ecosystem and sustain the

regulating services that trees provide<sup>19</sup>. Further the importance of trees (particularly medium and large trees) to help mitigate the adverse effects of development, recognising Ōtautahi Christchurch's canopy cover is comparatively low and decreasing. In my view tree canopy cover is a significant and strategic issue for the city, and as such I recommend rejecting the submissions of Kainga Ora Limited (#S834), Danesbury Limited (S#874), The Catholic Diocese (S#823), and Carter Group Limited (#814) requesting deletion of the inclusion of tree canopy cover within Objective 3.3.9.

- 9.58 Addington Neighbourhood Association (#S205) have requested high density areas be provided with access to public green spaces within 1km. I accept that access to public open space is an important outcome, however such a requirement is better addressed through the Long Term Plan, levels of service, and reserve and development contributions. I therefore have recommended rejecting this submission.

#### *Objective 3.3.12 - Infrastructure*

- 9.59 Whilst I generally support the submission of Julia Farrant (#292) regarding the need for adequate infrastructure to support greater intensification, I consider the Objective 3.3.12 already provides adequate direction for infrastructure. I also refer to my general infrastructure discussion in section 11 of this report and the evidence of Mr Norton. I therefore recommend rejecting this submission.
- 9.60 I do not agree with the Kainga Ora Limited (#S834) submission to delete Objective 3.3.12(b)(iii) to remove the direction of avoiding noise sensitive activities within the 50dBA Ldn Air Noise Contour, as this would create an inconsistency with the CRPS, Chapter 6 Policy 6.3.5. I therefore recommend rejecting this submission.
- 9.61 In regard to Orion Limited's (#S854) seeking inclusion of specific electricity lines, I do not consider their addition of this level of detail to be appropriate or necessary at this strategic level. I also refer to my recommendation regarding the merits of including additional electricity lines. I have therefore recommended rejecting this submission.

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<sup>19</sup> Evidence of Justin Morgenroth – Ecosystem services of trees; and Section 32 Part 7, Appendix 1 - <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32-Appendices-1/PC14-Financial-Contributions-Appendix-1-J-Morgenroth-Urban-trees-and-their-ecosystem-services-Report-FINAL.pdf> .



## 10 HIGH LEVEL/STRATEGIC MATTERS ANALYSIS OF SUBMISSIONS

### 10.1 OVERVIEW

10.2 There are a number of broad and strategic issues that I propose to address to assist the panel in their consideration of other s42A reports, but also in response to submissions raised on the 'whole of the plan change' and some matters that whilst I consider to be beyond the scope of this plan change to resolve, are important considerations in achieving the Strategic Direction Objectives.

### 10.3 WHOLE OF PLAN SUBMISSIONS

10.4 A number of submissions (see Appendix C of this report) discuss in broad terms support for or objection to the level of intensification proposed. Some have raised matters relating the provision of affordable housing; addressing growth through more greenfield development (spread outwards); the need to limit urban sprawl and protect versatile soils; staging of intensification in the central city and around centres before outer areas; need for high quality building and neighbourhood design.

10.5 In many instances, the submitters did not specifically request any change. Accordingly, no explicit response or recommendation to these submissions has been provided, or the submission point has been recommended to be rejected. However, some of the issues and concerns raised may be addressed in part throughout this or other s42A reports.

10.6 Submissions have raised concerns regarding the social impact of greater intensification, and infrastructure not being adequate to support more intensive living environments. Some submitters have requested the staging of intensification so to align with infrastructure improvements. I have discussed these matters in sections 11.1 and 11.6 of this report.

10.7 I will discuss the matter of level of intensification (too much, not enough) in section 12 below. This section will demonstrate that there is adequate supply to meet and well exceed 30-year projected business and housing demand. The overarching matter of whether the level of intensification provided for is not enough or too much, is in my view is more appropriately considered at a detailed assessment of the specific application of the MDRS, QMs and application of Policy 3 of the NPS-UD.

10.8 In relation to submissions requesting that the city grow outwards through more greenfield development, I consider these are not within scope of this plan change, which purpose is only to give effect the MDRS and NPS-UD, specifically Policy 3. Any consideration of additional (new) greenfield development will need to be through a separate plan change process and/or through the review of the Canterbury Regional Policy Statement (Chapter 6) which identifies Future Development Areas and Greenfield Priority Areas.

#### 10.9 LEVEL OF ENABLEMENT TOO GREAT, NOT ENOUGH

10.10 The purpose of the NPS-UD and MDRS is to remove “...*overly restrictive barriers to development to allow growth ‘up’ and ‘out’ in locations that have good access to existing services, public transport networks and infrastructure*”<sup>20</sup>. The recommendations of the Productivity Commission in its 2015 report titled “Using Land for Housing” helped inform these recent legislative changes to New Zealand’s planning system. The Commission identified areas where the responsiveness of urban planning could be improved, the most important step being a credible commitment to bring land price inflation under control to shift incentives on all the players in the land supply and development system. The desired impact is to stem escalating land and house prices that result from an insufficient supply of ready-to-build land.

10.11 In applying the legislative directions this plan change considers the most appropriate extent of enablement for Ōtautahi Christchurch, managed in a way that achieves a well-functioning urban environment. Ensuring that management controls do not result in overly restrictive barriers to development, specifically in locations that have good access to existing services, public transport networks and infrastructure.

10.12 I will address these considerations in four ways, the first from the perspective of housing demand (Mr Lightbody will provide commentary on business demand and sufficiency). Secondly, in terms of plan-enabled and feasible supply under both a Full Development Scenario and one modified by QM’s. Thirdly, from the perspective of sufficiency in terms of different future urban form and growth scenarios (namely the NPS-UD long term 30 timeframe or something else). Finally, in addition to matters of demand and supply, what other considerations might the panel have regard to when reaching their recommendation on the plan change to ensure and provide for a well-functioning urban environment.

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<sup>20</sup> [National policy statement on urban development | Ministry for the Environment](#)

## 10.13 HOUSING DEMAND

10.14 Some submitters (Victoria Neighbourhood Association #61, Carl van Essen #64, Robert J Manthei #200, Waipuna Halswell-Hornby Riccarton Community Board #902) have questioned whether there is an actual need for PC14 and extent of intensification proposed, conveying that medium and higher density housing will not meet the needs of the average family. Further the submitters consider the Council’s proposed approach should be to only enable what is required to match the expected demands of the city, and that community demand is for a low-rise city, good urban design and adequate space within neighbourhoods to provide for community needs and well-being, citing adequate access to sunlight, open space, trees and gardens.

10.15 Submitters have correctly identified that PC14 and its level of enablement goes well beyond meeting demand projections, certainly the 30-50yr projections and demand for smaller dwellings (typically delivered through multi-unit typologies). The 30yr demand projections for Ōtautahi Christchurch are set out below, drawn from the updated 2023 Greater Christchurch Housing Capacity Assessment.

Christchurch Household Demand						
	Short 2021-2024		Medium 2021-2031		Long 2021-2051	
<b>Total households</b>	5,310		15,180		35,194	
<b>By typology</b>	<b>Standalone</b>	<b>Multi-unit</b>	<b>Standalone</b>	<b>Multi-unit</b>	<b>Standalone</b>	<b>Multi-unit</b>
	4,429	1,943	12,666	5,549	28,602	12,629

10.16 The population projections for Ōtautahi Christchurch are relatively low in comparison to other major cities in New Zealand and Australasia<sup>21</sup>. Unless significant changes occur to immigration policy over the next 30-50yrs, it seems unlikely the Ōtautahi Christchurch population projections will change from what has traditionally tracked along the medium projections<sup>22</sup>. It is possible that world events (global financial crisis, pandemics, natural disasters, war, climate refugees) could become drivers for higher growth rates and for that reason it is prudent to plan for this uncertainty.

<sup>21</sup> Include reference to 30yr population projections for Akl, Melbourne, Sydney.

<sup>22</sup> Reference to LTP growth report

- 10.17 The NPS-UD requires consideration of market competitiveness (demand, supply and sufficiency) within a 30-year period and for plans to address any identified sufficiency issues. The 2021 Greater Christchurch Housing Capacity Assessment reported a surplus for Christchurch of over 83,700 commercially feasible households. This assessment was based on the current level of enablement provided for under the Operative District Plan.
- 10.18 I note that this total capacity figure excluded any housing capacity enabled within Commercial zones, Central City Business Zone, Accommodation and Community Facility Overlay, and the Papakainga/Kaingā Nohoanga Zone. The Commercial and Central City Zones are essentially mixed-use zones providing for residential development above ground floor and a consenting pathway for consideration at ground floor. Mr Lightbody discusses the level of residential enablement in Commercial Zones in more detail, advising that it could theoretically provide for a plan-enabled capacity of an additional 71,000 households (total of all centres permitted residential capacity third floor and above), as assessed with reduced enablement under the Updated 50dBA Ldn Noise Contour.
- 10.19 Therefore prior to the legislative change to incorporate MDRS across all relevant residential areas and application of NPS-UD Policy 3, the District Plan adequately addressed long-term housing and business demand. Consequently, the MDRS and Policy 3 of the NPS-UD directs a planning response that would provide a level of enablement well beyond a 30-year planning period. In my view it points to a level of enablement towards a population of one million people, or a century of growth, based on what the theoretical (plan-enabled) and feasible capacity provides for in terms of a future population (i.e. 800,000 plan-enabled households at two persons per household equates to an additional population capacity of 1.6M).
- 10.20 Under the Greater Christchurch Spatial Plan a 1M population scenario was considered for the whole Greater Christchurch sub-region which incorporates townships within the Selwyn and Waimakakiri Districts. A population of one million is more than a doubling of the city's current population (June 2022 population estimate being 389,300) which in 30 years is only expected to grow to around 448,000<sup>23</sup>. It is difficult to predict with any great certainty when the population

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<sup>23</sup> This figure is based on medium-growth projections but actual population could range anywhere between a low-growth projection of 384,000 and high-growth projection of 514,000.

of Ōtautahi Christchurch might reach one million. However if it is assumed the population continues to track on the medium or medium high projections<sup>24</sup>, it could reach 1M in 80-100yrs

10.21 Accordingly, additional enablement is unnecessary to meet long-term projected demand. There is no need to enable “development at all costs”. Rather the most important consideration for this plan-change in my view is what constitutes a well-functioning urban environment in the context of Ōtautahi Christchurch. It is more appropriate to focus on a broader range of outcomes for the urban environments of the city, taking heed of what is better for the community in terms of promoting sustainable management. If the city is to become a “dynamic, prosperous and internationally competitive city” (Strategic Direction Objective 3.3.1), the District Plan provisions need to be effective in achieving the full range of objectives and policies under the NPS-UD, Canterbury Regional Policy Statement and the Christchurch District Plan. Greater intensification is only one determinant towards achieving this.

10.22 One aspect of housing demand I consider to be a major issue in Ōtautahi Christchurch relates to shifting housing preferences towards certain locations and typologies. The District Plan is limited in its ability to influence this shift, as market demand (housing preference and choice) continues to have a strong influence on how Ōtautahi Christchurch evolves. Housing choice is influenced by many factors, such as the product (design) offered, price point and affordability, attractiveness of the location in terms of its accessibility to services and facilities (including schools), local environmental conditions including susceptibility to hazards (also impacting affordability), and neighbourhood amenity<sup>25</sup>. People will make trade-offs when they need to, particularly when the market is significantly constrained. However, when it is not, as generally is the case within Greater Christchurch (where there is so much housing choice), people do not need to make trade-offs in terms of design matters such as storage and outdoor living space, bedroom numbers and car parking.

10.23 Higher density areas compete with suburban locations for what is rather limited housing demand<sup>26</sup>. Furthermore, whilst the District Plan will provide for higher density (apartment living), that does not necessarily mean higher densities will be preferred by the market. Housing demand

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<sup>24</sup> Medium-high projections to be included

<sup>25</sup> [tr2015-016-housing-wed-choose-with-appendices.pdf \(knowledgeauckland.org.nz\)](https://www.knowledgeauckland.org.nz/tr2015-016-housing-wed-choose-with-appendices.pdf)

<sup>26</sup>JLL Christchurch Central City Residential Development Research 2018, page 8

assessments<sup>27</sup> indicate there is likely to be continued strong demand for standalone dwellings and townhouses, both being preferred products of developers (given apartments carry greater financial risk and demand is low). For higher density living to be attractive, particularly within and around centres and along major public transport routes, it will need to be of a certain quality to make people trade-off against other locations and housing types.

10.24 In my opinion the District Plan needs to provide a framework that facilitates a high quality product within higher density areas. Finding that appropriate threshold for activity status (permitted versus restricted discretionary), so as not to push price points too high (being unaffordable) but still facilitate quality outcomes, is a key matter for this plan change. Furthermore, bringing decisions on specific rule packages, back to this strategic issue of shifting preferences is important, otherwise it will be challenging to achieve the overarching objective of a more consolidated<sup>28</sup>.

10.25 Even with such a framework, demand for apartments may not strengthen to desired levels for decades, certainly not to achieve critical mass within the Central City (which has been enabled in current and past district plans for high density) and along core corridors (City Spine). There is in my view a reasonable likelihood that demand could be more diluted (flattened) across the sub-region. Household growth rates in the Selwyn district have been close to that for Ōtautahi Christchurch in recent years, specifically for greenfield areas, with significant additional greenfield development being considered through Selwyn's District Plan Review.

10.26 However I expect (hope) that the housing development market will mature over time (likely over decades) to deliver quality and affordable apartments in highly accessible locations, and there is resulting significant shift in housing preference. Recent surveys<sup>29</sup> are beginning to signal some growing interest in higher density living, although this is balanced with also a strong on-going demand for greenfield development. Therefore I consider it is appropriate to plan for an ever-increasing trend for households to live in multi-unit dwellings (townhouses, terraced houses, flats and apartments). How great this actual demand might be (for higher density living) to match an

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<sup>27</sup> [Housing-Demand-and-Need-in-Greater-Christchurch-prepared-by-Livingston-and-Associates-2021-Report.pdf \(greaterchristchurch.org.nz\)](#)

<sup>28</sup> Strategic direction Objective 3.3.7 – Urban growth, form and design

<sup>29</sup> [Life in Christchurch : Christchurch City Council \(ccc.govt.nz\)](#)

appropriate planning response, has been considered in more detail since the 2021 Greater Christchurch Housing Capacity Assessment 2021 Report <sup>30</sup>.

10.27 The table below summarises the typology modelling from the 2021 Report. I draw particular attention to the difference between two-bedroom demand as compared to demand for three or more bedrooms. This assessment made a differentiation between demand under two typologies namely standalone housing and multi-unit, and further between owner/occupiers and renters.

ChCh City 2021-2051 change in demand (hh)	Owner occupiers				Renters			
	Standalone		Multi-unit		Standalone		Multi-unit	
	2-bdrm	3+bdrm	2-bdrm	3+bdrm	2-bdrm	3+bdrm	2-bdrm	3+bdrm
	2,860	8,270	2,320	590	5,170	8,550	6,810	1,030

10.28 What is evident is the expected on-going strong demand for three+bedroom dwellings, comparative to two-bedroom. Further, that demand for three+bedrooms, whether for owner occupiers and renters is projected to be stronger for standalone dwellings, not as multi-units. However renters show a higher demand for two-bedroom multi-units, but this was not indicated to be significantly higher than for two-bedroom standalone typologies. Demand from owner occupiers for two-bedroom dwellings, regardless of being standalone or multi-unit was less than half that projected from renters. Overall, demand is comparatively even for two-bedroom dwellings at 17,160 dwellings compared to demand for three+bedroom dwellings at 18,440.

10.29 Livingston and Associates Limited recently completed further analysis of demand for different typologies, creating three new scenarios to compare against the 2021 report. One scenario, referred to as Scenario 4, assumed that household propensity/probability for smaller and multi-unit dwellings would increase at a faster rate (than projected) thereby accelerating the trend to move to a more intensive urban environment. Under this accelerated scenario, the demand for two-bedroom and multi-unit dwellings increases as set out in the table below. The analysis outputs were not requested to be split in terms demand from owner occupiers or renters.

<sup>30</sup>[Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf \(greaterchristchurch.org.nz\)](https://www.greaterchristchurch.org.nz/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf)

ChCh City change in demand 2021 to 2051	Standalone		Multi-unit		All dwelling typologies		
	2-bdrm	3+bdrms	2-bdrm	3+bdrms	2-bdrm	3+bdrms	Total
	4,420 (12%)	1,880 (5%)	15,730 (44%)	13,580 (38%)	20,150 (57%)	15,460 (43%)	35,610 (100%)

10.30 Under the accelerated scenario, a 30 year demand would account to some 20,150 two bedroom units of which two thirds (15,730) being for multi-units. The 30 year demand for three bedroom demand being 15,460 dwellings with a high proportion (13,580 dwellings) as multi-units. When one combines the 2 and 3+ bedroom demand for multi-units it amounts to 29,310 dwellings. Doubling of this to 60,000 multi-units, could be viewed as a possible 60yr highest demand scenario, to guide what is an appropriate level enablement under the District Plan.

10.31 My concluding points on housing demand are:

- i. The MDRS and NPS-UD Policy 3 response is not required to resolve a housing demand issue and the Operative District Plan already provides a level of enablement to meet long term housing demand projections.
- ii. The MDRS and NPS-UD Policy 3 directs a level of enablement that is likely to meet 80-100 years of growth, based on unchanged immigration policy and/or other significant world and natural hazard events.
- iii. Demand for multi-unit housing is not high compared to that for standalone housing. However it is still appropriate to plan for a shift in housing preference for higher density living, to a 60yr demand scenario of approximately additional 60,000 multi-units (akin to a best case very long term scenario).
- iv. Shifting housing preference (demand) for higher density housing is a greater issue for Ōtautahi Christchurch, particularly given the significant housing enablement across Greater Christchurch. Higher density living will continue to compete with other locations and medium to low density typologies. People will in my view most likely continue, certainly in the medium term, to trade-off location with aspects such as housing design and features (for example bedroom numbers, outdoor living space, car parking and storage).
- v. It is important that the planning framework ensures quality and attractive medium and high density housing, to help shift housing preferences into more accessible areas.



### 10.32 Housing supply and sufficiency pre-PC14

10.33 Policies of various planning documents<sup>31</sup> require our urban environments to enable a variety of homes, meeting needs in terms of housing type, price, and location, for different households. Furthermore, policies seek to enable a variety of sites that are suitable to different business sectors in terms of location and site size. Specifically, in or near centres, in areas of high demand and where they are well-served by existing and planned public transport.

10.34 This direction for greater enablement particularly in certain locations, together with other supporting NPS-UD policy<sup>32</sup> that guides where not to focus enablement, is not wholly new for Ōtautahi Christchurch. The Operative District Plan (ODP) Chapter 3 sets out the following strategic directions (most relevant aspects summarised only):

- i. Enabling recovery and facilitating future enhancement of the district, meeting needs and social and cultural well-being; fostering investment certainty and sustaining the important qualities and values of the natural environment (Strategic Direction Objective 3.3.1);
- ii. A strong and enduring relationship between the Council and Ngāi Tahu mana whenua in the recovery and future development of Ōtautahi (Strategic Direction Objective 3.3.3);
- iii. Ensuring sufficient development capacity over 30 years for 41,300 dwelling between the period 2021-2051 (housing bottom lines), and a choice in housing types, densities and locations, and affordable, community and social housing and papakāinga (Strategic Direction Objective 3.3.4);
- iv. The importance of business and economic prosperity to Ōtautahi Christchurch's recovery and to community well-being and resilience, through opportunities for business activities to establish and prosper (Strategic direction Objective 3.3.5);
- v. Avoiding new subdivision, use and development in areas where the risks from natural hazards to people, property and infrastructure is unacceptable, and managing it appropriately in other areas (Strategic Direction Objective 3.3.6);

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<sup>31</sup> NPS-UD Policy 1, CRPS Chapter 6, Objective 6.2.2, Christchurch District Plan, Strategic Direction Objective 3.3.4

<sup>32</sup> Refer to NPS-UD, section 2.1 Objectives and section 2.2 Policies

- vi. Seeking a well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment, through increasing housing development opportunities in an around the Central City, Key Activity Centres, larger neighbourhood centres, nodes of core public transport routes (defined as meaning along high-demand corridors, connecting key activity centres and operating at high frequencies, generally having at least a 15 minute frequency during peak periods and daytime inter-peak), identified greenfield areas, and in suitable brownfield areas, and *inter alia* promotes the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure (Strategic Direction Objective 3.3.7);
- vii. Revitalisation of the Central City as the primary focal point, enhanced amenity values, function and economic, social and cultural viability, a range of housing opportunities, and unique identity and sense of place (Strategic Direction Objective 3.3.8);
- viii. The recovery and stimulation of commercial and industrial activities (including ensuring sufficient development capacity) and critical importance of centres is recognised in a framework that primarily directs commercial activity into centres consistent with their respective roles (Strategic Direction Objective 3.3.10)
- ix. Enablement of safe, efficient and effective development, upgrade, maintenance and operation of infrastructure, and that strategic infrastructure is protected from incompatible development and activities by avoiding adverse effects including reverse sensitivity effects (Strategic Direction Objective 3.3.12);
- x. Avoidance of conflicts between incompatible activities where significant adverse effects on health, safety and amenity of people and communities (Strategic Directions Objective 3.3.14)

10.35 The current CDP zoning and associated provisions give effect to the directions above (I refer also to the s42A report of Mr Kleynbos for a more detailed explanation of the CDP zones). The assessed business and housing capacity and sufficiency in 2021<sup>33</sup> for Ōtautahi Christchurch was estimated as having a significant housing surplus (to meet expected demand with an additional competitiveness margin) of over 83,700 commercially feasible households

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<sup>33</sup> Greater Christchurch Housing Development Capacity Assessment 2021

10.36 This was exclusive of any feasible capacity above five storeys, for example as provided for in mixed-use and the Central City Zone which would likely add additional capacity particularly in the long term (20 years and beyond). Plan-enabled (often referred to as theoretical) capacity at this time was assessed as over 205,000 households, being a significant surplus over the estimated long-term demand for some 35,000 additional households (close to six times the required capacity). Again, with some significant exclusions including additional residential enablement within commercial and mixed-use zones.

