

IN THE MATTER OF

Resource Management Act 1991

AND

IN THE MATTER OF

An application by Rolleston Industrial
Developments Limited for a private plan
change RCP031 to the Waimakariri District
Plan pursuant to Part 2 of Schedule 1 of the
Resource Management Act 1991

MEMO: to the Independent Hearings Panel

FROM: Andrew Willis (s42A Officer) in response to Panel Minute 2

2nd August 2023

Purpose

The purpose of this memorandum is to respond to the request from the Independent Hearings Panel in Minute 2 dated 31st July to outline the topics and issues or questions (cross referencing the s42A Report and the relevant expert(s) evidence) that I consider are resolved or remain unresolved by the expert evidence. I have outlined these matters below. In doing so I note that I am not speaking on behalf of the submitters, some of whom may not agree with my assessment.

Matters not in contention or now resolved

1. Flooding (s42A report beginning at paragraph 6.5.18): based on the evidence of Mr. Bacon, the issue of both on-site and off-site flood management appears to be no longer in contention for the Council. This will be covered by Mr. Bacon at the hearing. However, I anticipate that submitters may still consider flooding to be an issue.
2. Wastewater (s42A report Three Waters Infrastructure section beginning at paragraph 6.6.1): based on the evidence of Mr. Roxburgh, it appears wastewater services can be provided with an acceptable degree of confidence. This will be covered by Mr. Roxburgh at the hearing.
3. Geotechnical and Land Contamination (s42A report beginning at paragraphs 6.5.16 and 6.5.12): it is accepted that these matters can be resolved at the time of subdivision and building consent as set out in the s42A report.
4. Power and telecommunications (s42A report Other Non-Transport Infrastructure section beginning at paragraph 6.7): it is accepted that these services can be provided as required to the development.
5. Ecology (s42A report Terrestrial and Aquatic Impacts beginning at paragraph 6.10): based on the Applicant's evidence and the amended setback requirements in accordance with DoC's submission it appears there are no longer any ecology matters in contention for the Council. However, I note that ECan is presenting ecology evidence which queries whether the positive effects from the proposal will outweigh the potential negative effects. In addition, other submitters may cover this topic.
6. On-site minimum road requirements (s42A Transport section beginning at paragraph 6.8): the latest amendment to remove the proposed bespoke roads approach means that the proposed on-site roads will now need to be assessed against the District Plan's road standards, consistent with Mr. Binder's evidence.
7. Activity status of educational activities (s42A Report Appendix 1): consistent with the S42A report request, this activity is now proposed to be restricted discretionary.
8. Zone description / change in zoning (s42A Report Appendix 1): the amended application now proposes a Residential 2 Zone (as opposed to the previously proposed Residential 3 Zone) in response to the s42A report query of the appropriateness of the Residential 3 zone for the scale of the proposal.

9. Retail distribution effects (s42A Report Commercial Distribution beginning at paragraph 6.11): based on the evidence of Mr. Yeoman and Ms. Hampson the 2700m² proposed retail cap is agreed. This will be covered by Mr. Yeoman at the hearing.
10. Cycle routes should be shown on the ODP (s42A Report Appendix 1): these are now shown on the ODP (although the provision of cycle routes along Bradleys and Whites Road are still to be resolved – see the next section).
11. Provision for and safe pedestrian / cycle crossing facilities provided adjacent to the two proposed commercial areas, and at the eastern end of the stream to connect across to Ohoka Bush (s42A Report Appendix 1): this has partially been responded to as crossing points are now shown next to larger commercial area and Ohoka Stream - but not on Mill Road adjacent to the smaller commercial area. This will be covered by Mr. Nicholson at the hearing.
12. Application of the NPS-HPL (s42A report beginning at paragraph 7.3.82 and various other references): based on the Council's recent advised position before the PDP Hearings Panel it appears the NPS-HPL does not apply to the site. This will be covered by Mr. Willis at the hearing.