10.37 A Business Development Capacity Assessment 2020 (NPS-UD BCA requirement)<sup>34</sup> did not account for changes proposed through PC14 as was undertaken prior. Notwithstanding this, at a city-wide scale a significant surplus of industrial land exists with short term land sufficiency of 627ha and long-term sufficiency of 544ha. Through PC14, a large area of land zoned industrial through Sydenham is proposed to be rezoned to Mixed Use, however this will still provide sufficient capacity for industrial uses over the long term. Whilst there is sufficient commercial land supply in the Christchurch area over the short and medium term, there was an estimated shortfall of 110ha over the long-term. However this did not take into account the additional enablement under PC14 with increased heights and densities enabled in the City Centre and suburban centres. I rely on the evidence of Mr Lightbody who discusses this further. The BDCA also doesn't account for the capacity provided for through redevelopment of existing developed sites, nor vacant floorspace within existing buildings.

#### 10.38 *Housing Supply and Sufficiency with PC14 Enablement*

10.39 I have included within Appendix A of this report an overview of the plan-enabled and feasible housing capacity under the Notified Proposal. Appendix B of this report provides an overview of the plan-enabled and feasible capacity for the Amended Proposal as described in section 8 of this report. This includes a comparative assessment against the Notified Proposal. I also refer to the evidence of Mr Scallan (addressing plan-enabled capacity across the urban environment and feasible capacity up to 6-storeys) and Ms Allen (addressing feasible capacity 6-storey's and above).

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<sup>34</sup> Prepared by the Greater Christchurch Partnership (Christchurch City, Selwyn District and Waimakariri District Councils)

- 10.40 The resulting 'spectrum of capacity' under PC14 is vast, varied by what proposed qualifying matter, or group of QM's are in place. The QM's being proposed are those considered necessary to ensure a well-functioning urban environment is achieved and to promote sustainable management of natural and physical resources.
- 10.41 I draw particular attention to the LPTA and TRMA QM's as these under the Notified Proposal have the greatest impact on development capacity, are wholly new matters under the ODP, and have are proposed to be changed in terms of their spatial extent under the Amended Proposal. Other more minor changes that will either increase or decrease impacted development capacity under the Notified Proposal include QM's for example Residential Heritage Areas and Residential Character Areas however as these impact only specific blocks and are not more expansive city-wide QM's I have not discussed their impacts further and refer to Part 2 of the section 32 evaluation and s42A reports of Ms Dixon and Ms Richmond.
- 10.42 The Airport Noise Contour qualifying matter similarly has a significant impact on development capacity, however this gives effect to existing policy direction and is not wholly a new matter. I note that the submission of the Christchurch International Airport proposes the Airport Noise Contour QM is updated in accordance with the most recent modelling results and based on the Outer Noise Control 50dBA Ldn Contour. This remodelled contour extends significantly beyond the spatial extent of the Notified Airport Noise Contour QM and has a corresponding significantly greater impact on development capacity. I discuss this matter in more detail in section 12.6 of this report.
- 10.43 It is important to understand the many assumptions and parameters that determine outputs from land development and feasibility models. Often just changing these slightly can have a significant impact on the reported results. This is explained in detail within Part 2 of the section 32 and supporting Appendix 1 – Updated Housing capacity Assessment February 2023<sup>35</sup>. Mr Scallan and Ms Allen discuss the methodology and results (different scenarios) in more detail, noting that land and build costs change over time and sales prices will fluctuate.
- 10.44 This is evident in the differences between the February 2023 feasibility assessment which informed the proposed Plan Change but adopted the build costs and available land value data at the time, and the more recent assessment (refer to Mr Scallan's evidence) which has applied

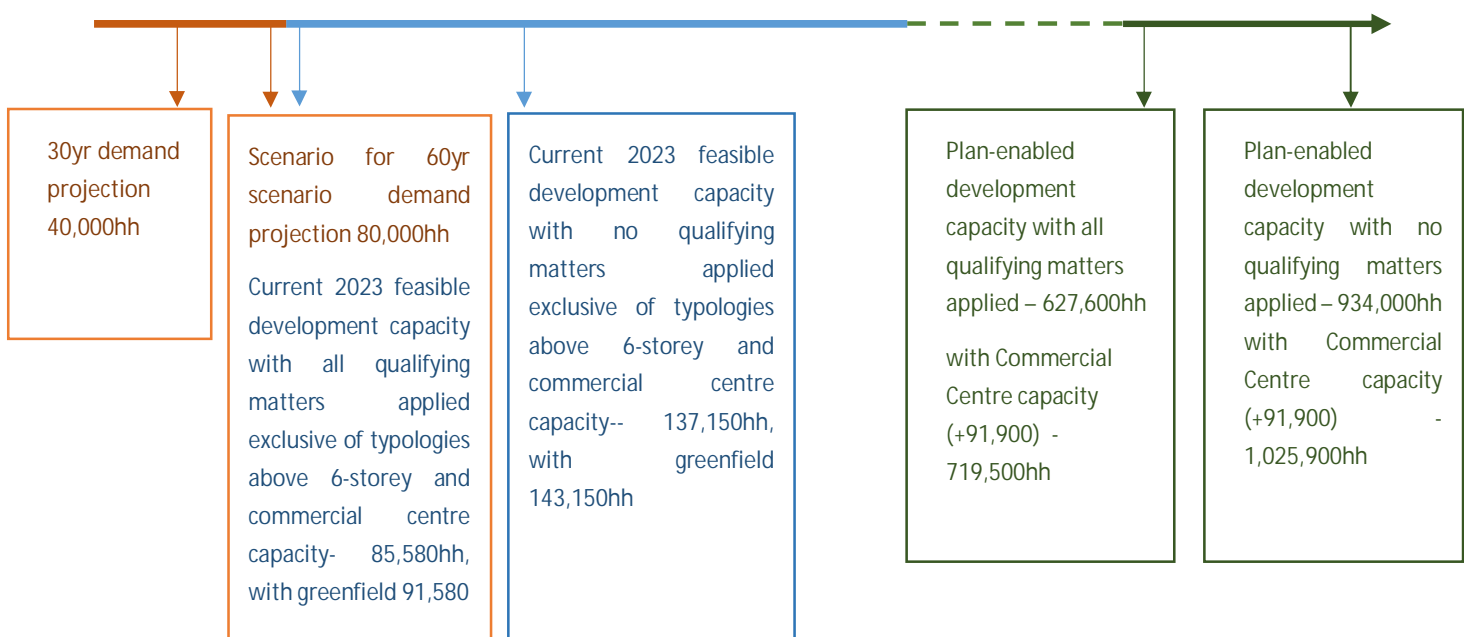
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<sup>35</sup> [PC14-S32-Part-1-Appendix-1-Updated-Housing-Capacity-Assessment-14-March-2023.pdf \(ccc.govt.nz\)](#)

updated costs and values. Therefore, modelling results, specifically feasible model results, must be recognised as just being a point in time and what is an actual and more realistic quantum of development capacity falls somewhere between reported feasible and plan-enabled capacity.

10.45 There have been a number of changes not only to build costs, land values such to inform a further update of the development capacity assessment, but also changes to the spatial extents of zones and QM's (see section 8 and Appendix B of this report). Outputs for the Amended Proposal spectrum of capacity are as illustrated in the diagram below, demonstrating an even greater housing capacity than for the Notified Proposal.

Diagram 2 – Spectrum of housing sufficiency based on PC14 Amended Proposal



10.46 A number of submissions argue that “one size does not fit all” and that Christchurch is unique. I do not necessarily agree that the Christchurch urban market is unique, however I am comfortable based on the development capacity evaluation, research and monitoring undertaken that Christchurch does not have the same growth pressures as other cities. Despite Christchurch being significantly impacted by the Canterbury Earthquakes the housing market has been relatively stable in terms of land values and sale prices. Strategic and District planning through the decades has ensured housing supply has not been a major issue. PC14 is enabling significant greater

housing and business capacity than currently provided for under the Operative District Plan and well beyond many decades of projected and required supply . Accordingly, I am confident that even with QMs in place, under either the Notified or Amended Proposal, PC14 will achieve the desired long term market flexibility and competitiveness and facilitate opportunities for a broad range of housing types.

## 11 OTHER MATTERS RAISED IN SUBMISSIONS

### 11.1 SOCIAL IMPACT OF INTENSIFICATION

11.2 The social impacts of intensification have been evaluated on a number of occasions through the development of the Greater Christchurch Urban Development Strategy, Proposed Change 1 to the Canterbury Regional Policy Statement, and reviews of the Christchurch District Plan. More recently a draft social impact report on intensification has been prepared by the Christchurch City Council and peer reviewed by Ms Foy who has also provided evidence in relation to social impacts of intensification, and the social impacts in relation to coastal hazard management. Social costs are also summarised within the PwC Report as below (see Table 6 excerpt).

**Table 6: External costs and benefits of brownfield urban development**

<b>Externality</b>	<b>Explanation</b>
External infrastructure costs	Costs shared by existing stakeholders in an infrastructure network when new entrants do not pay for the full marginal costs of connecting. We estimate these costs for transport, water supply, and stormwater and wastewater management.
Congestion costs	Costs of slower trips and trip avoidance shared by all road users because of added vehicle trips.
Costs of overshadowing from tall buildings	Shadows cast by taller or larger buildings that reduce amenity for surrounding inhabitants.
Costs of reduction in air quality	To the extent that intensification results in increased concentrations of petroleum-powered vehicle use, or of heavy industry where applicable, residents may suffer deterioration of health and amenity from increased exposure to poor air quality.
Water quality	Costs of degradation of waterways and marine environments by increased runoff of contaminants from roads and roofs resulting from urban development.
Agglomeration economies	Benefits arising from efficiencies of matching, sharing, and learning gained by the compounding proximity to employment opportunities, labour and consumption markets, and large indivisible amenities associated with increases in urban density.

*Source: Adapted from MRCagney, BECA & Covec (2016), PwC analysis.*

11.3 I have already commented on amenity controls, concluding that a flexible development market will be achieved through the Council's proposal, being well-balanced with policies and rules that will facilitate good urban design and form. It is unreasonable to expect the District Plan to be the only tool to achieving high amenity within urban neighbourhoods, specifically regarding site development. High amenity site development outcomes are ultimately in the hands of the developer and driven by dynamic market conditions, including the cost of the land, build costs, sales price, level of demand, holding costs, financial risk settings, current neighbourhood character and amenity, school catchment, other investment parameters.

11.4 Many elements that contribute to high quality neighbourhoods, are more appropriately managed and achieved through other methods such as infrastructure investment and community-led planning processes which are managed through the Council's Long Term Plan, including the Infrastructure Strategy, Finance Strategy and programmes for planning and investment. Local and neighbourhood planning is recognised as an important part of Council's on-going work, with a

commitment through the Te Haumako; Te Whitingia Strengthening Communities Together Strategy<sup>36</sup> to enable active and connected communities to own their futures. It is these actions and activities, together with decisions on the infrastructure (network and community) network, public realm and place-making, community engagement processes, and actions and investment of Crown agencies that can effectively address social impacts of intensification.

11.5 In summary, I acknowledge the depth of concerns raised through submissions and many I agree with are major challenges for the city as its existing urban areas are densified. However I consider the District Plan cannot address all social impacts of intensification. I encourage submitters to continue to voice the need for high quality urban environments beyond this plan change process, particularly through submissions on Long Term Plans. Such decisions are potentially more effective in achieving quality, liveable and prosperous urban environments.

## 11.6 INFRASTRUCTURE

11.7 Submitters have raised several matters in relation to strategic (city-shaping and sub-regional) and city (structural 'trunk' main assets and local service) infrastructure. I address those relating to specific matters in [section 12](#) this report. The following discussion responds to those submissions ([refer to Appendix C of this report](#)) opposing the notified proposal on the grounds that the existing infrastructure is inadequate to manage the proposed level of intensification, and infrastructure should be in place before intensification is enabled.

11.8 New Zealand Productivity Commission undertook an inquiry into the urban planning system, to identify the most appropriate system to allocate land use, different ways of delivering urban planning, and with an aim to set out what a high-performing urban planning system would look like. One recommendation informed the action on intensification and new legislative directions. The report also highlighted findings and recommendations regarding infrastructure, which I have summarised in this report as they are relevant to my response to submitters points. These were that:

*"When cities function well, they provide quality infrastructure at the right time in the right place (page 1) and in more detail;*

*"The purposes of the three principal planning Acts suggest that the main outcomes sought from the planning system are the maintenance of, or improvements in, environmental quality,*

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<sup>36</sup> [Strengthening Communities Together Strategy : Christchurch City Council \(ccc.govt.nz\)](#)



*the supply of local infrastructure and services in a timely and cost-effective manner and to desired standards, and the safe and reasonably easy movement of goods and people.”*

*“...It also means the land for public streets, infrastructure networks and public open spaces being planned and secured well before development begins. In this way infrastructure plays an important “city-shaping” role.”*

*“...In the built environment, the dynamics include pressure from existing residents to introduce restrictive land-use rules and not raise rates or debt to pay for the infrastructure required to enable new development.”*

*“...inadequate funding tools and access to finance ...the absence of a co-ordinated supply of complementary infrastructure, stand out as serious weaknesses.”*

*“...effectively coordinating infrastructure investment with land supply and population growth (without over-investing in infrastructure) (page 23);*

*Any future planning system should incorporate ability to impose user and congestion charges, more extensive taxation toolkit to recover the cost of growth infrastructure, clearer statutory framework and models for water services, and major city infrastructure proposals.*

*“Complexity has significant implications for the practice of planning. ... The types of planning most likely to be useful in the face of complexity and unpredictability are those that do not overreach.”*

*“Providers of infrastructure are exposed to risks, including that demand may be less than expected leading to underuse and possible stranding of assets. This puts a premium on effective planning, procurement, funding, managing and monitoring of infrastructure assets.” (page 283).*

11.9 Infrastructure provision and policy direction relating to strategic and city infrastructure, is a matter derived from section 7 of the Act, Objectives 6 and 8 of the NPS-UD, and objectives and policies contained within the CRPS (specifically Chapter 6) and the District Plan. As reported by the New Zealand Productivity Commission and set out under the existing policy direction, it is in my view clear that the provision of adequate infrastructure to support urban activities, including intensification, is a key determinant of a well-functioning urban environment.

11.10 PC14 does not seek to change existing infrastructure related District Plan objectives and policies, except to recognise the identified wastewater constraint (refer to proposed Objective 8.2.3.d and Policy 8.2.3.2.g).

11.11 The notified proposal seeks to manage land-use development for infrastructure efficiency and effectiveness reasons, but in a focused and targeted manner Specifically, management of land-

use development for infrastructure reasons is proposed by either changes to land use rules or providing for a lower density zone, the latter approach being applied where there is uncertainty that other methods and mechanisms will adequately address the related infrastructure issues. Other methods/mechanisms that have the potential to address infrastructure issues include the likelihood of Council (local and regional) and Crown investment into infrastructure to achieve the required and/or acceptable level of service, the directions under the Council's Infrastructure Strategy<sup>37</sup> and/or provide feasible mitigation options to ensure environmental and basic living standards are met.

11.12 PC14 proposed infrastructure related provisions include:

- i. QM's to ensure the safe and efficient operation of nationally significant infrastructure including the Lyttelton Port (existing matter), Railways (existing matter), Electricity Transmission Corridors (all existing matters, being the 220kV, 110kV and 66kV National Grid lines, 66kV and 33kV Electricity Distribution lines, and the 11kV Heathcote to Lyttelton electricity distribution line); Radio Communications Pathway (new matter), and the Christchurch International Airport Noise Contours (existing matter with new spatial extent).
- ii. Two QM's related to open space, being the existing Open Space zones and Specific Purpose (Ōtākaro Avon River Corridor) and (Cemetery) Zones; and North Halswell ODP Connections.
- iii. A qualifying matter to identify a major wastewater constraint within parts of Aranui, Shirley and Prestons areas, significantly limiting development (intensification) potential as the vacuum sewer systems that service these areas are at or near capacity. There are no immediately feasible alternative options to service greater intensification of these areas (refer to Part 2 of the section 32 evaluation, section 6.28.8, page 217).
- iv. A qualifying matter, specifically a building setback, along one of the city's main transport corridors, referred to as the City Spine Transport Corridor.
- v. A qualifying matter applied to areas of low public transport accessibility where it is proposed to retain the existing Residential Suburban, Residential Banks Peninsula and Residential Hills zoning and their current standards in the District Plan.
- vi. An advice note preceding the Built Form Standards in Chapter 14, Medium Density Zone, Rule 14.5.2.1 Site Density and servicing, and under High Density Zone Rule 14.6.2, informing plan users that there is no spare, or limited, wastewater, storm water, or water supply infrastructure capacity in some areas of Christchurch City which may create difficulties in granting a building consent for some developments. The advice

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<sup>37</sup> [Infrastructure-Strategy.pdf \(ccc.govt.nz\)](#)

note recommends that anyone considering development should, at an early stage, seek information on infrastructure capacity from Council's Three Waters Unit. Infrastructure requirements may also be required avoid risks from hazards as managed under Chapter 5 of the Plan, and it is proposed under Rules 14.1(e) and 14.3(f) a reference to the QM's that could apply.

11.13 I do not consider there to be justification to include any other additional infrastructure related controls. Mr Norton has considered submissions seeking an additional stormwater network qualifying matter, but advises that existing tools and powers of Council are sufficient to manage the effects of an on development (refer to paragraph 54 of Mr Nortons evidence). Whilst he acknowledges that there are and may be future capacity issues in some parts of the city, the Council does not have complete coverage of suitable flood data to support such a QM.

11.14 Ms McDonald advises that intensification in some parts of the system could have a cumulative impact on catchment and city-wide infrastructure, particularly when infrastructure capacity becomes constrained if growth exceeds allowances made or higher inflow and infiltration rates are higher than expected. The rightsizing of infrastructure will become more challenging when MDRS are enabled throughout the city. Ms McDonald supports focusing development to specific areas, such as near high frequency bus routes, and not within peripheral parts of the city (supporting the Amended LPTAQM), to achieve greater efficiencies and more cost-effective infrastructure. Furthermore, that it will not be cost-effective to oversize infrastructure to provide for intensification that may not eventuate within the life period of the infrastructure. However, except for the LPTAQM and Wastewater Constraint Areas, Ms McDonald does not support any further limitations on MDRS or Policy 3d NPS-UD enablement, except highlights the importance of more detailed infrastructure planning to inform future investment and/or land development requirements or limitations.

11.15 One of the recommendations from the Productivity Commissions report was the preparation of spatial plans. Spatial planning has, and continues to be, undertaken at different scales including at the sub-regional (Greater Christchurch Spatial Plan), and at the network, local and neighbourhood level (several existing and in-development Council plans and strategies). This non-statutory planning is in my view, as important, if not of greater importance than the District Plan, to achieve quality and well-functioning urban environments.

11.16 Whilst a District Plan sets the building envelop, it is not a delivery tool. It may set objectives and provisions to curtail poor quality developments but is limited in its effectiveness to design and

deliver multi-valued infrastructure assets, such as greenways, parks, stormwater treatment systems, and cycleways. Spatial planning is a more effective tool in guiding required infrastructure investment, and to facilitate partnerships and shared focus as to what is important and critical to each local neighbourhood.

11.17 The Council's 2021-2031 Finance and Infrastructure strategies seek to deliver a core annual capital expenditure programme of approximately \$450 million for the first three years and rising to between \$500 and \$570 million thereafter. This is to enable the delivery of capital renewals necessary to protect the condition of infrastructure networks and some major community facilities and shovel ready projects. This is based on a prioritised programme and does not fund all pre-emptive renewals and replacement works, nor builds the desired level of resilience within infrastructure networks.

11.18 Whilst one might hope for the economic environment to improve and for long stable growth periods, Councils recent Environmental Scan<sup>38</sup> highlights the Council's and Christchurch communities' vulnerability to external influences such as global economic conditions, challenges to achieve global rapid decarbonisation and adequate responses to climate change, a high level of uncertainty regarding economic conditions and growing inequities. With these current and increasing challenges, I consider the city form provided for through this plan change, needs to be one that is feasibly capable of being serviced over the long term. Not to just provide a basic level of service, but one that has some chance of realising the required improvements to water quality, biodiversity, tree canopy cover, an equitable provision of public open space, and secured funding for strategic, network and social infrastructure.

11.19 Where and how funding is prioritised is a critical part of successful growth management. One of the benefits of current differentiation and definition between zones (as under the ODP) has been the ability to focus growth through the spatial definition of medium density zones. I again note that the current and past District Plan's have ensured, even through a more focused approach (i.e. much reduced spatial extents of these zones) to medium and high density areas, that housing supply has been sufficient so not to inflate house price points, as has occurred in other major

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<sup>38</sup> <https://ccc.govt.nz/the-council/how-the-council-works/reporting-and-monitoring/environmental-scan> and <https://ccc.govt.nz/assets/Environmental-Scan-June-2023.pdf>

cities<sup>39</sup>. As I have discussed in section 10 of this report, there is a possibility that demand will be diluted across the city, particularly into the more feasible medium density areas (refer to Mr Scallans evidence and section 32 Updated Housing Capacity Assessment). Drawing populations away from planned higher density areas, such as the Central City, major centres and along core public transport corridors. Achieving a critical mass of the population in specific locations, is of particular importance to support a potential Mass Rapid Transport (MRT) system. The preferred route for a MRT system runs from Belfast to the City Centre and then westwards to Hornby. Mr Morahan provides more detail on the MRT business case proposal.

11.20 I note that three Land Use Growth Scenarios were tested within the preferred corridor, to assist consideration of the feasibility of MRT (in terms of likely patronage) through both anticipated growth and plan-enabled capacity<sup>40</sup>. The Indicative Business Case states "...Analysis highlighted that there is too much residential capacity within Greater Christchurch and it is an unrealistic proposition to assign all the growth to the corridor. Hence Land Use Scenario 3 aimed to represent a tailored or staged approach which adopts a 'relative' growth strategy at key stations along the corridor through to 2051." The Land Use Scenario 3 assumes an additional 29,000 households (50,992 households in total) in the corridor by 2051, representing 50% of all growth located along the corridor within walkable (800m) catchments. This scenario also assumes 69% of total job growth also occurred within the corridor.

11.21 Achieving the critical mass to support Mass Rapid Transit (assumed in Land Use Scenario 3) will require a major shift in housing preferences to corridor locations and higher density housing typologies. The envelop of enablement that is ultimately provided for through this plan change, including the incorporation (or not) of QM's, will either contribute more or less positively towards this long-term option and opportunity.

11.22 I have considered the Amended Proposal as set out in section 8 of this report, specifically how well it will facilitate, but as importantly in my view, drive growth within this core corridor, whilst achieving a more compact urban form and greater efficiencies in the provision of infrastructure services. Whilst I acknowledge that each proposed qualifying matter must meet the required tests under sections 77I to 77R, I consider the combination and cumulative benefit of the proposed QM's, is a more feasible urban form. Feasible from the perspective of infrastructure efficiency

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<sup>39</sup> ~~Include reference to a house price report – dashboard~~ [Built environment reporting ; Christchurch City Council \(ccc.govt.nz\)](#)

<sup>40</sup> Greater Christchurch PT Futures Mass Rapid Transit Indicative Business Case, final Draft, page 463

(refer to Ms McDonalds, Mr Morahan's and Mr Norton's evidence), providing for higher density in more commercially feasible locations (refer to Mr Scallan's and Ms Allens evidence), and feasible from an economic perspective particularly with regard to the Central City's viability (refer to Mr Heath's and Mr Osbornes evidence).

11.23 The urban form enabled under the Amended Proposal will in my opinion be more effective than a Full Development Scenario and any other alternative scenario that applied only a few or significantly reduced QM's. The areas identified under the Amended LPTA, wastewater constraint and hazard management QM's, are more costly to service, there are limited feasible options to service, the return on any investment would be low, and there would be an opportunity cost to servicing such areas (i.e. draw improvements away from areas with greater densities and growth).

11.24 As the level of enablement under the Amended Proposal will still be extensive ( particularly when considered against the population demand projections) it will be critically important that the Council, together with other infrastructure providers and agencies, continue to plan and deliver a staged and prioritised infrastructure programme. To inform this, regular monitoring of the market, particularly take-up rates, will be of increasing importance, to maintain a reliable growth model to inform Council's Long Term Plan and supporting Infrastructure and Finance strategies, to reduce the risk of infrastructure over-reach adversely impacting already constrained budgets and resources<sup>41</sup>. Especially given increased uncertainty as to how the market will respond to the greater enablement.

11.25 In summary, I consider the concerns raised by submitters regarding infrastructure provision to be valid. However, I note again (as raised in terms of my discussion on amenity), that the District Plan is a limited tool to address all aspects of achieving a well-functioning urban environment, particularly in relation to infrastructure provision. Spatial planning, infrastructure related strategies and plans, together with funding and finance decisions made through Council's Long Term Plans, provide more effective and appropriate pathways to address infrastructure related issues and meet community needs.

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<sup>41</sup> Christchurch City Council's Financial Strategy 2021-2031, page 8

## 12 QUALIFYING MATTERS – STRATEGIC AND CITY INFRASTRUCTURE – ANALYSIS OF SUBMISSIONS

### 12.1 OVERVIEW OF STRATEGIC INFRASTRUCTURE

- 12.2 Strategic infrastructure represents an important regional and sometimes national asset that should not be compromised by urban growth and intensification. Strategic infrastructure includes the Christchurch International Airport, Lyttelton Port, the State Highway and strategic road networks and rail corridors, all essential to the function and prosperity of the region, South Island and in the case of the Airport, the nation. The locational requirements and existing investment in strategic infrastructure, including the developed connections to strategic infrastructure (such as the locations of key activity and employment centres), means that it is extremely inefficient for them to relocate.
- 12.3 The urban form and function of the sub-region has been significantly influenced by the location and operations of strategic infrastructure, and conversely this infrastructure is located and designed to serve the urban form. Despite the application of practicable mitigation measures to address land use effects, the operation of strategic infrastructure can affect the liveability of residential areas in their vicinity, putting pressure on the infrastructure to further mitigate their effects or curtail their activities, referred to as reverse sensitivity effects.
- 12.4 In the consideration of the most appropriate long term urban form for the city, more specifically the greater intensification of urban areas over and above what is already enabled under the District Plan, it is my view that an urban form (principally determined through density standards and building heights) that does not exacerbate or give rise to greater reverse sensitivity effects is more appropriate. Furthermore, I consider an urban form that has been designed and managed to reduce negative effects on the health and well-being of its residents is more appropriate.
- 12.5 As I have discussed in section 10.13 of this report, development capacity is not an issue for the city. Ōtautahi Christchurch is not a highly constrained city and there are different ways to house its future population. Some locations (urban form options) are more likely than others to achieve greater efficiencies for infrastructure and services, including by concentrating people away from the impacts of and risks from hazards and effects from the operation of strategic infrastructure. There is no identified need in my view, to encroach on less desirable or less appropriate locations to meet even a very long-term future projected demand (a million population scenario). The

most appropriate approach in my view is to ensure a broad range of objectives and policies are achieved equally alongside those directing greater intensification.

## 12.6 AIRPORT NOISE CONTOUR – EXISTING MATTER, NEW SPATIAL EXTENT

### *Overview and policy interpretation*

12.7 The Notified Proposal includes an Airport Noise Influence Area as a qualifying matter (herewith referred to as the Airport Noise QM for simplification). The impact of the proposed QM is the retention of the Operative District Plan residential zoning under the spatial extent of the QM, which was based upon the 2021 Annual Average Aircraft 50dBA Noise Contour. Thereby not providing for any greater enablement through the application of MDRS and/or Policy 3 of the NPS-UD.

12.8 The justification for this QM is the strategic and economic importance of the airport. Whilst I will defer to the Christchurch International Airport Limited to provide more detail, I will highlight some key known facts<sup>42</sup>. The Airport is a regional transport hub, employs more than 7,000 people, creates employment for 20,000 people in Canterbury, the Antarctic operations delivers \$80 million in direct benefits to the city annually, and it has a total asset book value of \$2,148 million<sup>43</sup>. It is New Zealand's second largest airport and a nominated "alternate" for Auckland International Airport, being able to accommodate wide body aircraft which is a limitation for other Airports<sup>44</sup>.

1.1.1. Protecting this strategic asset is recognised and managed under the CRPS, Chapter 6, Policy 6.3.5 which requires:

*"...4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area..."*  
and

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<sup>42</sup> Refer to PC14, Section 32, Part 2, Appendices 10-?

<sup>43</sup> [Facts and Figures - Christchurch Airport](#)

<sup>44</sup> Refer to PC14, Section 32, Part 2, Appendix 10



*"... 5. Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs."*

12.9 The District Plan includes Objective 14.2.3 that directs "*...Development of sensitive activities does not adversely affect the efficient operation, use, and development of Christchurch International Airport ...*". This is achieved through Policy 14.2.3.1 which seeks to "*...Avoid reverse sensitivity effects on strategic infrastructure including: .....vi. Christchurch International Airport...*".

12.10 Policy 6.3.5 refers to "new development" which I interpret to include that which is achieved through intensification. Policy 6.3.5.4 provides an exception to an "...existing residentially zoned urban area" which I have interpreted as being akin to the MDRS and application of Policy 3 of the NPS-UD as it applies to any "relevant residential zone". I acknowledge here the decision of the Independent Hearings Panel for the Replacement Christchurch District Plan (CRDP IHP), specifically Decision 10<sup>45</sup>. The CRDP IHP (page 54 of Decision 10) considered that "Policy 6.3.5(4), "existing" means "existing as at 6 December 2013"....In that context, "existing residential zoned urban area" means what the Existing Plan has so zoned at the time the change to the CPRS that incorporated Policy 6.3.5 was made operative, i.e. as at 6 December 2013."

12.11 Applying the same reasoning in this case, the "existing residential zoned urban area" would mean the Existing Plan and associated zones (including provisions relating to density and building heights) as at the Operative Date for the Replacement District Plan (2017). Therefore any "new development" could be interpreted as including any level of intensification over and above that provided for under the Operative District Plan at this date.

12.12 Taking this approach, it is therefore the greater level of intensification within the 50dBA Ldn airport noise contour that might be enabled by MDRS and/or Policy 3 of the NPS-UD, that requires consideration against the Policy 6.3.5.4 criteria (ensuring noise sensitive activities do not affect the efficient operation). Furthermore, under section 77I the extent to which MDRS and/or Policy 3 NPS-UD enablement should be less enabling but only to the extent necessary to ensure the efficient operation, use and development of the airport. I will return to this latter point.

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<sup>45</sup> [Residential-Stage-1-decision.pdf \(ihp.govt.nz\)](#)

- 12.13 A second policy interpretation matter relates to Policy 6.3.5 and specifically the relevance of Map A under Chapter 6 of the CRPS. Map A depicts the geographic extent of Greater Christchurch and its urban environment. There are four Chapter 6 policies<sup>46</sup> that refer to Map A within their associated policy criteria. However, within Policy 6.3.5.4 reference to Map A is only associated with the identification of residential greenfield priority areas. Whilst Map A does include the spatial extent of a 50dBA Noise Contour, policy 6.3.5.4 does not specifically link the 50dBA Noise Contour to Map A.
- 12.14 It is my view the restrictions on new development should not be interpreted as only being within the area impacted by the 50dBA Noise Contour as illustrated on CRPS, Chapter 6, Map A. My first reason is that the updating of the noise contours affects only the application of the policy not the policy itself. I align this to other policy approaches where activities are managed, in some cases avoided, within an area having specific characteristics, an example being High Flood Hazard Management Area's under the Christchurch District Plan and associated Policy 5.2.2.2.1. The first part of this policy is directive in that it requires the mapping of hazard risk for the Flood Management Area but based on a modelled criteria (0.5% AEP rainfall plus a 5% AEP tide event plus s 250mm freeboard with allowance for 1m sea level rise).
- 12.15 I note this is a different approach to CRPS Policy 6.3.5 as that policy doesn't direct the mapping of the contour, it only refers to the 50dBA Ldn Noise contour, but there are parallels here as the 50dBA Ldn is based on a modelling approach. Policy 5.2.2.2.1 is just more explicit. Policy 5.2.2.2.1.b then states what is to be provided for, and what is to be avoided, within the mapped areas for example with a High Flood Hazard Management Area, A similar approach to CRPS Policy 6.3.5.
- 12.16 The definition of a High Flood Hazard Management Area (HFHMA) means "...an area subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1, or where depths are greater than 1 metre, in a 0.2% AEP (1 in 500-year) flood event...". The Council, as part of a District Plan Review or Plan Change (if deemed necessary), will update the models that underpin the identification of HFHMA to ensure the policy is implemented in an efficient and effective manner. These updates take account of changing environmental conditions and any new evidence which may change the base inputs. The results often lead to changes to the spatial extent of a management area, but not the policy.

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<sup>46</sup> CPRS, Chapter 6, policies 6.3.1, 6.3.5, 6.3.7, 6.3.12

12.17 I consider the new evidence base on the Airport Noise Contours<sup>47</sup> to be robust and comprehensive and should be appropriately considered through this plan change. Importantly, to ensure the planning response to the requirement for greater intensification achieves the higher order policy direction and purpose of the Act (sustainable management principles). This includes "...a land use and infrastructure framework that:...achieves development that does not adversely affect the efficient operation, use and development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs" (CRPS, Chapter 6, Objective 6.2.1), and District Plan Objective 14.2.3 and Policy 14.2.4.1 Avoidance of adverse effects on strategic infrastructure.

12.18 My second reason is that even if the reference in CRPS Policy 6.3.5 to the 50dBA Noise Contour can only be the contour as depicted on Map A, I consider there is still scope through this IPI process to consider whether MDRS and Policy 3 NPS-UD application is most appropriate outside of the Map A 50dBA Noise Contour. Map A of the CRPS does not in my opinion provide a barrier to the consideration of limiting the greater enablement through a qualifying matter. A qualifying matter can include both the CRPS Map A 50dBA Noise Contour spatial extent, as well as a wider 50dBA Noise Contour.

#### *Technical background information*

12.19 To assist the panel, I have identified below important excerpts from the following two recently publicly released reports that inform my recommendations on the airport noise QM:

- a. Christchurch Airport Remodelled Contour – Independent Expert Panel Report, Prepared for Canterbury Regional Council, June 2023<sup>48</sup>
- b. 2023 Updated Christchurch International Airport Noise Contours, Prepared by Christchurch Airport (Airbiz, Airways, Marshall Day Acoustics, Chapman Tripp).

Excerpts from the Independent Expert Panel Report (that I have relied on):

*"The Independent Expert Panel appointed by the Canterbury Regional Council (Environment Canterbury) to review the remodelled long-term aircraft noise contours for Christchurch Airport (CHC or the Airport) prepared by the Christchurch International Airport Limited (CIAL) Expert Team (CIAL Expert Team)" – (page 5)*

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<sup>47</sup> CIAL submission #852

<sup>48</sup> [ECanCIALFinalRemodelledNoiseContourIEPReviewReportFinal28Jun2023 \(3\).PDF](#)

*“The aircraft noise contours for CHC were originally modelled in 1994. They were subsequently remodelled in 2008 based on assumptions and inputs developed and contours modelled by an Independent Expert Panel (which included noise modellers) selected at that time. The 2008 50 A-weighted decibels (dBA)1 Day/Night Average Sound Level (Ldn)2 aircraft noise contour was adopted in the CRPS in 2013.” – (page 5)*

*“The process was initiated in accordance with monitoring requirements under CRPS Policy 6.3.11(3), which includes the requirement of a report from an independent panel of airport noise experts documenting their peer review of the inputs, assumptions, and outcomes of the remodelling” – (page 5)*

*“The final assumptions and inputs were developed in a sound manner in accordance with industry best practices and provided a reasonable representation of potential long-range conditions at the Airport at the ultimate runway capacity, considering the existing runways and planned runway improvements.” – (page 8)*

*“CIAL produced two sets of noise contours:*

- Annual Average Aircraft Noise Contours (overall annual average runway usage)
- Outer Envelope Aircraft Noise Contours (composite of four worst-case contours, with each representing the highest runway usage on each runway over a 3-month period)” – (page 8)

*“Once development is established it is likely to exist for several generations. Changing the form and structure of established urban, rural-residential, and rural areas can be difficult and expensive. Therefore, it is important to achieve a robust and integrated form of development responsive to the long-term changing needs of people and communities. A carefully managed land use program seeks to recognise and avoid reverse sensitivity effects.” – (page 9)*

*“NZS 6805:1992, Airport Land Use Management and Land Use Planning (NZS 6805), is a mandatory NZS as referenced in the National Planning Standards. It guides the noise contour modelling process and the associated land use planning and airport noise compliance rules. NZS 6805 is used to assess and rate aircraft noise in the vicinity of airports (including aerodromes/airfields). As indicated in Volume 5, Noise Modelling Report, of the 2023 CIAL Expert Team Report, the remodelling process referenced NZS 6805 as a guide.” – (page 10)*

*“NZS 6805 allows the local authority to incorporate into its district plan aircraft noise contours based on the Annual Noise Boundary (ANB; based on the 65dBA12 Ldn13 contour) or Outer Contour Boundary (OCB; based on the 55dBA Ldn to less than 65dBA Ldn), or in a position farther from or closer to the airport if a special circumstance warrants use of a different Ldn. CIAL defines the 50dBA Ldn as the OCB for CHC. . The basis for setting the OCB at 50dBA Ldn predates the aircraft noise contours developed by CIAL*

*and the Independent Expert Panel in 2008. Aircraft noise contours produced in the 1990s for CHC included the 50dBA Ldn contour, the inclusion of which was based on available international community response data. 14 These data highlighted that a proportion of the community were adversely affected by aircraft noise at 50dBA Ldn. By adopting 50dBA Ldn as the OCB, a larger buffer around the Airport exists than would have been allowed by the 55dBA Ldn OCB of NZS 6805.” – (page 11)*

*“The primary Independent Expert Panel role was to review the data and information provided by the CIAL Expert Team and determine if the methodology and assumptions used to arrive at the ultimate runway capacity and air traffic projection levels are sound (that is, the assumptions and results are based on reason and consistent with industry techniques and views related to runway capacity analysis and long-term forecast and long-range projection trends). The Independent Expert Panel was also charged with reviewing assumptions, noise model inputs, and results related to flight track locations, flight track use, noise modelling input, and aircraft noise contour results to determine if the remodelling was reasonably conducted and consistent with industry best practice standards.” – (page 13)*

*“Runway capacity is an estimate of the number of aircraft movements (i.e., landings and takeoffs, or arrivals and departures) the runways at an airport can accommodate over a period of time (e.g., hours, weeks, months, years). Runway capacity is equivalent to runway throughput. Annual runway capacity was estimated for CHC as a basis for determining the number and characteristics of aircraft movements that could occur at CHC in the future. The resulting future activity was then used to estimate the shape and extent of the aircraft noise contours.” – (page 22)*

*“Air traffic projections have a considerable degree of uncertainty and conjecture related to their development, as they involve assessing the long-range development of a range of factors related to air traffic markets, the economy, and the geopolitical environment. It is inevitable that not all these factors will be forecast with perfect accuracy, which is why extended long-range period estimates are considered a projection.” – (page 26)*

*“... underlying passenger demand drives activity growth, while airline decisions on aircraft types to use and the frequency of flights drive the number of aircraft movements to accommodate forecast and projected passenger demand...” – (page 27)*

*“It was anticipated by the CIAL Expert Team that total passenger volumes at CHC would recover to pre-pandemic (2019) levels by FY2026, after which traffic would revert to the original forecast trajectory... Due to the revisions made, commercial aircraft traffic at CHC is now projected to exceed 200,000 movements by FY2084, rather than FY2063 in the original projection.” – (page 31)*

*“The process for deriving flight tracks and allocating traffic is not prescribed under any standards; therefore, it requires the application of technical knowledge about the aircraft movements, route network, and ATM procedures applicable at the subject airport... Each backbone track and the associated sub-tracks are together referred to as a track group.”*  
– (page 33)

*“After further consideration, Airways New Zealand and the CIAL Expert Team identified that a combination of published procedures and cancelled SIDs reflected in the radar data is the best representation currently available of the current and future flight tracks. The Independent Expert Panel Flight Track Expert was satisfied with this approach based on: their own subject matter expertise; the process adopted by the CIAL Expert Team as described in the 2023 CIAL Expert Team Report; and the agreement by Airways New Zealand to the CIAL Expert Team’s assumptions, as advised by the CIAL Expert Team. Overall, the process adopted to determine flight track groups, track spread, and allocation of traffic is in accordance with the principles of the guidance provided in ICAO Doc 9911, Recommended Method for Computing Noise Contours Around Airports, second edition, 2018.”* – (pages 37 and 38)

*“The OCB defines an area within which there shall be no new incompatible land uses, unless a district plan permits such uses subject to requirements to incorporate appropriate acoustic insulation. The ANB and OCB can represent either the existing level of aircraft noise or a future forecast of aircraft noise. NZS 6805 suggests that a projection should be made of future aircraft movements and that a minimum period of 10 years should be used as the basis of the projected contours. Typically, the operators of commercial airports will forward the forecast to a point 20 to 30 years into the future to reflect a projection of anticipated growth in airport capacity. This forward projection not only considers changes in aircraft movements (increases) but also changes in aircraft types to reflect the introduction of new technology (i.e., phasing out of older aircraft and replacement with typically quieter aircraft) and planned changes in aircraft procedures. Some airport operators will use ultimate runway capacity forecasts to provide continued protection from issues such as reverse sensitivity effects or to safeguard land from future noise-sensitive development.”* – (page 39)

*“Following correspondence and meetings with the CIAL Expert Team, the Independent Expert Panel Aircraft Noise Modelling Expert concluded the following:*

- Movement data for all aircraft operation groups (and for individual aircraft types – international jet, domestic jet, and turboprops) agreed with the ultimate runway capacity review and the projection data, including the split between day and night movement numbers.