Matters remaining unresolved / in contention

13. Stormwater (s42A report Three Waters Infrastructure beginning at paragraph 6.6): based on the evidence of Mr. Roxburgh, whether the site can be adequately serviced for wastewater remains unresolved / in contention. This will be covered by Mr. Roxburgh at the hearing. I note evidence is also provided on this matter by ECan.
14. Potable Water (s42A report Three Waters Infrastructure beginning at paragraph 6.6): based on the evidence of Mr. Roxburgh, there still remains a degree of uncertainty with the supply of potable water. This will be covered by Mr. Roxburgh at the hearing.
15. Off-site Transport Network Effects (s42A Report Transportation section beginning at paragraph 6.8): based on the evidence of Mr. Binder, offsite traffic network effects are still unresolved / in contention. This will be covered by Mr. Binder at the hearing. I note evidence is also provided on this matter by the Council as a submitter.
16. VKT and GHG matters (s42A Report Transportation section beginning at paragraph 6.8): based on the evidence of Mr. Binder and Mr. Buckley (in response to the new evidence of Mr. Farrelly), the extent of GHG emissions and VKT remain unresolved / in contention. This will be covered by Mr. Binder and Mr. Buckley at the hearing.
17. Shared cycle / pedestrian paths should be shown along Bradleys and Whites Road frontages (s42A Report Appendix 1): it is not clear if this has been resolved. Mr. Nicholson recommended that frontage upgrades including a shared / cycle path should be included along Bradleys, Mill and Whites Roads but this is not mentioned in the ODP. This matter appears to remain unresolved.
18. Character and Amenity matters for the Ohoka Village (s42A report Character, Amenity and Landscape Matters beginning at paragraph 6.9 and various other references): based on the evidence of Mr. Nicholson, the impact of the proposal on the character of Ohoka remains unresolved / in contention. This will be covered by Mr. Nicholson at the hearing. I note evidence is also provided on this matter by the Council as a submitter and the matter may also be covered by other submitters.

19. Urban design requirements trigger (s42A report Appendix 1): the Applicant is now proposing two urban design rules (Rule 31.1.1.9A and 31.1.1.50A) covering dwellinghouses and fences / walls, however it is not clear how these will work as they require assessment against as yet undeveloped Council approved design guidelines that will presumably sit outside of the district plan and the rules are somewhat uncertain in application, requiring an exercise of judgement. This will be covered by Mr. Nicholson at the hearing.
20. Productive potential of the site (s42A report Land Suitability section beginning at paragraph 6.5): based on the evidence of Mr. Ford, the productive potential of the site remains in unresolved / in contention. This will be covered by Mr. Ford at the hearing.
21. Various NPS-UD Matters (s42A Report beginning at paragraph 7.3.5 and various other references): based on the evidence of Mr. Yeoman, Mr. Nicholson, Mr. Buckley, Mr. Binder and Mr. Willis (in addition to the evidence provided by ECan and the Council as a submitter) there are many areas under the NPS-UD that remain unresolved / in contention as set out below. These matters will be covered by the identified experts at the hearing:
- Whether the site is within the ‘urban environment’;
 - Whether the proposal will contribute to a well-functioning urban environment;
 - Whether the proposal adds significantly to development capacity;
 - Whether the proposal is integrated with infrastructure planning and funding decisions and is strategic in the medium or long term;
 - The accessibility of the site, including by way of active and public transport;
 - GHG and VKT matters (as identified above);
 - The provision of affordable housing and contribution to the competitive operation of land and development markets; and
 - Demand and capacity considerations, including consideration of the following:
 - The new constraints mapping evidence provided by the Applicant;
 - Anticipated intensification / MDRS uptake in existing urban areas; and
 - Residential demand in Ohoka.
22. CRPS, ODP, DDS and Our Space policy direction (42A report Statutory Documents section beginning at paragraph 7.3 and various other references): based on the evidence of Mr. Yeoman, Mr. Nicholson, Mr. Binder and Mr. Willis (in addition to the evidence provided by ECan and the Council as a submitter) the extent with which the proposal gives effect to / is in accordance with the policy direction in these documents remains unresolved / in contention. These matters will be covered in evidence at the hearing by the identified experts.
23. Polo activity scope: it is not clear if the new proposed polo activity is within the scope of the plan change. It is anticipated that the Applicant’s legal submission will respond to this matter.