- Runway usage for the Annual Average and Outer Envelope modelling scenarios agreed with the long-term and long-range runway splits with the necessary adjustments for climate change (i.e., greater use of Runway 11-29).
- Modelled aircraft types reflected the latest data within AEDT 3e.
- The AEDT model calculation and contour plot settings were appropriate. While information on the review of the flight tracks is provided in Section 6, the Independent Expert Panel Aircraft Noise Modelling Expert concluded that the modelled tracks in AEDT were correctly defined and aircraft movements were correctly distributed on the dispersed tracks (backbone and sub-tracks).” – (page 43)

*“the Independent Expert Panel Aircraft Noise Modelling Expert concluded the final methodology, assumptions, and inputs related to the input and settings used in the noise model reflecting ultimate runway capacity conditions were suitable for remodelling the long-range aircraft noise contours, and the noise model output reasonably reflect projected aircraft noise levels based on the input. The final methodology, assumptions, inputs and results were developed and calculated in a sound manner in accordance with industry best practices and provided a reasonable representation of potential long-range conditions at the Airport at the ultimate runway capacity, considering the existing runways and planned runway improvements.” – (page 48)*

12.20 Excerpts from the 2023 Updated Christchurch International Airport Noise Contours report (containing extensive technical information and background to the updated contours that I have relied on):

*“Noise can affect people in different ways, depending on factors like loudness, time of day when noise occurs, length of time that it occurs for, and the context that it occurs in. Sometimes noise is just something that is noticeable but not an issue. At the other end of the scale, noise can disturb sleep, and make it hard to hear or have a conversation. Noise from specific aircraft cannot be made quieter, however the paths that aircraft fly can be designed to reduce exposure to aircraft noise over populated areas (as is the case in Christchurch and West Melton). But it is not possible to avoid noise from aircraft entirely.” – (page 6)*

*“The noise level of normal daytime urban-based activities typically varies between 40dBA and 85dBA. On this scale, an increase in the noise level of 10dBA is perceived to be a doubling or a decrease of 10dBA as a halving in loudness. For example, most people perceive a noise event of 85dBA to be about twice as loud as an event of 75dBA” – (page 7)*

*“Modelling is based on the ultimate runway capacity of Christchurch Airport – that is, the busiest that Christchurch Airport can ever be based on its physical constraints (the practicalities of air traffic control and how aircraft takeoff, taxi and land on the runway) and expected operational characteristics. Ultimate runway capacity is determined by experts in aviation and airport planning. It is important that the contours show the noise that will be generated when*

*Christchurch Airport is at ultimate runway capacity so that planners can take the full extent of projected noise into account and anticipate this in planning decisions....ultimate capacity may be reached between 50 to 60 years into the future. But the point is that it will be reached and should be anticipated in planning documents.” – (page 8)*

*“There are four runway ends at Christchurch Airport. Aircraft generally take off and land into the wind. The main runway (with ends facing north-east and south-west) is used most of the time and aligns with the prevailing wind conditions. On occasions when there are sufficiently strong current or forecast northwesterly winds so that air traffic control declares the runway ‘inuse’, the crosswind runway is used to ensure aircraft continue to take off and land into the wind. Use of the crosswind runway tends to increase in the summer months when north-westerly winds are more frequent.” – (page 10)*

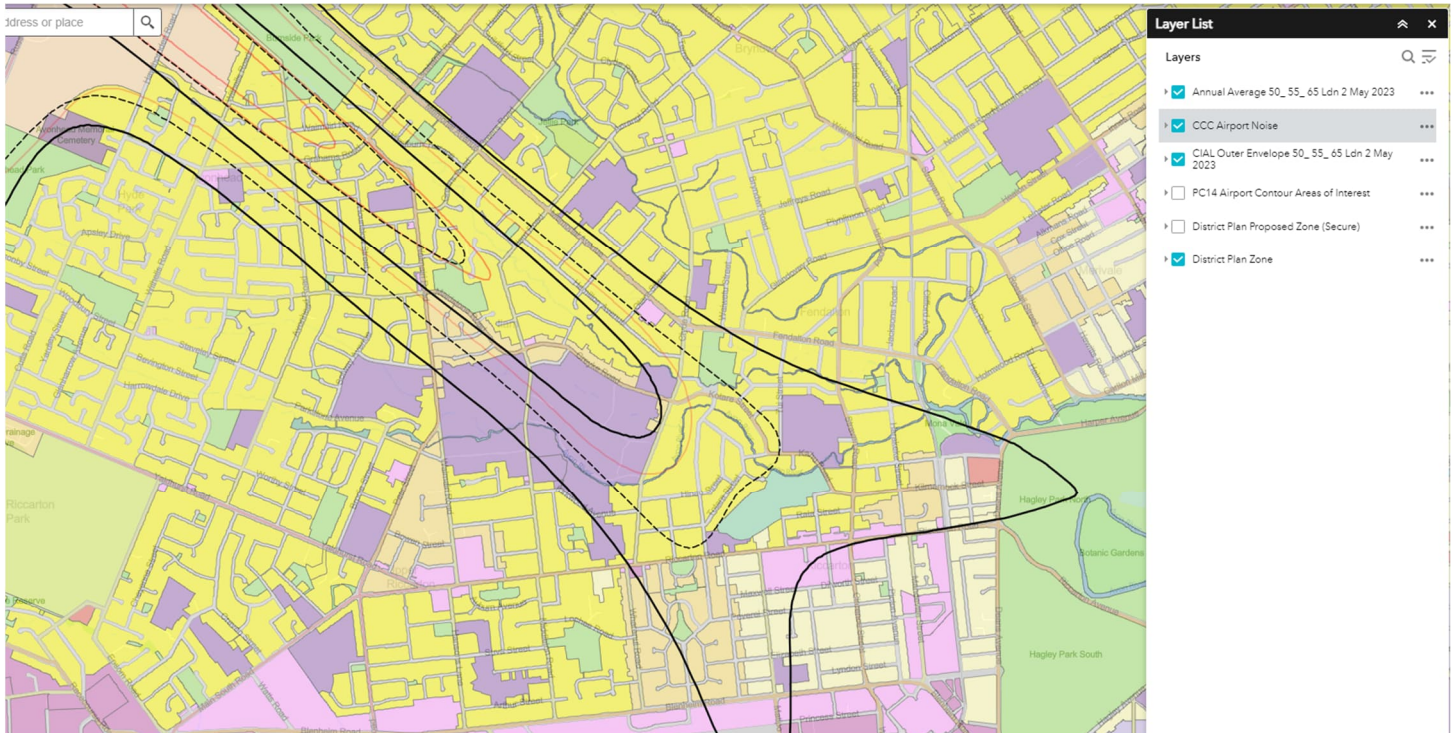
*“Other inputs related to airport operations are included in the modelling. The 2023 Updated Noise Contours model the effect of future runway extensions which are shown in the Christchurch Airport Master Plan for both the Crosswind and Main Runways. The modelling also accounts for annual runway maintenance. Runway maintenance occurs at night on the main runway on a small proportion of days per year. On the nights when runway maintenance occurs aircraft that would normally use the Main Runway must use the Crosswind Runway which increases the extent of the noise contour on this runway.....Climate change has the potential to impact the size and shape of the contours in two ways:... NIWA predicts that the frequency of north-westerly winds will increase due to climate change, which will increase use of the Crosswind Runway;.... NIWA also predicts an increase in temperature and more hot/humid conditions, which could impact the propagation of sound...As outlined above, the predicted impacts of climate change have been accounted for in the model – assuming a 10% increase in the usage of the Crosswind Runway caused by the predicated increased frequency of north-westerly wind conditions.” – (page 37)*

12.21 Submissions have been received both in support and opposition to the proposed Airport Noise Influence Area Qualifying Matter. Submitters have opposed the use of the 50dBA Ldn Noise contour to define this qualifying matter, citing either the 55dBA LdN and/or the 50dBA Ldn Annual Average Noise contour as being more appropriate.

12.22 Christchurch International Airport Limited (submitter (#852) requests that “...PC14 should define all areas potentially subject to levels of noise of 50dBA Ldn or greater, based on the 2023 remodelled contours...There are two version of the remodelled contours, one being the Annual Average methodology and the other using an Outer Envelope methodology. Both methods are technically valid and the preferred approach for Canterbury has not been confirmed. Accordingly, the proposed spatial extent of the Airport QM is demonstrated at Appendix A(i) and includes the outer extent of” (a) Operative Contour; and (b) Remodelled Contour (Annual Average); and (c) Remodelled Contour (Outer Envelope).”



12.23 I have provided below an illustration<sup>49</sup> of the Operative District Plan zoning overlaid with the 50, 55 and 65 dBA Ldn Noise Contours as included within the Operative District Plan and the Updated 2023 50, 55 and 65 dBA Ldn Noise Contours.



12.24 I acknowledge the findings of the IHP for the Replacement District Plan on page 57 of Decision 10 that:

“In essence, the position we reach is that:

- a. *There is no absolute direction to avoid any further noise sensitive activities in existing residentially zoned land within the 50 contour, but*
- b. *There is a need to evaluate whether we should avoid or restrict such activities so as to give proper effect to Policy 6.3.5 and related CRPS objectives and policies.”*

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<sup>49</sup> The illustration is a snip from Council’s GIS Portal that can be made available to the panel.

- 12.25 In the same vein, this plan change is required to assess the most appropriate planning approach through consideration of the relative benefits, costs and risks. I have summarised these to potentially be (depending on the option):
- 12.26 Benefits of additional housing development opportunities (to individual property owners and the wider community contributing to maintaining a competitive housing market);
- 12.27 Benefits to the Airport in terms of operational and investment certainty, and in association economic benefits to the wider community and region in terms of economic and employment growth;
- 12.28 Costs to individual property owners/developers associated with limitations on land development opportunities, but noting development opportunities do exist under the Operative District Plan provisions (not proposed to be impacted by this Plan Change);
- 12.29 Costs to the community in terms of a reduced potential supply of medium to higher density housing in specific locations, in this case close to centres, places of employment and core public transport routes;
- 12.30 Risks to the health and well-being of individuals, and general livability (amenity) of an area, due to the exposure to aircraft noise, especially when the crosswind runway is used.
- 12.31 Risk that the airports operations might seek to be curtailed through increasing complaints from impacted residents.
- 12.32 Overall, I consider the most appropriate approach to achieving the relevant objectives and policies, is the inclusion of an Airport Noise QM given the management of noise sensitive activities within areas impacted by the Airports operations, is important to the functioning of the city and well-being of current and future residents.

### *Evaluation of submissions*

- 12.33 There are two key matters however that require consideration. The first relates to the most appropriate noise contour to define the Airport Noise QM. The second matter being the extent of greater intensification (i.e above the status quo) that is appropriate within the Airport Noise QM. As part of this second issue, whether limiting greater intensification will be effective in

reducing the potential, or a greater proportion of people to object to the operations of the Airport when it is operating at or near its ultimate capacity.

12.34 The Notified Airport Noise Influence Area Qualifying Matter was based on the 2021 Annual Average Aircraft 50dBA Noise Contour. The 2021 contour was produced prior to the completion of the Independent Expert Panels review.

12.35 It is not appropriate in my view, to use the 2021 noise contours as a basis of the proposed Airport Noise Qualifying Matter. There are differences between the 2021 and now final 2023 noise contour spatial extents for the 50dBA, 55dBA and 65dBA Ldn 'Annual Average Aircraft Noise Contours (overall annual average runway usage) and the 'Outer Envelope Aircraft Noise Contours (composite of four worst-case contours, with each representing the highest runway usage on each runway over a 3-month period).

12.36 In relation to the issue of what is the most appropriate contour, New Zealand Standard NZS 6805:1992 'Airport Noise Management and Land Use Planning' ('NZS 6805') recommend the use of a "noise boundary" to establish compatible land uses around an airport and to set noise limits for the management of aircraft noise at airports. These noise boundaries include "Outer Control Boundary" (OCB) being set on a projected 55dBA Ldn contour, unless local authorities consider it more reasonable to set a different (wider) contour. An 'Air Noise Boundary' (ANB) is recommended to be set close to the airport based on the projected 65dBA Ldn contour, but this not relevant to PC14 as there is no relevant residential zones within this contour.

12.37 Christchurch is the only major airport in New Zealand to restrict development within the 50dB A Ldn contour. The other major airports only restrict residential development within the 55dBA Ldn and 65dBA Ldn noise contours, with those contours being much closer to airports. However the fact that other airports adopt a different contour, is in my view insufficient grounds to justify a change to the current policy approach.

12.38 The CIAL submission refers to case law and substantial body of evidence that confirmed the areas subject to levels of 50dBA Ldn or greater, representing an undesirable noise environment. The case law (with some excerpts have been provided in Part 2 of the Section 32 Appendix 1750) includes the 2004 Environment Court decisions on Variation 52 appeals, where the Court accepted that although there was no prospect of a curfew on the airport at that time, there is

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<sup>50</sup> [PC14-QM-s32-CIALAppendix-Seven\\_relevant\\_case\\_law.PDF \(ccc.govt.nz\)](#)

likely to be an adverse effect on amenity of persons living within the 50 dBA Ldn contour line and thus an environmental cost imposed, with the effect largely on outdoor amenity.

12.39 In 2013, following the Canterbury Earthquakes, the Canterbury Earthquake Recovery Authority (CERA) produced a Land Use Recovery Plan (LURP) based on Proposed Change 1 to the CRPS which prior to 2013 was subject to appeals and soon to be considered by the Environment Court. The LURP included the remodelled 2007/08 50dBA Ldn contours with a revised policy of “avoiding” noise sensitive development within that contour. The relevant planning maps of the Christchurch City Plan were amended to reflect the CRPS. I note these changes to the planning rules were made by Ministerial decision under post-earthquake recovery legislation, with no appeal rights. The Replacement District Plan (2014-2015), considered by an Independent Hearings Panel under post-earthquake recovery legislation, accepted that it was appropriate to include rules restricting subdivision and land use within the 50 dBA Ldn contour to reflect the CRPS.

12.40 In summary, there is a well-established policy framework for the inclusion of an Airport Noise QM. I am not aware of any new evidence that would justify changing the CRPS 50dBA Ldn policy position, nor the District Plan objectives, policies and rules. Should CRPS Policy 6.3.5 be changed through future reviews of the CRPS, then changes can consequently be made to the District Plan. The only grounds to which I would consider it is not appropriate to apply the 50dBA Noise Contour, would be that in doing so the city could not achieve the NPS-UD Objective 1 relating to a well-functioning urban environment and NPS-UD Objective 2 relating to housing affordability and competitive land and development markets. Whilst NPS-UD Objective 3 relates to enabling more people to live near centres, employment areas and in high demand areas, there is still a level of discretion as to how and what extent this occurs.

12.41 The evidence provided by the CIAL, which is included as part of the section 32 evaluation<sup>51</sup> (refer specifically to Part 2, Appendix 15<sup>52</sup>), discusses the level of annoyance that will be experienced by existing and future potential residents, and their tolerability of the airports operations at maximum capacity. I have highlighted below aspects of the technical assessments and also relevant IHP decisions on the Replacement District Plan, as my evaluation of the submissions and further submission has relied upon this technical evidence and IHP decision. The Council has not

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<sup>51</sup> [Proposed Housing and Business Choice Plan Change \(PC14\) : Christchurch City Council \(ccc.govt.nz\)](https://www.ccc.govt.nz/Proposed-Housing-and-Business-Choice-Plan-Change-PC14)

<sup>52</sup> [PC14-QM-MDA Assessment of Noise Effects Annual Average.PDF \(ccc.govt.nz\)](https://www.ccc.govt.nz/PC14-QM-MDA-Assessment-of-Noise-Effects-Annual-Average.PDF)

sought any additional expert evidence, however should through the course of the PC14 hearing, new evidence emerges, my recommendation upon its evaluation, may change.

12.42 IHP Decision 10 of the Replacement District Plan (page 59) "...we accept Mr Day's evidence that the proportion of people likely to be highly annoyed by airport noise inside the 50 contour is in the order of 10-15 per cent, and that 12 per cent is a sensible basis for our evaluation."

12.43 Marshall Day Acoustics 21 July Report (page 4) *"...the Updated Noise Contours generally represent a moderate increase in aircraft noise effects compared with the Operative Noise Contours. This is primarily due to the updated long term future operational capacity of the Airport. ... If the land use controls applying inside the Airport Noise Contours (as of March 2022) were relaxed, the scale of airport noise effects on the surrounding population would increase even more significantly."*

12.44 Marshall Day Acoustics 21 July Report (page 11) *"...the potential growth in residential development inside the Airport Noise Contours presents a far greater increase in people potentially highly annoyed. The number of people highly annoyed under the Future Housing Stock scenario is considerably greater than the Existing Housing Stock scenario (66% greater)"*

12.45 Marshall Day Report CIA Land Use Planning Report 23 May 202253 (page 1) *"...There is no doubt there are adverse effects from aircraft noise at 50 dB Ldn 1 . While the adverse effects are less than, for example, they are at 65 dB Ldn , they are nevertheless real. If land is available elsewhere in the Christchurch region for new residential development (or intensification), it is proposed that it is not sensible from an acoustics perspective, to allow new noise sensitive activities inside the 50 Ldn Air Noise Contour if it can be avoided. It is accepted that noise effects are just one input to the decision making process on land use restrictions."*

12.46 Marshall Day Report CIA Land Use Planning Report 23 May 202254 (page 1) *"...Recent overseas studies have shown that between 50 dB and 55 dB Ldn, 18% to 33% of people were found to be highly annoyed by aircraft noise. If noise sensitive activities such as residential development, hospitals and education facilities are allowed to locate in this area (50 dB to 55 dB Ldn), the number of people adversely affected by aircraft noise would increase. Specifying sound insulation*

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<sup>53</sup> [Marshall-Day-Acoustics-Land\\_Use\\_Planning\\_50-55-v2.PDF \(ccc.govt.nz\)](#)

<sup>54</sup> [Marshall-Day-Acoustics-Land\\_Use\\_Planning\\_50-55-v2.PDF \(ccc.govt.nz\)](#)

*to be fitted to buildings in these noise environments will not eliminate all the adverse effects of noise, due to open windows and an unsatisfactory outdoor noise environment."*

12.47 I have considered whether it is appropriate to accept a trade-off between enabling greater intensification and the level of protection for future airport operations (namely so not to curtail the airports' ability to operate near or at its ultimate capacity). Or alternatively, whether one land use option can both maintain a competitive land development market, and contribute to a well-functioning urban environment including protecting the airports operations. An alternative option being designed or an approach that achieves multiple outcomes namely the protection of the Airports operations, maintains good standards of amenity and well-being, and achieves "*..the future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that i. Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural well-being; and ii. Fosters investment certainty...*" (Strategic Directions Objective 3.3.1).

12.48 As I have already addressed the 50dBA versus 55dBA matter, the spatial extent of the Airport Noise QM and zone options within it requires a decision on what is the most appropriate 50dBA Noise Contour to apply. Options being the Annual Average or the Outer Envelope (see Appendix A(i) of the CIAL submission as copied below).

12.49 I understand that the 2008 Noise Contours, being those adopted in the CRPS and District Plan, were modelled to include the three-month seasonal noise exposure for the area of the contours extending southeast towards the city centre, taking account of aircraft movements on the cross-wind runway. Both the 2008 Noise Contours and the Outer Envelope Updated Contours take account of this seasonal increased activity in the modelling methodology<sup>55</sup>.

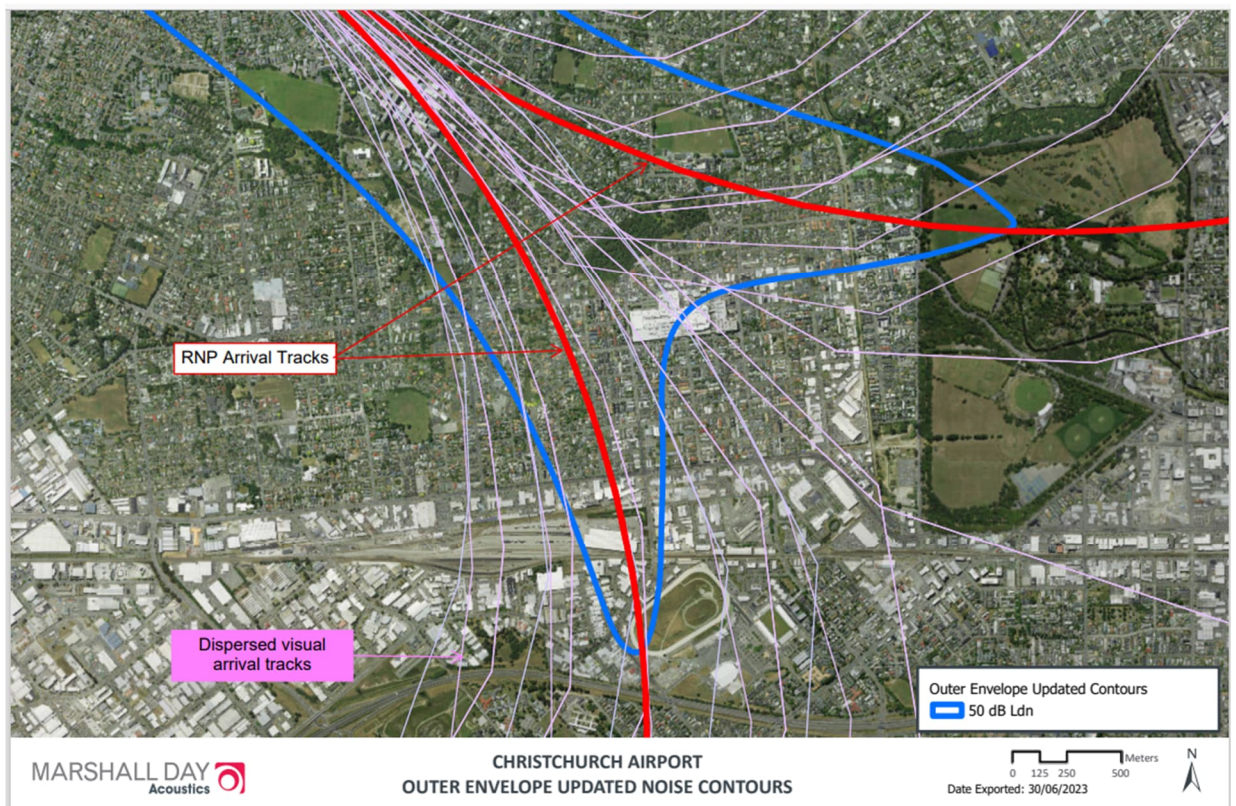
12.50 I understand the Annual Average Updated Contours do not take into account seasonal increased activity. If the Annual Average Contour was adopted for the Airport Noise Influence Area QM, the impact would be to expose a greater number of people to more regular aircraft movements over the summer periods, particularly with the northwest approach to the airport being used by aircraft more intensively during a three-month period when north-westerly winds are more prevalent. These months are likely to be when residents wish to open windows and utilise

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<sup>55</sup> Refer to PC14, Section 32, Part 2, Appendix 10



outdoor areas. I have provided below an illustration from Marshall Day Acoustics of the Outer Envelope 50dBA Ldn contour and the arrival flight tracks.



12.51 I note the excerpt from the Marshall Day Acoustics "Christchurch Airport Recontouring Volume 5: Noise Modelling Report, page 28" (part of the 2023 CIAL report) stating "... *In the context of identifying and managing noise effects, the question is whether a 3 month or 12 month noise exposure is the appropriate period to assess. In our view, there is no clear-cut answer. Most of the research regarding aircraft noise annoyance is based on residents' perception of noise. Given that three months is a reasonably sustained period, the research based on 12 months may also be applicable to a 3 month exposure. The overall outcome for residents over a longer timeframe would depend on the degree of respite outside the busy three month period.*"

12.52 I am particularly mindful of the airport operating at or near its maximum capacity and whether the degree of respite outside the busy three month period, will be enough, to justify a trade-off to enable greater population density within the updated 50dBA Ldn outer envelope contour. Particularly in locations directed for higher densities such as around centres (commensurate with their role) and around (should it become planned) a mass rapid transit stop (refer to Policy 3 NPS-

UD). In this case the Riccarton catchment falls into this scenario being a larger town centre and potentially the first phase of a Mass Rapid Transit system (I discuss this further below).

12.53 I have considered the trade-off that would need to be made if the Outer Envelope was adopted through developing an alternative urban form scenario. I have provided in Appendix X of this report, a series of illustrations of the 50dBA Ldn Outer Envelope applied over the Operative District Plan zoning, and the PC14 Notified Proposal zoning. From this, 'Areas of Interest' have been created to evaluate potential impacted development capacity under both the Annual Average and Outer Envelope boundaries. Areas of Interest have also been created to assess options where impacted capacity might be compensated close to where it was lost from. My Kleybos provides a supporting assessment of impacted and compensatory housing development capacity.

12.54 In regard to development capacity, the impact of applying the Outer Envelope (OE) compared to the Annual Average (AA) and in terms of the Operative District Plan 50dBA Ldn Air Noise Contour, does appear significant (refer to the table below). However I have also provided different scenarios and estimations of the number of people that might be annoyed or highly annoyed by aircraft operations. For this high level analysis I have assumed only 10% of the population are adversely impacted under the 50dBA Ldn contours, and average household sizes are averaged across the area at 2.2 persons per household, which is less than the current and project StatNZ expected household size of 2.4pp/hh. Whilst it is not expected this impacted catchment will develop anywhere near to plan-enabled capacity (given the projected long term demand), even assuming low proportions of the report numbers below, does present what I consider to be high potential numbers of people impacted by the airports operations, particularly again over the longer term when the airport may reach near its ultimate capacity .



	Medium density plan enabled potential impact. Number of dwellings within the identified spatial extent.	Feasible (conservative): Potential QM impact on either full or part of a site dwelling yield. Number of dwellings.	Potential population yield at 2.2 persons per household	Proportion of adversely impacted people based on a 10% annoyed/highly annoyed threshold.
Christchurch International Airport Noise Influence, new spatial extent based on the 50dBA Ldn noise contour outer envelope.	43,600	11,879	95,920 people (based on plan-enabled) 26,133 people (based on feasible)	9,592 people (based on plan-enabled) 2,613 people (based on feasible)
Christchurch International Airport Noise Influence, 50dBA Ldn noise contour annual average (not included in QM total to avoid double counting)	20,350	6830	44,770 people (based on plan-enabled) 15,026 people (based on feasible)	4,477 people (based on plan-enabled) 1,502 people (based on feasible)
Operative District Plan 50dBA Air Noise Contour	23,000 (est only)	Not calculated	50,600 people (based on plan-enabled)	5,060 people (based on plan-enabled)










12.55 Whilst the OE impact on development capacity is significant, it is important to recognise the following:

- a. There is significant enablement across the city even with the 50dBA Ldn OE as a qualifying matter, with many other locations providing a high level of accessibility to centres and public transport.
- b. AOI 6 and 7 and their upzoning to higher density is likely to be more feasible and attractive given its close proximity to the University of Canterbury, and given the redevelopment of existing RMD zoned areas AOI 1 and AOI 5, recognizing that site amalgamation is more complex for existing multi-unit developments and sites, compared to lower density larger sites (refer to Ms Allens evidence).
- c. AOI 2 contains a large block of Mixed-Use Zone which as recommended by Mr Lightbody presents an opportunity to transition towards providing for a greater level of high density

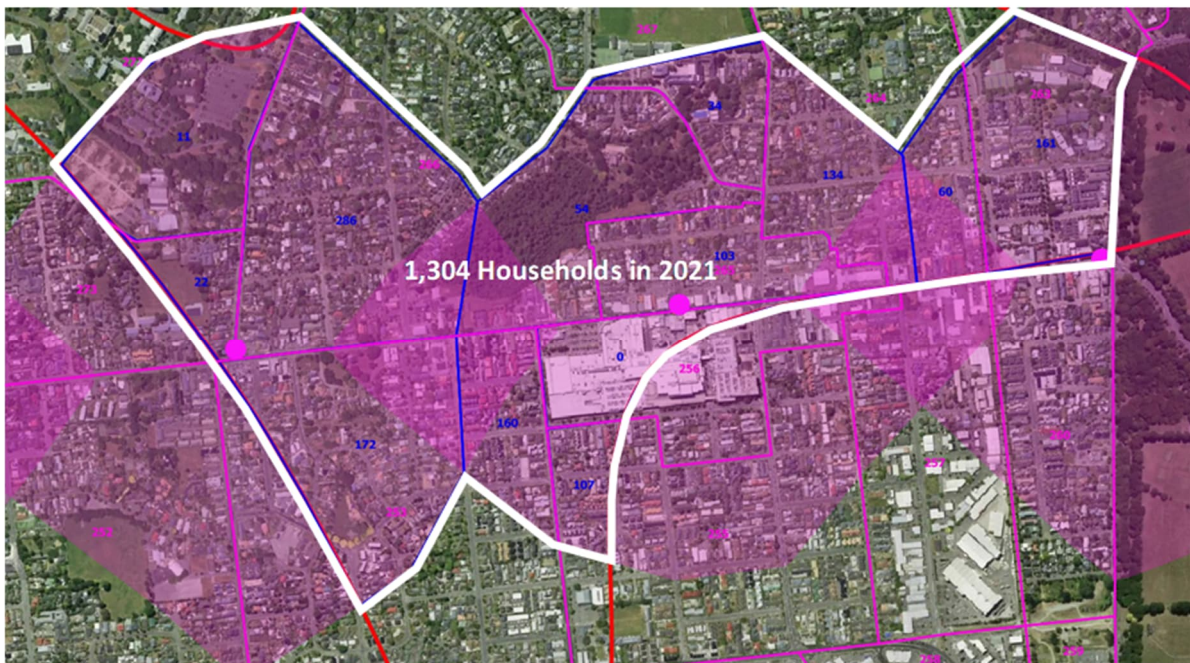
development. This again recognises the greater opportunity within business areas for site amalgamation and site sizes to facilitate higher density developments.

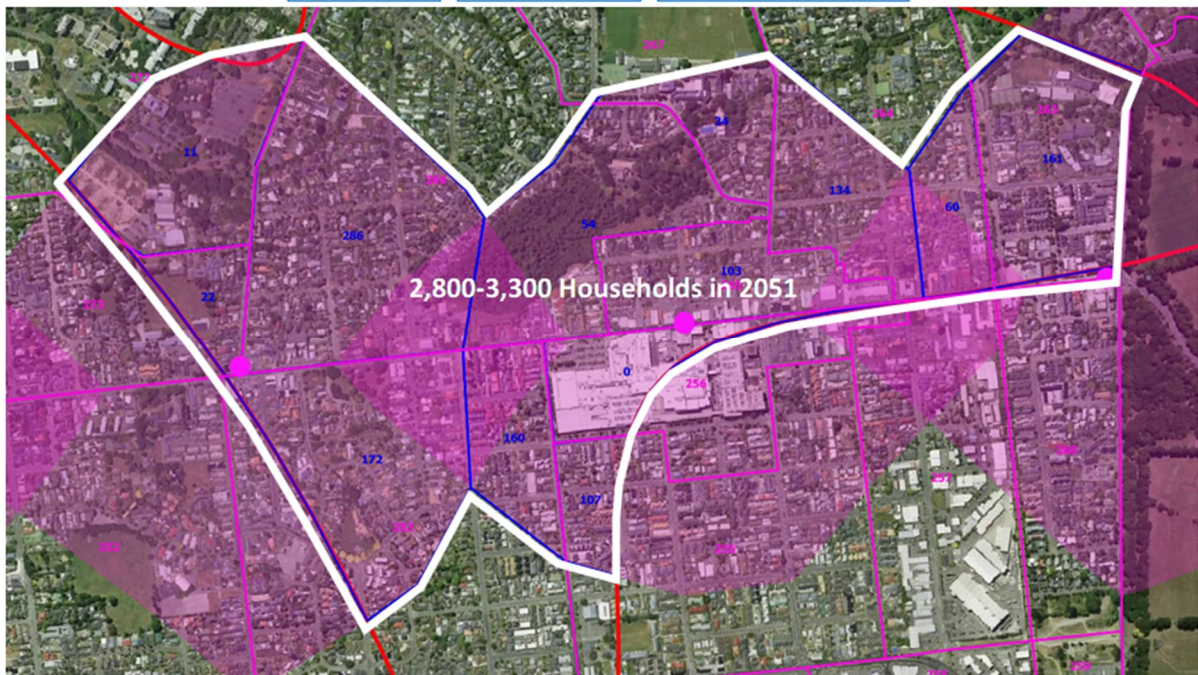
- d. The status quo zoning will still achieve a reasonable level of development (population density) when fully developed to the plan-enabled densities. I note that average residential densities were evaluated in 2020, where in the operative medium density zones the average dwelling density ranged between 31 and 52hh/ha in Residential Central City Zones, between 10 and 40hh/ha in the Residential Medium Density Zones, between 9 and 27hh/ha within the Residential Suburban Density Transition Zone, and between 6 and 20hh/ha in the Residential Suburban Zones. Plan-enabled densities are much higher for each operative zone and even without the application of MDRS, it is my expectation that average densities between the RSDT and RMD will have tracked closely, given up to four residential units are a permitted activity under the RSDT zone.
- e. Even with the OE in place the level of development capacity along the west arm of the City Spine (i.e from Hagley Park to Hornby) will be substantive and sufficient to support and attract infrastructure, land development and business investment, and facilitate a more consolidated urban form. However, ensuring that impacted development capacity is compensated within the same catchment or suburb, is particularly important to achieve the greatest efficiencies in infrastructure investment to support a potential mass rapid transit system.

12.56 I have copied below an excerpt from the Greater Christchurch PT Futures Mass Rapid Transit Indicative Business Case (page 130). This report (page 206) describes Scenario 3 as applying "...a staged approach to growth that seeks to 'move the dial' towards a desired urban form and densities to support MRT. It is important to reiterate this is just a scenario and also that the densities outlined are still well below the ideal levels that are recommended around stations/stop. Intensification around MRT is a priority. Greater densities in the right locations and well-integrated with the transport network helps to support MRT patronage and active mode travel along with wider health and sustainability benefits as part of a well-functioning urban environment." The report assesses that 'Scenario 3' as potentially resulting in an uplift 20,000 passengers per day with a MRT system in place (page 164).

Existing Situation 2021	Scenario 1: 2051 Baseline	Scenario 2: MRT Enabled (NPS-UD) 2051	Scenario 3: MRT Focused Growth 2051
 <b>29,041</b> households within the corridor	 A total of <b>36,689</b> households within the corridor by 2051	 <b>6 storeys</b> within the walkable catchment	 A total of <b>50,992</b> households within the corridor by 2051
	<b>27% of CCC household growth*</b>	 <b>10 storeys</b> within a 1.2km walkable catchment of the Central City	<b>54% of CCC household growth***</b>
 <b>82,367</b> jobs within the corridor	 A total of <b>128,483</b> jobs within the corridor by 2051	 <b>10+ storeys</b> in the Central City	 A total of <b>140,328</b> jobs within the corridor by 2051
	<b>57% of CCC total job growth</b>		<b>69% of CCC total job growth</b>

12.57 Mr Morahan has provided in his evidence some preliminary analysis to estimate the assumed number of households required to achieve the desired patronage for an MRT system in this location. The indicative business case assumed an additional 1,500-2000hh above the existing current number being estimated at 1,300hh (first illustration below). Thus equating to a total desirable household yield in this location of approximately of between 2,800 to 3,300hh or greater, within the white boundary area (second illustration below).

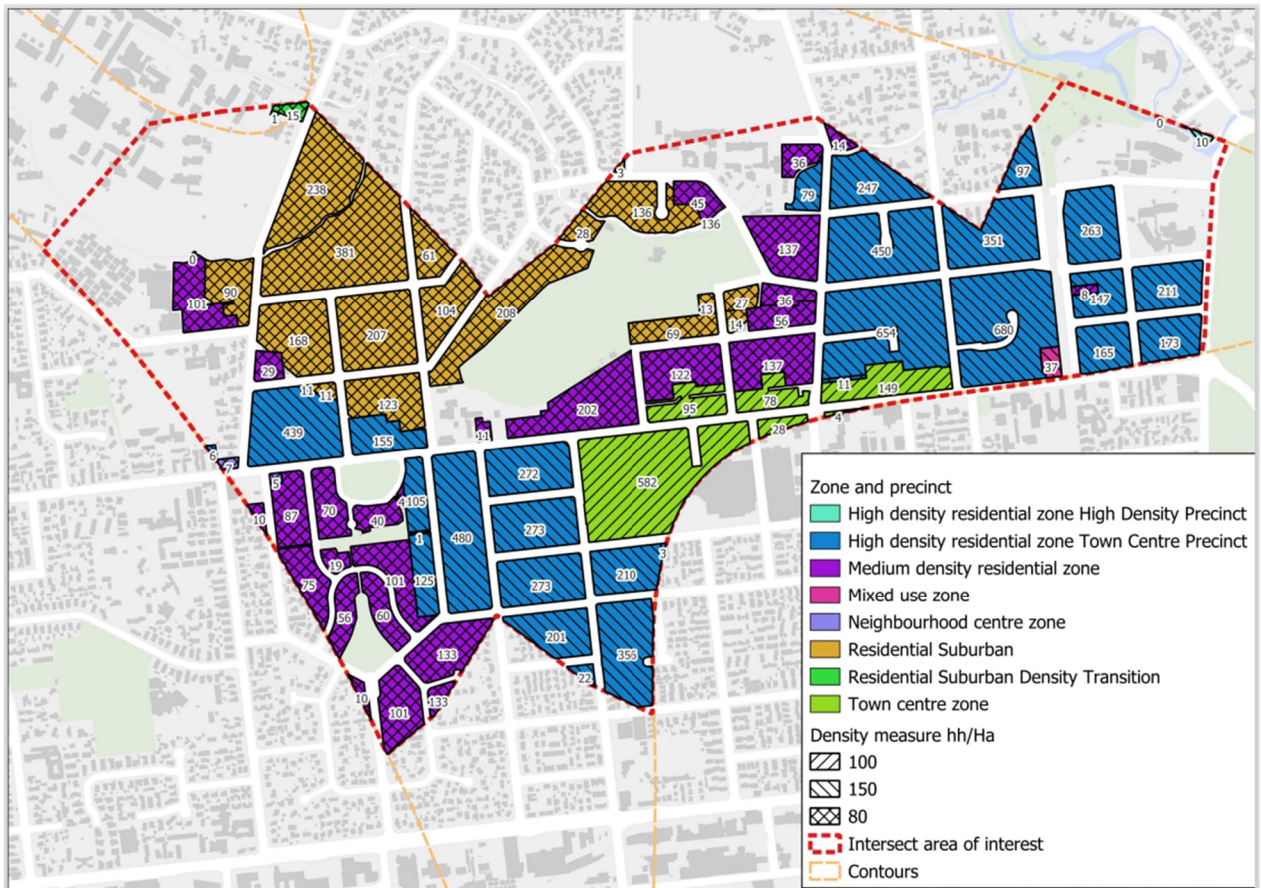


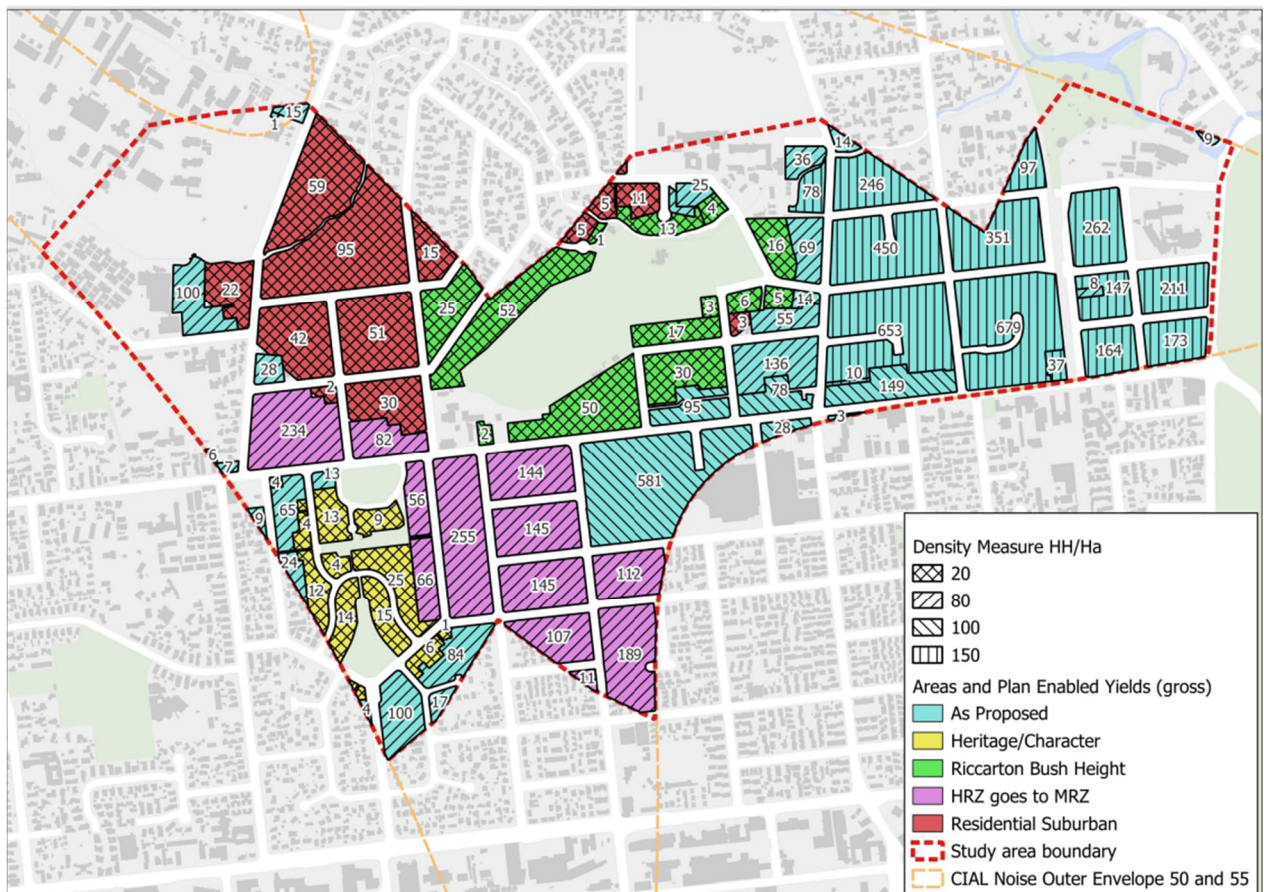


12.58 The Council’s plan-enabled and feasible capacity model has been applied (broadly) to the wider Riccarton impacted area, where potential yields under different scenarios has been calculated. The first capacity map below depicts gross yields (i.e. does not reduce by existing number of dwellings) as proposed under the Notified Proposal and without a number of QMs applying. The second capacity map again assesses gross yields but with a reduced level of enablement resulting from QMs in place including the Updated 50dBA Ldn Outer Envelope, except for the High Density Zone north of Riccarton Road (see my recommendation below).

12.59 The approximate summation of the QM impacted scenario gross yield is 7785hh and if this is reduced by the existing 1,304hh, creates a net yield of 6481hh. This well exceeds the desired 3,300hh to support the MRT indicative yields, resulting in an estimated exceedance of some 3,180hh.







12.60 Notwithstanding this 3,1981hh exceedance, it is my view that whilst the level of compensation provided by the compensatory areas (principally additional higher density zoning in AOI 2, 6 and 7), will likely be sufficient, enabling a mix of medium and higher density outcomes north of Riccarton Road across from the Riccarton Centre, is on-balance more appropriate. It is in my view some level of trade-off or rather acceptance for a reduce level of amenity, is needed to ensure Ōtautahi Christchurch is well-positioned to facilitate greater populations along the Riccarton Road corridor, and to ensure that the commensurate response to this major Town Centre is appropriate. I refer also to Mr Kleynbos provides an analysis of the impact of the updated noise contour on in particular the high-density enablement. When compared against an 800m HRZ catchment, with the Updated 50dBA Ldn Outer Envelope Noise Contour applied, the HRZ land area would be reduced by 66.7%, dropping the potential yield when assumed at 200hh/ha from 22,158hh to 5,822hh.

12.61 The trade-off being that future households may experience, or as a consequence of living in this location, experience a reduced amenity during three months of the year and/or when the crosswind runway is in operation. I have estimated that when the same scenario is applied as

above with regard to the potential to impact amenity, the difference in potential proportions of those annoyed or highly annoyed could be some 4,800 people (i.e. 22,000hh x 2.2pp/ha x 0.1 or 10%), as compared to over 1,200 people (i.e. 5,800hh x 2.2pp/ha x 0.1 or 10%). Thus, providing for greater population density within the Riccarton catchment as I have recommended above, will expose a greater population to airport noise. However, provided the level of enablement is modified appropriately, the concentration of the city's population away from more affected areas, may be effective in both reducing the number of the future population 'annoyed or highly annoyed', and (based on the evidence I have relied upon) a groundswell of complaints regarding the airports operations, again as I emphasise, if the airport is operating at or near its ultimate capacity.

12.62 In conclusion, it is my opinion, based on the evidence provided, that the Alternative Scenario (second capacity map above) would achieve an appropriate balance between objectives directing the requirement for greater intensification, the health and well-being of future residents, and the efficiency and effectiveness of strategic and city infrastructure. Ōtautahi Christchurch has many options to house its population away from areas at risk, and more concentrated in areas where there will be a better and more acceptable level of amenity. From a strategic level perspective, this principled and precautionary approach is one which in my opinion can and should be followed not just in the case of airport noise, but as I will address in the following sections, also for other city infrastructure and areas at risk from hazards.

### *Method of managing activities within the Airport Noise QM*

12.63 In regard to the appropriate management approach within the Airport Noise QM, I consider managing residential (population) density to be the most effective method to address reverse sensitivity effects on the airport, and limit the number of people exposed to airport noise (thereby potentially adversely affected by airport noise). The number of dwellings enabled in a specific location influences the number of people that can or could reside in that location. If it is assumed 2.4 persons reside in each dwelling<sup>56</sup> then for every 10hh/ha, 24 persons might reside within that hectare, at 30hh/ha then 72 persons might reside in that hectare. The number of people potentially adversely impacted by the airport noise, if adopting a 12% threshold (for highly annoyed people), under the 10hh/ha scenario possibly only three (2.88) persons impacted, but

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<sup>56</sup> StatsNZ projections – refer to Greater Christchurch Housing Capacity Assessment 2021

under 30hh/ha scenario 8-9 (8.64) persons may be adversely impacted, and under a 100hh/ha 29 people (2.88) may be adversely impacted.

12.64 Dwelling density is one of the primary factors that determines the characteristics of each residential zone and consequentially is a fundamental differentiating factor between zones. I consider that zoning is the most appropriate method to manage the number of people potentially impacted by airport noise, and that other MDRS and/or high density standards and any variations of the zone standards to be secondary (less effective) methods. I therefore consider any appropriate response needs only to focus on the different zoning approaches (namely the operative zoning compared to higher density options) and spatial extents of the zone options, within the 50dBA Ldn Noise Contour.

#### *Potential matter of scope*

12.65 Other amendments I consider necessary are in regard to the references under the RS and RSTD zones to the "Airport Noise Influence Area". If it is accepted that the 50dBA Ldn Noise Contour Outer Envelope is appropriate as a QM, and the underlying zoning is to retain the Operative District Plan zoning, the Waikanae scope issue could arise. This is due to the existing restricted discretionary rules (refer to Chapter 14, Rule 14.4.1.3) managing noise sensitive activities potentially placing an additional restriction above the operative rules for those properties that fall outside the Operative 50dBA Ldn Noise Contour and the Updated 50dBA Ldn Noise Contour Outer Envelope. I have therefore recommended the deletion of the "Airport Noise Influence Area" references and clarification of that the noise sensitive rules only apply to properties located within the operative 50dBA Ldn Noise Contour.

12.66 I consider that the approach to retain the operative zoning within the Updated 50dBA Ldn Noise Contour Outer Envelope to adequately give effect to the purpose of the proposed Airport Noise QM. Should upon the review of the CRPS Policy 6.3.5 result in directions to change the District Plan, then how the rules apply will also require a further review and potential changes.

#### *Recommendation*

12.67 The spatial extent of the Airport Noise Qualifying Matter to align with the Updated 50dBA Ldn Noise Contour Outer Envelope, except within the planning maps only applied to relevant residential zones and commercial and mixed-use zones and excluding an area of land north of



Riccarton Road within the area broadly between Straven Road, Otakaro Avon River, Matai Street, Deans Avenue and Riccarton Road.

12.68 Retention of the Operative District Plan zoning for all areas located within the Updated 50dBA Ldn Noise Contour Outer Envelope, except for an area of land north of Riccarton Road within the area broadly between Straven Road, Otakaro Avon River, Matai Street, Deans Avenue and Riccarton Road, which I recommend to be rezoned High Density Residential Zone.

12.69 The expansion of the High Density Residential Zone around Upper Riccarton, refer to specific spatial extent within Mr Kleynbos's s42A report, as compensation for impacted development capacity resulting from the application of the Updated 50dBA Ldn Noise Contour Outer Envelope.

12.70 Deletion of references to the Airport Noise Influence Zone QM within the Residential Suburban and Residential Suburban Density Transition zones.

#### 12.71 ISSUE 1 - SAFE AND EFFICIENT OPERATION OF CITY INFRASTRUCTURE - ELECTRICITY TRANSMISSION CORRIDORS – SETBACK FROM TRANSMISSION AND DISTRIBUTION LINES – EXISTING MATTER

12.72 The Notified Proposal includes setbacks from Electricity Transmission Corridors (220kV, 110kV and 66kV National Grid lines, and 66kV, 33kV electricity distribution lines, and the 11kV Heathcote to Lyttelton electricity distribution line, with these corridors identified as a qualifying matter. These reflect the operative district plan provisions which place limitations on a buildings proximity to electricity distribution and transmission corridors, which extend across a range of residential and commercial zones.

12.73 The NPS-UD identifies the National Grid transmission network as being 'nationally significant infrastructure', while the remaining lines identified above are 'regionally significant infrastructure' in the CPRS (defined as 'strategic infrastructure' in CRPS, Chapter 6). Policy 6.3.5 of the CRPS requires that new development does not affect the efficient operation, use, development, appropriate upgrading, and safety of existing strategic infrastructure. In terms of strategic directions objectives in Chapter 3 of the Plan, Objective 3.3.4 sets out housing bottom lines and choice for Ōtautahi/Christchurch and Objective 3.3.7 directs a well-integrated pattern of development and infrastructure (Objective 3.3.7.a), which includes promoting the safe, efficient and effective provision and use of infrastructure, including optimisation of the use of existing

infrastructure (Objective 3.3.7.i.x). Objective 3.3.12 seeks to provide for the benefits of infrastructure, and seeks that strategic infrastructure, including its role and function, is protected from incompatible development and activities by avoiding adverse effects from them, including reverse sensitivity effects. This includes managing activities to avoid adverse effects on the National Grid (3.3.12.b.ii), and on identified 66kV, 33kV and the Lyttelton 11kV electricity distribution lines (3.3.13.b.v).

12.74 The impact of the proposed Qualifying Matter is to apply the setback for buildings, but not to amend density, with the height and density provided for by the MDRS to remain. It will, however, remove the ability for development within the corridors of the transmission and distribution network corridors, where any building will remain a non-complying activity.

12.75 The setbacks from electricity and distribution lines are supported by Transpower (S878.6) and Orion (S854.10, S854.12), the providers of the infrastructure to which the Qualifying Matter applies. Orion seeks that the corridor is applied to other parts of its network, including all of the 11kV, 400V and 230V electricity distribution network, including restrictions on conductive fencing under these (S854.9, S854.12, S854.13, S854.14, S854.15, S854.16, S854.17, S854.18, S854.19, S854.20, S854.21).

12.76 Kāinga Ora (S834.52) supports the qualifying matter, but seeks that the electricity and distribution corridors are limited only to those corridors required under the National Policy Statement for Electricity Transmission ('NPSET'). This would exclude the application of a corridor to regionally significant electricity distribution that forms part of Orion's network.

12.77 I agree with the submissions supporting the electricity transmission and distribution corridors to the extent that they were notified. However, I do not agree with the Kainga Ora submission to reduce the Notified level of protection, nor do I consider it appropriate to increase the level of protection as sought by Orion. The issue of protection of the electricity distribution corridors was contested as part of the Christchurch District Plan hearings, which the PC14 provisions carry over.<sup>57</sup> I consider that strong evidence is required to show that the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)('the Code') is insufficient to provide protection for the lower voltage class of power lines as sought by Orion, given the impact the corridors and setback would have on property owners.

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<sup>57</sup> [http://resources.ccc.govt.nz/files/policiesreportsstrategies/dpr\\_ihpdecision10\\_residential\\_stage\\_one.PDF](http://resources.ccc.govt.nz/files/policiesreportsstrategies/dpr_ihpdecision10_residential_stage_one.PDF) at [257] to [282]

12.78 The code of practice sets out requirements for buildings and conductive fences close to distribution lines and the need to get written consent from the electric line owner in certain situations. I consider that any planning rules related to the lower voltage requirements sought by Orion would needlessly duplicate the Code, and result in an administrative cost to the Council. As such, the corridors for the lower voltage lines are not supported.

12.79 To the extent that Kāinga Ora only seeks protection of the National Grid transmission network, but not the distribution network, I do not support this relief. The 66kV, 33kV, and 11kV distribution lines are regionally significant infrastructure, and it is considered appropriate that these parts of the electricity network are protected from activities beneath them, given the widespread impact in the event of failure. As noted earlier, the function of the electricity distribution network at these sizes has been determined to be appropriate, and they reflect the provisions of the Operative Plan.

12.80 Overall, I consider that the provisions as notified are the most appropriate for giving effect to the NPSUD, the provisions of the CRPS as they relate to Chapter 6, and strategic objectives 3.3.4, 3.3.7, and 3.3.13.

### *Recommendation*

12.81 Based on the above considerations I recommend that submissions by Orion S854.7, S854.10, S854.22, Transpower (#S876), and Environment Canterbury (#S689) are accepted. I recommend that submissions by Kāinga Ora (#S834) are accepted in part, but to the extent they seek to limit the extent of the corridors to electricity distribution that is not covered by the NPSET, they are rejected. I recommend that the submissions by Orion (#S854) seeking setbacks from the lower voltage distribution network are rejected. Refer to Appendix D for a table of all submissions with recommendations. No changes are recommended to the text of the plan change.

## 12.82 ISSUE 2 - SAFE AND EFFICIENT OPERATION OF NATIONALLY SIGNIFICANT INFRASTRUCTURE – RAILWAY CORRIDORS – SETBACK FROM RAILWAY LINES – EXISTING MATTER

12.83 The Notified Proposal includes setbacks from the rail corridor as a qualifying matter. These provisions reflect the operative district plan provisions which place limitations on the location of buildings in proximity to the rail corridor, and extend across a range of commercial and residential zones. I refer to and adopt again my explanation of the higher order objectives. I consider these

to apply also to setbacks from railway corridors. The impact of the proposed Qualifying Matter is to apply a setback for buildings, with the height and density provided for under the MDRS to remain. It will, however, remove the ability for development within the rail corridor setback, where any building will be a non-complying activity.

12.84 The rail corridor setback is supported by Kiwi Rail (S829) and Environment Canterbury (S689.73). However Kiwi Rail seeks that the setback is extended from 4 metres from the boundary with the rail corridor, to 5 metres (S829). Kiwi Rail considers this distance is especially necessary given the increased building height and reduced height to boundary controls enabled under the MDRS which increase the risk of potential interference with the rail corridor from maintenance and other activities being undertaken on sites adjoining the rail corridor. Kiwi Rail also seeks the addition of assessment matters to recognise that the setback provides for safe and efficient operation of the rail network (S829). Kāinga Ora seeks deletion of the rail corridor setback as a Qualifying Matter (S834). The reason given in its submission is that it considers that the internal boundary for the zones is appropriate in these locations.

12.85 I agree with the submissions supporting the building setback from the rail corridors to the extent that they were notified in PC14. While Kiwi Rail seeks that an additional metre is required for setbacks due to increased building heights and risk of potential interference, it is not clear in the submission that a marginal increase would provide any tangible benefit, taking into account the loss of development potential on adjacent sites. As such, I do not support the increase sought to the setback, particularly given the need to find a balance between enabling development on one hand, while ensuring protection of the rail corridor. Kiwi Rail might be able to provide practical examples in the hearing to assist with understanding the additional set back sought. In addition, it is not clear how a building setback from the rail corridor would assist with the safe and efficient operation of the network, such that the scope of the matters of discretion are expanded to address this. Again, I consider that practical examples would assist with understanding the issues being raised by the submitter.

12.86 I do not support the request by Kāinga Ora to delete the rail corridor setback and identification as a qualifying matter. The rail network is nationally significant infrastructure, and the corridors are important for ensuring that maintenance activities can take place within, or directly adjacent to, the corridor, including ensuring that development does not unnecessarily hinder potential for future upgrades or expansion of the rail network, for example through double-tracking.

12.87 Overall, I consider the provisions as notified are the most appropriate for giving effect to the NPSUD, the provisions of the CRPS as they relate to Chapter 6, and strategic objectives 3.3.4, 3.3.7, and 3.3.13. In particular, there are no concerns regarding the sufficiency of development to enable housing, and the provisions will provide for the protection of nationally significant infrastructure, balanced against the need to enable development in the relevant residential zones.

### *Recommendation*

12.88 Based on the above considerations I recommend that submissions by Kiwi Rail (#S829) and Environment Canterbury (#S689) are accepted. I recommend that the submissions by Kiwi Rail (#S829) to extend the corridor from 4m to 5m are rejected. Similarly, I recommend that the submission by Kāinga Ora to remove the qualifying matter and associated setbacks from the rail corridor are rejected. Refer to Appendix D for a table of all submissions with recommendations.

## 12.89 ISSUE 3 - SAFE AND EFFICIENT OPERATION OF NATIONALLY SIGNIFICANT INFRASTRUCTURE – LYTTELTON PORT – EXISTING MATTER

12.90 The Notified Proposal includes the Lyttelton Port Influence Overlay as a Qualifying Matter. These provisions apply the MDRS in residential zones, and Policy 3 of the NPSUD in commercial zones, and carry over rules that are in the operative district plan for the Lyttelton Port Influence Area. Lyttelton Port falls within the definition of 'nationally significant infrastructure' for the purpose of the NPSUD and is 'regionally significant infrastructure' for the purpose of the CRPS, Chapter 6.

12.91 I refer to and adopt again my explanation of the higher order objectives in paragraph x above. I consider these to apply also to the Lyttelton Port. In addition, I note Strategic Directions Objective 3.3.13.b.i which seeks to avoid noise sensitive activities within the Lyttelton Port Influences Overlay.

12.92 The proposed Qualifying Matter continues to apply the Operative District Plan provisions. These provide an integrated package of provisions relating to port noise that: manages port noise at source; manages of reverse sensitivity effects through an acoustic treatment programme for noise affected properties funded by the Lyttelton Port Company and managed by a Port Liaison Committee; and avoids as far as reasonable, reverse sensitivity effects by controlling land use within the Lyttelton Port Influences Overlay (which was defined by a 65 dBA Ldn port noise contour).

12.93 The Lyttelton Port Influences Overlay is supported Lyttelton Port Company Limited, Kāinga Ora, and Environment Canterbury. There were no primary submissions opposing the overlay. Taking into account submissions on the plan, I support the Lyttelton Port Influences Overlay as I consider that it properly gives effect to the NPSUD and the provisions of the CRPS as they relate to Chapter 6, and strategic objectives 3.3.4, 3.3.7, and 3.3.13. In particular, there are no concerns regarding the sufficiency of development to enable housing, and the provisions will provide for the protection of nationally significant infrastructure, balanced against the need to enable development in the relevant residential zones.

### *Recommendation*

12.94 Based on the above considerations I recommended that submissions by Lyttelton Port Company (#S853), Environment Canterbury (#S689) and Kāinga Ora (#S835) are accepted.

## 12.95 ISSUE 4 – CITY INFRASTRUCTURE – WASTE WATER CONSTRAINT – OTHER MATTER

12.96 The Notified Proposal includes the Waste Water Constraint Areas Overlay (Vacuum Sewers) as a Qualifying Matter. This qualifying matter relates to residential areas in Aranui, Shirley and Prestons serviced by a vacuum sewer system and as spatially defined in the proposed Planning Maps. The vacuum sewer systems are at or near capacity and intensification that would be required under the MDRS and the NPS-UD cannot be accommodated by these systems.

12.97 The impact of the Qualifying Matter is to amend Objective 8.2.3 to recognise the need to ensure that development and intensification in areas with the vacuum sewer constraints do not increase wastewater volumes in the existing system, unless it can be accommodated within the existing system capacity. It is also proposed that existing subdivision rules relating to wastewater (8.4.1.3 and 8.6.8) would be carried over. New development that discharges wastewater into the vacuum sewer would require resource consent for a restricted discretionary activity (8.9A.3).

12.98 While there are other areas throughout Christchurch that are constrained in terms of wastewater capacity, these are generally at a local scale and not at an area-wide scale such as those areas identified. The s32 report outlines the options considered for the areas subject to the qualifying matter, including outlining relevant costs of improving the network to cater for capacity. I refer also to the evidence of Ms McDonald.

12.99 The Waste Water Constraint Areas Overlay (Vacuum Sewers) is supported by Kāinga Ora (S834), The Fuel Companies (S212), Waka Kotahi (S805). Ms Pauline McEwan seeks that the wastewater

constraint is extended to Merivale (S211). Kāinga Ora seeks that amendments are made to 8.9A to add two matters of discretion regarding the ability to connect to any nearby non-vacuum wastewater systems, and the extent to which alternative wastewater solutions are available that do not adversely affect the function of the Council's wastewater systems. The Fuel Companies, while supporting the Qualifying Matter, seek clarification that the rule only applies when the volume of wastewater discharged is, or could be, increased and is therefore not applicable to smaller scale activities that do not affect wastewater discharge volumes.

12.100 The submissions supporting the Wastewater Constraint Areas Overlay are recommended to be accepted. There were no submissions opposing the Overlay. The request by Ms McEwan to add Merivale to the Wastewater Constraint Areas Overlay is not supported, given that Merivale is not serviced by a vacuum wastewater system.

12.101 In relation to Kāinga Ora's request to add two additional matters of discretion to 8.9A.3, the requested amendments are not supported. Firstly, the rule only relates to activities discharging into the vacuum wastewater system, rather than connections into adjacent non-vacuum wastewater systems. Secondly, the request to include provisions for alternative wastewater solutions that do not affect the function of the Council's wastewater systems are covered by the proposed matter of discretion 'b'. This matter notes that the Council's discretion includes effects on the capacity and operation of the vacuum sewer system and adjoining systems. This would already include any consideration of alternative solutions and is considered to be unnecessary duplication.

12.102 The clarification sought by the Fuel Companies is noted, however the rule in Chapter 8 relates to any new activities or expansion of activities that discharge wastewater into the vacuum sewer. If there is no change to discharge, then the activity would not fall under the rule. If there are new activities or an expansion of activities that discharge wastewater into the vacuum sewer, these will be caught by the rule.

### *Recommendation*

12.103 Based on the above considerations it is recommended that submissions by Kāinga Ora (S834) and Waka Kotahi (S805) supporting the Waste Water Constraint Areas Overlay (Vacuum Sewer) are accepted. I recommend that the request by Kāinga Ora requesting additional restricted discretionary activity assessment matters, the request by Ms McEwan (S211) to add Merivale to the constraint overlay, and further clarification sought by The Fuel Companies (S212) regarding

small scale activities that do not affect wastewater discharge volumes are rejected. No changes are recommended.

#### 12.104 ISSUE 5 – CITY INFRASTRUCTURE – CITY SPINE – OTHER MATTER

12.105 The City Spine Transport Corridor qualifying matter is a targeted infrastructure provision applying only to parts of the main northern and western corridors, where the road width is 24m or less. The QM proposes a 4m building setback (greater than the 1.5m building setback under the MDRS) within the Medium Density Residential Zone (refer to proposed rule 14.5.2.18) and High Density Residential Zones (refer to proposed rule 14.6.2.17). It also seeks to manage the height and transparency of fencing and location of outdoor living in the front yard spaces (not within 1.5m of the road boundary). The purpose of these rules is to manage the site design and layout of buildings to ensure most importantly, adequate space is required for tree planting along the road frontage. The rule will also have the benefit of managing the location of permanent and unmoveable structures and required (compliant) outdoor living spaces, so they do not foreclose future potential transport improvements (form and function) along this corridor. Although for reasons I discuss below this is a secondary benefit.

12.106 For business zones (Town Centre Zone, Local Centre Zone, Neighbourhood Centre Zone, Large Format Retail Zone, Mixed Use Zone), the proposed QM proposes a 1.5m setback. I note that this setback may in some instances be less than that currently required under current rules, for example existing rule 15.4.2.3 requires a 3m setback for sites not identified as a “Key pedestrian frontage” on the planning maps. The business setback rule requires that fences do not exceed 1m in height and outdoor living spaces be setback 1.5m from the road boundary.

12.107 Some submitters have sought the proposed City Spine (main transport corridor) building setback be deleted as a qualifying matter. Waka Kotahi states that it “...*generally supports the integration of land use and transport planning, including future provision of multi modal corridors but questions whether this is the most appropriate method for achieving these aims. Waka Kotahi also considers that this qualifying matter reduces the potential for development capacity along the [corridor]..., by requiring consideration of potential road widening through designation and/or land acquisition where there are no confirmed or defined plans....it does not meet the requirements as a qualifying matter, as it does not achieve the need to balance heights, densities and other standards of the MDRS against the need to manage those specific characteristics.*” The reasons for other submitters who oppose the QM are in a similar vein to Waka Kotahi’s. Submitters in support seek to retain the rules as notified.



- 12.108 I will address the three main opposing submission points being the QM as a mechanism with a suggestion the designation process is a more appropriate approach; the impact of the QM on development capacity; and the nature of the QM in reducing the level of enablement only as far as necessary to ensure the special characteristics of the QM.
- 12.109 The location and importance of the City Spine Transport Corridor is set out in Part 2 of the section 32 evaluation, section 6.31. This corridor has been identified under a number of planning and transport plans as a core public transport route. It connects major centres from the north to the west and is planned as a city-shaping corridor to attract the greatest population densities, connecting the city to the neighbouring districts of Selwyn and Waimakariri. Consequently, significant long-term investment both in terms of transport improvements and land use development (business and residential) is planned within this corridor. Its success as a city-shaping asset, will be influenced by the both the enablement provided for through this plan change, but also as importantly the design outcomes set through rules and assessment matters.
- 12.110 I have already highlighted the many infrastructure related objectives and policies that provide, in my view, strong justification for a bespoke approach to managing land use outcomes along this corridor. I accept and fully support the need to maximise land development opportunities, in order to achieve the population densities required to justify further investment, particularly for mass rapid transit. However this should not be at the expense of good (ideally high) amenity along this important corridor. I note Waka Kotahi's Aotearoa urban street planning and design guideline<sup>58</sup> promotes for quality outcomes. Mr Field discusses these guidelines and the street design directions contained within this in more detail.
- 12.111 This Plan Change presents the first opportunity to provide the community and development community with a clear direction as to the outcomes Council expect for this corridor. Properties who directly adjoin the corridor and receive the greatest benefit from future planned transport investment, should have regard to the design and specifically the road interface. The outcome of this corridor if designed well, could benefit the property values of the adjoining properties.
- 12.112 Some submitters have commented that a designation process should have been undertaken by the Council if it requires road widening. As Waka Kotahi has noted, the future form and function of this important corridor has not yet been decided. Whilst an Interim Business Case for

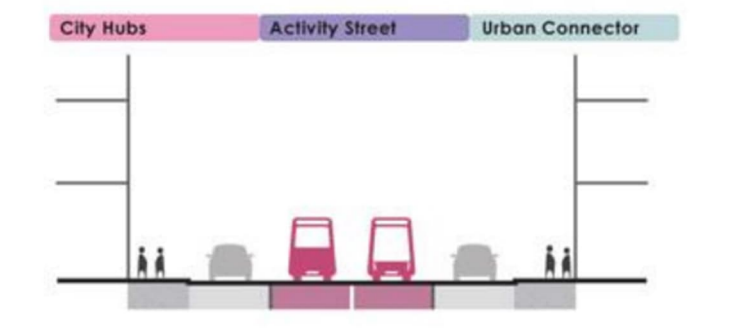
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<sup>58</sup> [Aotearoa urban street planning and design guide - All updates | Waka Kotahi NZ Transport Agency \(nzta.govt.nz\)](https://www.nzta.govt.nz/infrastructure/urban-street-planning-and-design-guide/)

Mass Rapid Transit has been completed, a more detailed business case is still to be undertaken, subject to approval by Waka Kotahi for this next stage. Should this be undertaken, only then will there be sufficient design certainty to prepare a designation, either initiated by the Council or Waka Kotahi, or in partnership.

12.113 I consider it an inefficient use of Council resources and poor process for the Council to advance its own separate designation process ahead of these important corridor decisions being made. I accept that should Council wish to develop a full multi-modal transport corridor, including as Mr Morahan has advised, the provision for a dedicated cycleway, that significant land acquisition to widen the road would be required, and could impact on the feasibility of a mass rapid transit system. Road widening for this type of future proofing is, I agree, more appropriate to be achieved through a designation process.

12.114 However, I am still of the opinion that the proposed building setback is the only appropriate method to protect the potential long-term form and function of this corridor. As stated in the s32 assessment, without a building setback in the narrow sections of the corridor, new builds could significantly compromise future options and further not deliver what I, supported by Council experts Mr Morahan, Mr Field and Mr Chapman, consider to be a minimum level of amenity and function along this corridor. I have copied from the Interim Business Case (page 173)<sup>59</sup>, the image of a cross section that would depict the built environment where the road width is 20m. Mr Field has included scenarios of a 1.5m setback compared to a 4m setback. The street outcomes with the 4m setback being considerably more liveable in my view.



12.115 Regarding the impact on development capacity, in my view the proposed setback has a very minor impact. I also refer to the evidence of Mr Field (urban design), Mr Chapman (tree canopy

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<sup>59</sup> [Greater-Christchurch-Mass-Rapid-Transit-Indicative-Business-Case-Final-Draft.pdf](https://www.greaterchristchurch.org.nz/interim-business-case-final-draft) (greaterchristchurch.org.nz)

cover) and Mr Osbourne (economic). I have undertaken further analysis of the proposed 4m building setback applied to residential sites, on site development opportunity and compared this to the MDRS 1.5m minimum building setback.

12.116 Appendix J contains this further analysis including plans showing specifically which properties are impacted by the proposed QM (being 420 residential properties, noting that the proposed setback for business is only 1.5m and reflects in most locations existing standards under the CDP). For all properties the 4m setback leaves well above the minimum building coverage area, being 50%, available for development. Of the approximately 420 impacted properties, 93 properties have less than 5% of their sites impacted (so 95% or more unaffected). Some 148 properties have between 5 to 10% impacted (so 90% or more unaffected), 129 properties have between 10-20% impacted (so between 80-90% unaffected), and 45 properties between 20-50% impacted, these latter properties being typically existing front sites of a multi-unit complex.

12.117 A 1.5m setback would result in a number of existing trees to be removed, therefore likely leading to a further reduction in tree canopy cover, along this important city-shaping corridor. Whilst there may be an argument for trees to be planted elsewhere on a site, or through a Tree Canopy financial contribution (subject to that being approved) planted elsewhere in the neighbourhood, I do not consider these options will benefit the wider community as well as a planted corridor would. It is my view that the properties adjoining this corridor will benefit from public investment and the minimum landowners/land developers should be contributing to this corridor is the planting of medium and large trees at the interface.

12.118 A final matter raised by Waka Kotahi, relates to the proposed setback not achieving "...the need to balance heights, densities and other standards of the MDRS against the need to manage those specific characteristics". The proposed rule will not impede permitted building heights, nor significantly impact on other permitted built form standards being achieved. The setback does require some more careful consideration of site layout, but I consider the Council's modelling (refer to Mr Fields evidence) demonstrates densities as intended by the MDRS and higher density development, can be achieved on most sites.

12.119 For smaller sites in most instances these already contain a smaller residential unit with an existing 4m building setback. Redevelopment of these sites to apply the MDRS is already significantly limited by their site size, not by the proposed setback. Site amalgamation would be required in these instances to achieve the benefits of the MDRS and/or High Density Residential Zone standards. I therefore do not agree with the position raised under the Waka Kotahi

submission, that there is any imbalance with the other development standards. Furthermore, I consider the proposed setback is the most effective means to achieve the outcomes sought for this important corridor.

12.120 In conclusion whilst I support the proposed setback for amenity (interface) and tree planting purposes, I agree with submitters that a designation process is a more appropriate method to widen the road for functional purposes (i.e to increase the footpath widths and/or cycleway), it is my recommendation that the assessment matter 14.15.j.ii and iii following assessment matters be deleted (refer below). However, the setback rule should not in my view be changed.

*“...Minimum road boundary setback - Qualifying Matter City Spine Transport Corridor*

- i. *Whether the reduced setback, location of outdoor living space and fencing would provide sufficient space in the front yard to contribute positively to street amenity and provide for the planting of medium to large specimen trees.*
- ~~ii. *Whether the reduced setback, location of outdoor living space and fencing would provide sufficient opportunity to achieve well integrated and multiple land use and infrastructure outcomes, including as a minimum and to achieve best practice guidelines, two traffic lanes, pedestrian, cycle and public transport services; landscape amenity and tree planting; and stormwater retention and treatment facilities, residential street relationships and servicing, and CPTED principles*~~
- ~~iii. *Whether buildings, the location of outdoor living space and fencing enabled through a reduced setback from the road would impede widening of the road through designation and/or land acquisition.”*~~

#### *Recommendation*

12.121 Based on the above considerations I recommend that no change is made to the proposed City Spine Transport Corridor qualifying matter and setback, except the deletion of two assessment matters. Refer to Appendix D for a table of all submissions with my recommendations.

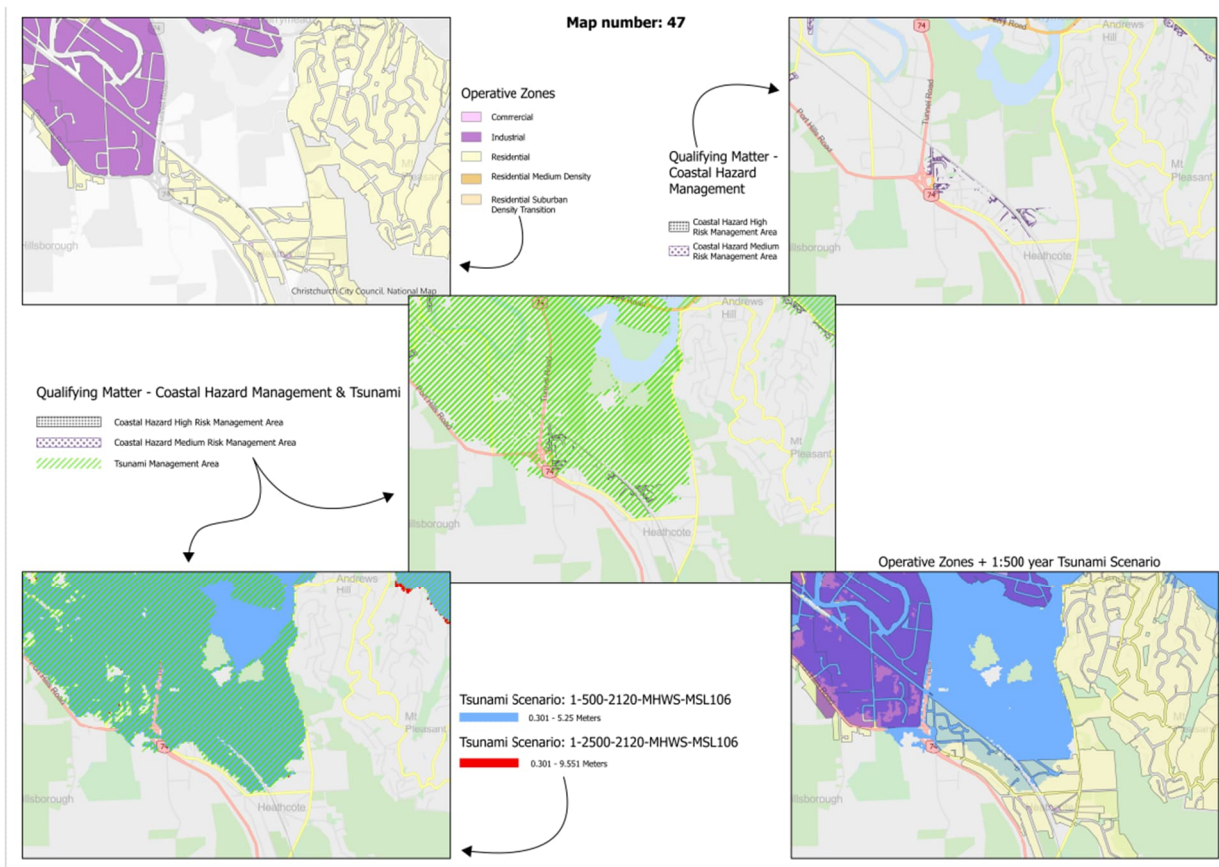
## 13 QUALIFY MATTERS – COSTAL HAZARDS – ANALYSIS OF SUBMISSIONS

### 13.1 ISSUE 1 – COASTAL HAZARD MANAGEMENT AREAS – OTHER SECTION 6 MATTER

13.2 PC14 seeks to introduce a new section 6(h) matter of national importance as a qualifying matter to propose a lesser intensity of development than the minimum development otherwise required to be enabled by MDRS and the NPS-UD. The Notified Proposal included a new proposed policy under Chapter 5 of the Plan, Policy 5.2.2.5.1 Managing development in Qualifying Matter Coastal Hazard Management Areas (CHMA), and to give effect to this new Coastal Hazard Management Areas (medium and high risk areas).

13.3 New rules are also proposed under Chapter 5 in relation to the CHMA, specifically proposed Rule 5A which seeks to manage within the CHMA, the construction and replacement of buildings and accessory buildings, earthworks and stormwater management areas associated with these buildings, either as a controlled or restricted discretionary activity. The addition of a new building other than that specified before, if located within the Coastal Hazard Medium Risk Management Area is proposed to be a discretionary activity. The addition of a new building other than that specified before, if located within the Coastal Hazard High Risk Management Area is proposed to be a non-complying activity.

13.4 To assist the panel and submitters, I have included in Appendix K of this report a series of maps that depict the Operative District Plan zoning, the proposed spatial extents of the Coastal Hazard High and Medium Risk Management Areas, and the Tsunami Risk Management Areas (Notified Proposal and Amended Proposal spatial extent).



13.5 Part 2 of the section 32 report (including more detail provided in section 6.15) , sets out the evaluation of the proposed Coastal Hazards Risk Management Areas as a qualifying matter. I emphasise here the requirements of the New Zealand Coastal Policy Statement (NZCPS) and the Regional Policy Statement to identify and manage development in areas at risk of coastal hazards. The NZCPS Policy 25 specifically addresses subdivision, use and development directing that (my emphasis):

*"In areas potentially affected by coastal hazards over at least the next 100 years:*

- a. avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- d. encourage the location of infrastructure away from areas of hazard risk where practicable;*

- e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- f. consider the potential effects of tsunami and how to avoid or mitigate them.”*

- 13.6 The Operative District Plan currently does not define the full extent of areas at risk of coastal hazards including inundation and erosion. Some activities are managed under other hazard management areas, specifically the High Flood Hazard Management Areas. The management of coastal hazards was deferred under the Christchurch District Plan Review. There was recognition of the need to look at coastal hazards under a normal plan review process to enable appropriate engagement and rights of participation, having regard to the impact of coastal hazards (and climate change) not being fully realised for decades.
- 13.7 Council has subsequently initiated a plan change to introduce coastal hazards provisions in the District Plan, known as Plan Change 12. The recent changes to the Act, specifically the requirement to identify QM's, has brought forward the need to identify areas at the greatest risk from coastal hazards and evaluate the level of residential and commercial enablement appropriate within these areas. This has impacted the intended scope of PC12, as decisions on PC14 could resolve some issues that were being originally to be addressed through PC12, specifically regarding intensification.
- 13.8 I note the request from some submitters for clarification of the differences between PC12 and PC14. I acknowledge the scope complexities between the two process and have provided below, a summary table of the two proposed planning processes. It is important to note that not all land use activities and their management are within the scope for PC14. For example, non-residential activities within residential zones, such as preschools, health care facilities and schools, and the management of these within medium and high risk coastal hazard areas, will be addressed as part of PC12. This point and other matters of scope is discussed in more detail below.

Matter	PC12	PC14
Process	Prepared under a Schedule 1 of the RMA plan change process following a standard consultation pathway , including pre-consultation, notification, submissions, decisions and appeals to the Environment Court.	Processed through streamlined planning process, where the plan change is heard by an Independent Hearings Panel who will make recommendations to the Council. Where the council does not accept any recommendation the matter, the Minister must decide to accept or reject the recommendation. There is no right of appeal.
Limitations of scope	No limitations	An ISPP can only include incorporation of the Medium Density Residential Standards and to give effect to policies 3 and 4 of the NPS-UD, and can include financial contributions, provisions to enable papakāinga housing, and related provisions that support or are consequential on the MDRS or policies of the NPS-UD
Draft or Notified Proposal will/does address	<p>Currently in draft but will address and/or review:</p> <ul style="list-style-type: none"> <li>• The appropriateness of existing enablement provided for under policies and rules.</li> <li>• Non-residential activities within residential zones</li> <li>• Non-residential zones, including rural, open space, industrial, Specific Purpose, unless located within a walkable catchment of a centre where PC14 may apply to residential activity.</li> </ul>	<p>Notified proposal seeks to include:</p> <ul style="list-style-type: none"> <li>• a new policy to avoid intensification development in a Coastal Hazard Medium and High Risk Management Areas; and manage replacement buildings, accessory buildings and extensions to buildings where effects are mitigated to an acceptable level.</li> <li>• Controlled activity status for the construction of replacement buildings within the Coastal Hazard Medium Risk Management Area, and any associated earthworks and stormwater management areas.</li> <li>• Restricted Discretionary Activity status for the construction of replacement buildings, accessory buildings, and extensions/additions to existing buildings within the Coastal Hazard High Risk Management Area, and</li> <li>• Restricted Discretionary Activity status for the construction of accessory buildings, and extensions/additions to existing buildings within the Coastal Hazard Medium Risk Management Area, and</li> <li>• Restricted Discretionary Activity status for any earthworks and stormwater management areas associated with the RD activities above.</li> <li>• Discretionary Activity status for the addition of a new building, other than as listed as an RD activity, where located in the Coastal Hazard Medium Risk Management Area.</li> <li>• Non-complying Activity status for the addition of a new building, other than as listed as a D or RD activity, where located in the Coastal Hazard High Risk Management Area.</li> <li>• Non-complying Activity status for subdivision located in the Coastal Hazard Medium Risk Management Area, and the Coastal Hazard High Risk Management Area.</li> </ul>



- 13.9 The first group of submissions relate to a range of what I deem to be matters of scope. I note the Council's submission (see paragraph 2.11 of this report where I address my indirect involvement in the preparation of the Council submission) but I will not provide any discussion or recommendation on this particular submission.
- 13.10 South Shore Residents Association #380 seek the CHMA only to apply to residential zoned land, not rural, similarly Transpower NZ Ltd #878 request clarification that the policy only applies to residential development. The Fuel Company #212 submission requests clarification that proposed Policy 5.2.2.5.1 only relates to higher residential density, not new developments associated with non-residential activities, and requests clause b of the policy to apply to all buildings.
- 13.11 A potential matter of scope arises through consideration of the Environment Court decision, the Waikanae case. If Waikanae is not overturned through appeal, the scope of PC14 must ensure that development is not restricted more than the status quo. The Notified Proposal, whilst seeking to manage intensification (refer to Proposed Policy 5.2.2.5.1 and the wording "...provide for intensification of any site shall be avoided"), could have the effect of impacting the pre-existing development rights under the Operative District Plan, given all residential zones provide for a level of intensification (for example the permitted activity status for older persons housing, minor residential units and social housing complexes).
- 13.12 I therefore recommend changes to the proposed Policy 5.2.2.5.1 and Rules 5A to ensure the scope of the provisions only manage development that results in a density greater than that provided for under the Operative District Plan. I have also had regard to the policy approach for other hazards under Chapter 5, whereby the first part of the policy direct is the mapping of the hazard, based on certain parameters, and the second part manages the activities, in this case greater residential intensification, within the hazard management area.
- 13.13 The first part of the policy provides plan users with a clearer understanding of what underpins the risk profile for the CHMA. Regarding this latter point, I refer to the evidence of Mr Debski and Mr Todd as to the most appropriate definition of the CHMA, which I will address again in response to other submissions points below. In summary, I consider the proposed amendments (as part of the Amended Proposal) address the Waikanae scope issue, and address submitters concerns regarding the lack of clarity as to how the proposed policy was to intended to apply.

- 13.14 Submitter Mr Nesbit #3 seeks accelerated planning for managed retreat including the introduction of financial contributions. Whilst I agree with Mr Nesbit that there is a need for consideration of such options, at this stage I deem it more appropriate that these responses be considered as part of the Council's Coastal Adaptation Framework<sup>60</sup> and planning. Some mechanisms and methods that may support an option such as managed retreat, are also more appropriately addressed as part of PC12, which has less confinement in terms of scope. I therefore have rejected this submission.
- 13.15 In regard to the submissions above, I also consider that any proposal to seek the removal of pre-existing development rights and managed retreat, could benefit from potential mechanisms under the Climate Adaptation Act (CAA). The CAA is signalled to address complex issues associated with managed retreat, and funding and financing climate adaptation.<sup>61</sup>
- 13.16 Te Tāhuhu o te Mātaranga (Ministry of Education) #806 request an amendment to the policy to add "*...c. Educational facilities are enabled, where there is an operational need and effects are mitigated to an acceptable level based on a **site** specific assessment, and having regard to the level and timing of the hazard. This could be by use of an appropriate risk based trigger or alternative methods.*" Winstone Wallboards Limited #175 seeks and amended to provide for non-residential activities as a permitted activity within the CHMA's. Transpower NZ Ltd #878 similarly seek utilities to be permitted activities within the CHMA's. For the same reasons as stated above, it is proposed to address non-residential activities as part of PC12 and therefore whilst I consider these submissions to have potential merit, I have recommended rejecting these submissions under PC14.
- 13.17 Kainga Ora #834 and Otautahi Trust #877 request that the mapped Hazard Management Areas are removed/deleted and instead this information is held in non-statutory GIS maps that sit outside the Plan. Upon further enquiry with Kainga Ora's planning consultant Mr Cleese (Planz), I understand the reason for this submission relates to Council's across the motu having new information on hazards that was slow to be incorporated within District Plans. This resulted in some cases investment decisions being made, and site and building designs being based upon out-of-date information resulting in increased development costs.

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<sup>60</sup> [Coastal Adaptation Framework : Christchurch City Council \(ccc.govt.nz\)](https://ccc.govt.nz)

<sup>61</sup> [Key components of our future resource management system | Ministry for the Environment](#)

13.18 I do not agree with these submitters, as the Council must continue to manage natural hazards in the District Plan. It's a matter of national importance in s6 of the RMA and is a function of district councils in s31 of the RMA and is a requirement of the CRPS. Whilst I acknowledge that modelling to inform hazard management practices and processes is updated at times, and certainly prior to a District Plan review (required every ten years), the Christchurch City Council continues to make publicly available any new and updated information in as timely manner as possible. I refer to the Council's public website and extensive information and supporting advice that is available to those seeking to develop<sup>62</sup>. Furthermore, the processes already available to obtain a LIM<sup>63</sup>. Mr Norton has also provided contact information to obtain the most up-to date flood level information.

13.19 I consider the need to provide plan users with as much certainty as to the hazards potentially associated with the development and use of land to be of greater importance than what I consider to be a more minor risk that additional information may indicate another potential hazard, or rather need for a specific design response. I note also that the Council is currently in the process of developing a plan change reviewing the Council's Flood Management Areas (FMA's), and through this process will seek to update the spatial extents of FMA's and address any overlaps between the FMA's and CHMA's should they be accepted.

13.20 David East #87 seeks clarity around definitions of the Coastal Hazard Management Zone including the methodology behind the policy, including reasoning as to why internationally rejected or highly unlikely scenarios are being used as the basis for planning. North Beach Residents Association #739 seek that the Coastal Hazards QM does not unduly restrict intensification in coastal areas.

13.21 I do not propose to address the basis and justification for the criteria that underpins the proposed CHMA's as this is in my view adequately responded to through the evidence of Mr Debski and Mr Todd. On their evidence I do not recommend any changes to the CHMA, except it is my recommendation that the CHMA only apply to the relevant residential zones and those commercial centres located within the CHMA. PC12 will address the response required (i.e.

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<sup>62</sup> [Building consents : Christchurch City Council \(ccc.govt.nz\)](https://www.ccc.govt.nz/building-consents)

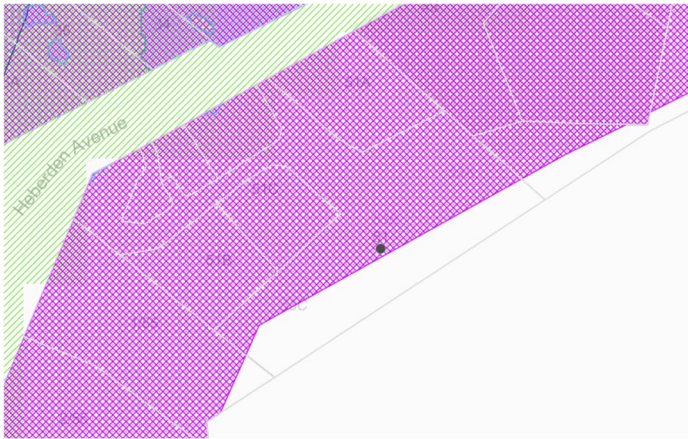
<sup>63</sup> [Land Information Memorandum \(LIM\) : Christchurch City Council \(ccc.govt.nz\)](https://www.ccc.govt.nz/land-information-memorandum-lim)

extension of the CHMA) for all other zones. This recommendation will also address matters of scope.

13.22 Submitter Plain and Simple Limited (#S627) and James Carr (#S519) seek new provisions to enable temporary, modular lightweight housing/buildings within hazard areas. The rules as notified provide a consenting pathway for such buildings to be considered and therefore I do not consider in this regard any amendments required to the provisions. It would be complex to develop a rule to provide for these types of buildings as permitted activities, specifically how to define an acceptable "modular/lightweight building". I do however consider there is some merit in providing for temporary buildings, but I consider this an option that would more appropriately be considered under PC12 as it could relate to a range of residential and non-residential activities. Furthermore, this plan change is about providing for greater intensification which suggests that in most scenarios would involve the consideration of more permanent buildings. I have therefore recommended rejecting this submission.

13.23 Some submitters (refer to Appendix D) have requested to be excluded from the CHMA. I have considered the application of the CHMA's on specific properties and do consider in situations where a property is less than 30% impacted by a CHMA is should be able to be developed for medium density residential development. I note however, there has been no time to undertake this detailed site specific analysis and prepare a list of potential properties that could be excluded. However should the IHP recommend this approach, this work can be undertaken prior to the conclusion of the hearing process.

13.24 KI Commercial Limited #694 request that the planning maps be amended to rezone the entirety of the site at 51 Heberden Avenue (as shown in Figure 1 above) residential (either Residential Hills or Medium Density Residential) and the removal of all QM's. As illustrated below, only a portion of this site is impacted by the CHMA QM and some relief may result from my recommendation that less impacted properties be enabled for medium density housing. However further analysis is required and therefore at this stage I have only accepted in part this submission.



13.25 Carter Group Limited, #814.244 request that the planning maps be amended in respect of either side of Beachville Road, Redcliffs to remove the Coastal Hazard Medium and High Risk Management Area. These properties are fully located within the CHMA (see illustration below\_ and as it is my recommendation to retain the CHMA and associated policies and rules (subject to my recommended changes). I recommend rejecting this submission.



### *Recommendation*

13.26 For the reasons above, I therefore recommend:

- a. The retention of the Operative District Plan residential zoning for all properties where the impact of the CHMA is 30% or greater.

- b. That there is no change to the Notified Proposal in regard to the spatial extents of the CH Medium and High Risk Management Areas, except to exclude any non-residential zone and business zones outside of a walkable catchment giving effect the NPS-UD Policy 3 direction.
- c. That the associated policies and rules be amended as follows (noting that the following amendments include those also as recommended for the Qualifying Matter Tsunami Risk Management Area):

A. Include a new definition as follows:

*Residential intensification*

*means for the purpose of Coastal Hazard Management Areas and Tsunami Risk Management Area Qualifying Matters, increasing the number of residential units on a site beyond that either:*

*a. lawfully established as at [operative date of PC14];*

*b. provided for as a permitted activity in the activity status table for the Residential Suburban and Residential Suburban Density Transition Zone and complying with the zone density standards; or*

*c. permitted via a resource consent granted prior to [operative date of PC14]. For the avoidance of doubt, c. includes vacant lots created by subdivision approved prior to [operative date of PC14] where these are to be developed in accordance with a. or b.*

B. Amend Policy 5.2.2.5.1 and Rules 5.4.A to read as follows:

5.2.2.5.1 Policy – Managing residential intensification within Qualifying Matter Coastal Hazard Management Areas

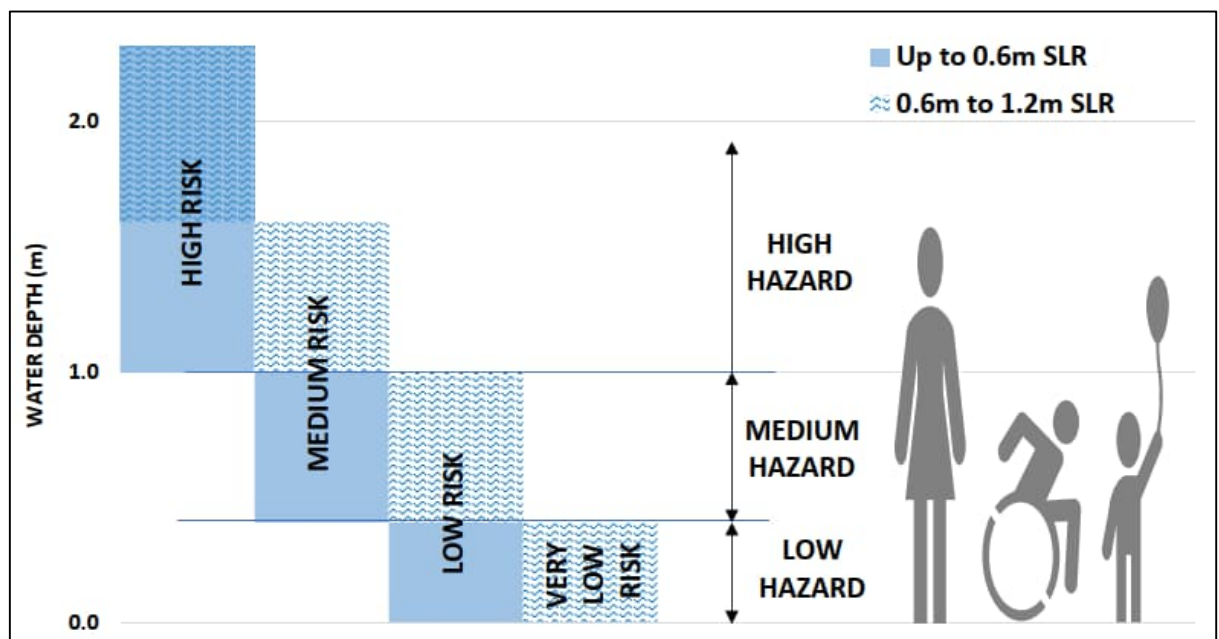
a. Map areas at risk from coastal hazards in accordance with the thresholds for coastal inundation as set out in Table 5.2.2.5.1a to manage residential intensification:

Table 5.2.2.5.1a thresholds for coastal inundation

<u>Coastal Hazard category</u>	<u>Coastal erosion risk category in the CHMA QM</u>	<u>Coastal inundation risk category in the CHMA QM</u>	<u>Mapped risk and inputs</u>

			Flood depth based on 0.6m of sea level rise (higher certainty)	Flood depths based on 1.2m of sea level rise (less certainty – higher consequence)
<a href="#">Coastal Hazard Medium Risk Management Area</a>	<a href="#">Low</a>	<a href="#">Medium</a>	$0.4m < d < 1.0m$	$d > 1.0m$
<a href="#">Coastal Hazard High Risk Management Area</a>	<a href="#">High-medium</a>	<a href="#">High</a>	$d > 1.0m$	$d > 1.6m$

Note - d represents the depth of coastal flooding in a 0.2% AEP coastal flood event, which factors in the sea level amount considered i.e. 0.6m of sea level rise does not equate to 0.6m of flooding.



- [Within the Coastal Hazard Medium Risk Management Area and Coastal Hazard High Risk Management Area, avoid residential intensification unless a site specific assessment demonstrates the risk is low or very low based on the thresholds in Table 5.2.2.5.1b.](#)

[Table 5.2.2.5.1b Low and very low risk thresholds for coastal inundation](#)

<a href="#">Mapped risk and inputs</a>
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<u>Coastal inundation risk category</u>	<u>Flood depth based on 0.6m of sea level rise (higher certainty)</u>	<u>Flood depths based on 1.2m of sea level rise (less certainty – higher consequence)</u>
<u>Very low</u>	<u>Dry</u>	<u>d &lt; 0.4m</u>
<u>Low</u>	<u>d &lt; 0.4m</u>	<u>0.4m &lt; d &lt; 1.0m</u>

5.4A Rules – Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Risk Management Area

5.4A.1 Permitted activities

- a. All activities in the Qualifying Matter Coastal Hazard Management Areas and Qualifying Matter Tsunami Risk Management Area are a permitted activity unless specified in Rule 5.4.A.5.NC1 or as otherwise specified elsewhere in the District Plan.

5.4A.2 Controlled activities

- a. There are no controlled activities.

5.4A.4 Discretionary activities

- a. There are no discretionary activities.

5.4A.5 Non-complying activities

- a. The activities listed below are non-complying activities.

NC1. Residential intensification of any site including associated subdivision within the Qualifying Matters Coastal Hazard Medium Risk Management Area, Coastal Hazard High Risk Management Area, and Tsunami Risk Management Area.



## 13.27 ISSUE 2 – TSUNAMI RISK MANAGEMENT AREA – OTHER SECTION 6 MATTER

13.28 The Notified Proposal included a new proposed policy under Chapter 5 of the Plan, Policy 5.2.2.5.2 Managing development within Qualifying Matter - Tsunami Risk Management Area to “..to avoid development, subdivision and land use that would provide for intensification of any site, unless the risk to life and property is acceptable.” To give effect to this policy a Tsunami Risk Management Area is proposed and the same rules under Chapter 5, Rule 5A as for the CHMA are to apply.

13.29 Appended to this report is a series of maps that depict the Operative District Plan zoning, the proposed spatial extents of the Coastal Hazard High and Medium Risk Management Areas, and the Tsunami Risk Management Areas (Notified Proposal and Amended Proposal spatial extent).

13.30 I emphasise again below the requirements of the New Zealand Coastal Policy Statement (NZCPS) and the Regional Policy Statement to identify and manage development in areas at risk of coastal hazards. The NZCPS Policy 25 specifically addresses subdivision, use and development directing that (my emphasis):

*“In areas potentially affected by coastal hazards over at least the next 100 years:*

*a. avoid increasing the risk of social, environmental and economic harm from coastal hazards; b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*

*c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*

*d. encourage the location of infrastructure away from areas of hazard risk where practicable;*

*e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*

*f. consider the potential effects of tsunami and how to avoid or mitigate them.”*

13.31 Whilst I note that Policy 25(f) is an additional matter to those in (a) to (e), my interpretation is that all parts of Policy 25 apply to tsunami risk. Policy 24 of the NZCPS states that coastal hazards include tsunamis, therefore when the term “coastal hazard” is used in Policy 25 it includes tsunamis. Furthermore, the “Interpretation” section of the NZCPS states that where a list is cumulative, the word “and” is used before the last clause in a list; whereas where the clauses are an alternative, the word “or” is used between all clauses. In Policy 25 the word “and” is used

before the last clause in the list. That means that all parts of Policy 25 apply to all coastal hazards, including tsunamis. If the intent was that (a) to (e) do not apply to tsunamis, there would have been a clear statement that the references in those subsections to “coastal hazards” excluded tsunamis.

- 13.32 In my opinion, the justification and appropriateness of the identification of tsunami risk as a qualifying matter (mapped with policy and rules) is well founded based on the NZCPS Policy 25 direction. Furthermore, as I have discussed for the Airport Noise QM, I support a principled and precautionary approach of not increasing the number of people that are potentially exposed to risks from hazards, when there are alternative options that will achieve a broader range of Strategic Direction Objectives. In this case ensuring an adequate range of housing opportunities are provided for, there is an adequate supply of housing across the district, but importantly avoiding increasing the risk of social, environmental and economic harm from coastal hazards, which includes risks from tsunami.
- 13.33 It is also my opinion that the alternative of not managing greater intensification within areas at risk from coastal hazards (specifically arising from coastal and tsunami inundation), will lead to adverse cumulative effects. Whilst the addition of one or two new households here and there within the identified at risk areas, may not in itself give rise to immediate cumulative effects, over time the cumulative effects will increase with growing population densities. These cumulative effects are described from different perspectives within the evidence of Ms Lane (risk identification), Ms Foy (social impacts) and Mr Osborne (economic costs and benefits). As population densities increase and with this the level of corresponding investment in buildings and infrastructure increases, the corresponding degree or extent of potential costs increase too.
- 13.34 In my view, there is a point at which a line needs to be drawn as to what is acceptable, even having regard to the level of uncertainty as to what the future holds. The consideration of acceptability should not just be considered for that of an individual (namely the level of development potential of their property), but most importantly (in my view) the benefits and costs to the community and to Aotearoa New Zealand. As discussed by Ms Lane and Mr Osborne, should or rather when a major tsunami event occurs, the impacts will be significant not just during the event but through recovery as well. Ōtautahi Christchurch has already experienced this type of major event through the Canterbury Earthquakes, and the city is still in recovery 10 years later.

## *Recommendation*

- 13.35 For the reasons above, I recommend rejecting those submissions in opposition to the inclusion of the Tsunami Risk Management Area and a supporting policy and rules to manage greater intensification within the Tsunami risk Management Area. It is my opinion that PC14 provides an opportunity to set a clear policy direction as to where the most appropriate locations are to intensify its population, but equally where it is much less appropriate, and in doing so will help contribute to more resilient city.
- 13.36 I recommend that the spatial extent of the Tsunami Risk Management Area be amended to be defined by the following parameters: 1 in 500year, 1.06m SLR and inundation depths of greater than 0.3m. It is also my recommendation that the Tsunami Risk Management Area only apply to the relevant residential zones and those commercial centres located within the Tsunami Risk Management Area. PC12 will address the response required (i.e. extension of the TMA) for all other zones.
- 13.37 I recommend that all relevant residential zones impacted by the amended Tsunami Risk Management Area described above retain the Operative District Plan zoning as at either the operative plan date, or an alternative date before a decision on PC14.
- 13.38 However, for the same reasons as I have addressed for Coastal Hazard Management Areas (refer to the above section of this report) in regard to scope arising from Waikanae, I recommend that amendments are made to Policy 5.2.2.5.2 and Rule 5.4A as set out below. Furthermore, I recommend an inclusion of a new definition for 'residential intensification' to clarify the application of the policy and rules. The intent of these recommended changes is to ensure the scope of the provisions only manage development that results in a density greater than that provided for under the Operative District Plan.
- 13.39 For the reasons above I accept the submissions in support<sup>64</sup> of the Tsunami Risk Management Area, Policy 5.2.2.5.2 and Rule 5.4A and reject those in opposition<sup>65</sup>.
- 13.40 In respect to the submission of Kainga Ora requesting a reduction of the Tsunami Risk Management Area to a 1:100 year hazard, I refer to the evidence of Ms Lane which explains the

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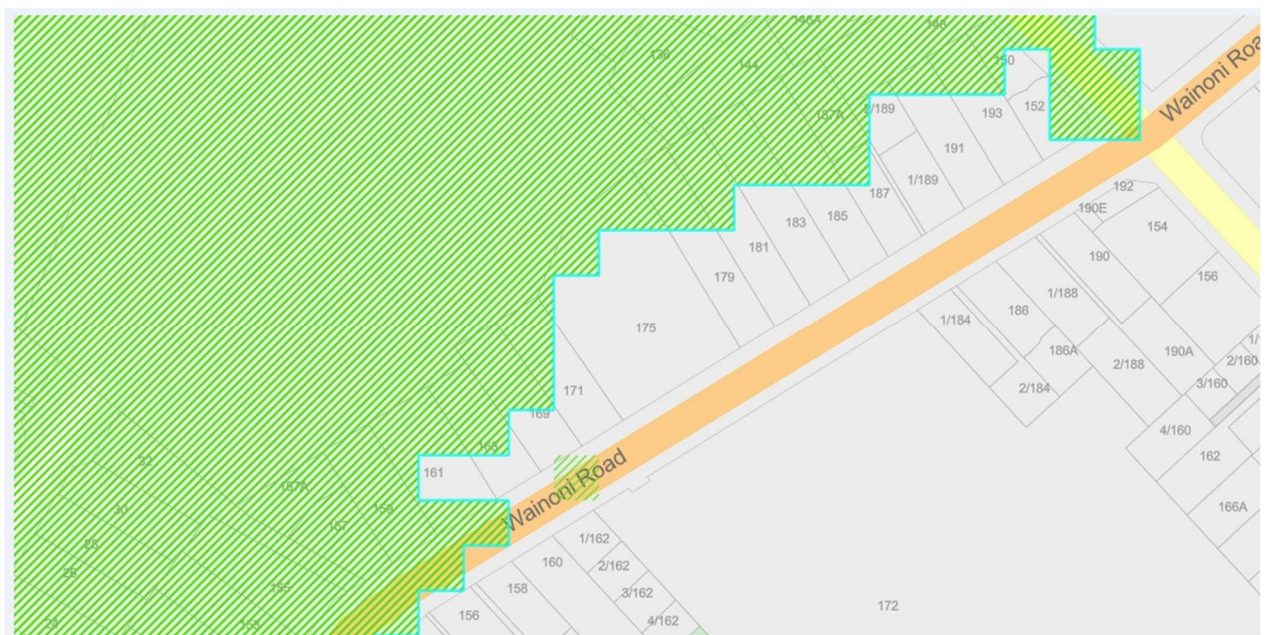
<sup>64</sup> List submitter names and numbers in support

<sup>65</sup> List those submitters and numbers in opposition

reasoning for adopting the parameters for the Amended Proposal Tsunami Risk Management Area QM. On this basis and for the reasons above I recommend rejecting this submission.

13.41 There are a number of submissions that are the same or very similar to those for the CHMA QM. These include changes to permitted activities within the Tsunami Risk Management Area , and the removal of the Tsunami Risk Management Area and placement outside of the District Plan. My reasons and recommendations are the same as for the Coastal hazards QM.

13.42 Submitter Heather Woods (#S107) and Carmel Woods (#S792) have requested rezoning of the properties at 157 to 193 Wainoni Road to MRZ and excluded from the Tsunami Risk Management Area QM as only a small area is impacted (see illustration below). My recommendation is to accept in part this submission as it is my recommendation that the Operative District Plan residential zoning for all properties only applies where the impact of the Tsunami Risk Management Area on a property is 30% or greater, thus a number of these properties I anticipate will be appropriate for MRZ. However, the detailed mapping analysis is still required subject to a recommendation and direction from the Panel.



13.43 Submitter Ebin Scaria Jose (#S1034) has opposed the application of QM Tsunami Risk Management Area on 20 Holland Street, Avonside. As I do not consider this property will meet my recommended 30% impacted property exclusion, I have recommended this submission be rejected and the Operative District Plan zoning be retained.



*Recommendation*

13.44 For the reasons above, I therefore recommend:

- a. The retention of the Operative District Plan residential zoning for all properties where the impact of the Tsunami Risk Management Area on the property is 30% or greater.
- b. That there is no change to the Notified Proposal in regard to the spatial extents of the Tsunami Risk Management Area, except to exclude any non-residential zone and business zones outside of a walkable catchment giving effect to the NPS-UD Policy 3 direction.
- c. That the associated policies and rules be amended as follows (noting that the following amendments include those also as recommended for the CHMA QM):

C. Include a new definition as follows:

*Residential intensification*

*means for the purpose of Coastal Hazard Management Areas and Tsunami Risk Management Area Qualifying Matters, increasing the number of residential units on a site beyond that either:*

*a. lawfully established as at [operative date of PC14];*

*b. provided for as a permitted activity in the activity status table for the Residential Suburban and Residential Suburban Density Transition Zone and complying with the zone density standards; or*

c. permitted via a resource consent granted prior to [operative date of PC14]. For the avoidance of doubt, c. includes vacant lots created by subdivision approved prior to [operative date of PC14] where these are to be developed in accordance with a. or b.

- D. Amend Policy 5.2.2.5.2 and Rules 5.4.A (as for CHMAs above) to read as follows:

5.2.2.5.2 Policy – Managing residential intensification within Qualifying Matter Tsunami Risk Management Area

- a. Map areas where in a major tsunami event the risk to life will be unacceptable and the extent of property damage will be significant, in accordance with the thresholds as set out in Table 5.2.2.5.2a:

Table 5.2.2.5.2a Tsunami risk thresholds

<u>Tsunami risk category</u>	<u>Mapped risk: Potential events expected within a specified return period</u>	<u>Inputs:</u>	
		<u>Sea Level Rise</u>	<u>Inundation depth</u>
<u>Tsunami Risk Management Area</u>	<u>Major impact event arising from large subduction earthquakes defined as: 1 in 500 year/ AEP 0.2% (likelihood of occurring in any given year)</u>	<u>1.06m</u>	<u>d &gt; 0.3m</u>

- b. Within the Tsunami Risk Management Area, avoid residential intensification.

APPENDIX A – NOTIFIED PROPOSAL – OVERVIEW OF HOUSING AND BUSINESS CAPACITY,  
ZONING AND QUALIFYING MATTERS

APPENDIX B – OVERVIEW AND COMPARISON OF NOTIFIED PROPOSAL AND AMENDED  
PROPOSAL



## APPENDIX C – WHOLE OF PLAN SUBMISSIONS

APPENDIX D - SUBMISSIONS AND FURTHER SUBMISSIONS – STRATEGIC DIRECTIONS CHAPTER  
3, STRATEGIC ISSUES, QMS STRATEGIC AND CITY INFRASTRUCTURE AND COASTAL HAZARDS

APPENDIX E – INTER-RELATIONSHIP BETWEEN THE STRATEGIC DIRECTIONS URBAN GROWTH,  
FORM AND DESIGN OBJECTIVES AND THOSE UNDER CHAPTERS 14 AND 15

APPENDIX F – DRAFT SOCIAL IMPACT ASSESSMENT – ITENSIFICATION

APPENDIX G – EXISTING OBJECTIVES AND POLICIES RELATING TO AMENITY AND THE QUALITY  
OF THE URBAN ENVIRONMENT

## APPENDIX H – EXISTING OBJECTIVES AND POLICIES RELATING TO INFRASTRUCTURE

APPENDIX I – ADDITIONAL ANALYSIS FOR THE PROPOSED AIRPORT NOISE QM

APPENDIX J – ADDITIONAL ANALYSIS FOR THE PROPOSED CITY SPINE QM



## APPENDIX K – ADDITIONAL ANALYSIS FOR THE COASTAL HAZARDS QMS