Evidence F.

BEFORE THE WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER of clause 21 of the Resource Management Act 1991

AND

IN THE MATTER of a private plan change request by Westpark Rangiora Limited to the Waimakariri District Plan, Westpark Residential 2 Zone, Lehmans and Oxford Roads, Rangiora (PC26)

STATEMENT OF EVIDENCE OF MARK DAVID ALLAN

27 JULY 2015

QUALIFICATIONS AND EXPERIENCE

1. My name is Mark David Allan. I am a Resource Management Planner and Planning Manager with the firm Aurecon. My qualifications and experience are set out in **Appendix A**.

2. I am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with it in preparing this statement. Whilst the Practice Note applies to Environment Court fixtures the same conduct it requires is equally applicable to Council hearings and I have complied with it in preparing this statement.

3. I am familiar with the area that is the subject of Private Plan Change 26 (**PC26**), which I oversaw the preparation of with the assistance of others with expertise in specialist fields. I shall describe the resource management issues that arise from PC26 and address the same in terms of the framework of the relevant statutory considerations.

4. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.

5. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

6. I have been asked to present evidence in respect of the planning issues associated with PC26. My conclusions on these matters are informed by the evidence of the applicant's other experts, namely Mr Smith (infrastructure), Ms Fosberry (transport) and Mr Camp (noise/reverse sensitivity)

7. I have read the submissions made on PC26, and the s42A Officer Report prepared by Mr Garry Blay on behalf of the Waimakariri District Council. I do not intend to revisit in any detail subject matter that has already been covered in evidence for the applicant, or where there is general agreement between the various experts and officers. It is on this basis that I have limited my evidence to a consideration of the following:

a. The Proposal

b. Officer Report

c. Statutory Provisions

d. Assessment

e. Part 2 of the Resource Management Act

f. Conclusions

8. Having regard to the assessments undertaken, as well as the current statutory planning documents in force, I have concluded that PC26 is the most appropriate way of achieving the purpose of the Act.

PROPOSAL

9. The purpose of PC26 is to enable the efficient development of 198 Lehmans Road and 100 Oxford Road for residential activity.

10. In broad terms, PC26 seeks to:

a. rezone approximately 15 hectares at 198 Lehmans Road and 100 Oxford Road (**the Site**) from Rural to Residential 2;

b. amend provisions in the Waimakariri District Plan (**WDP**) to allow residential and comprehensive residential development of the Site; and

c. introduce an Outline Development Plan (**ODP**) to guide future development of the Site.

11. The specifics of PC26 are comprehensively described in the application documents. Following public notification and in response to matters raised by submitters and Council Officers, some amendments to PC26 have been identified as appropriate. In this regard, I note the following:

a. Proposed provisions to deliver Comprehensive Residential Development have been removed from PC26, as per Westpark's submission on PC26. Reliance is instead placed on the set of provisions introduced by Action 4 of the Land Use Recovery Plan that specifically provide for Comprehensive Residential Development in the Residential 2 Zone;

b. the ODP has been amended as follows:

- Comprehensive Residential Development Areas have been removed;
- the Oxford Road reserve between the north-south collector road and the southwest stormwater basin has been removed;
- the pedestrian/cycle link between the southwest cul-de-sac and stormwater basin has been removed;
- to compensate for the above, pedestrian/cycle access between Oxford Road and Lehmans Road has instead been aligned along the road network in this area;
- a reserve is added at the top of the north-south collector road to provide an overland stormwater flow path, and a pedestrian/cycle link to the proposed bypass road connecting with Lehmans Road;
- a reserve is added at the end of the southeast cul-de-sac to connect with the north-south collector road, providing an overland flow path and a pedestrian/cycle link to Brick Kiln Lane land via the stormwater basin; and
- transmission lines have been added.

12. The rationale for these changes has been discussed in the evidence of Mr Smith and Ms Fosberry. The changes are directly related to relief sought by submitters and respond to Council recommendations.

13. On this basis I consider there is scope within the decisions sought by submitters to make these changes, and that no person who had not made a submission would have done so if they were aware of the amendments. I have attached a Revised Schedule of Proposed Amendments (**Appendix B**) and the amended ODP showing the post-notification changes (**Appendix C**).

OFFICER REPORT

14. In short, Mr Blay considers that PC26 has merit and should be approved, albeit subject to several modifications as outlined in the assessments which comprise his s42A Report.

15. The applicant has put forward evidence and amendments to PC26 which have the effect of responding to the concerns expressed by Council Officers and submitters. These amendments are attached at **Appendices B and C**.

16. At this point I should note that there are various matters in Mr Blay's report that I agree with, including his identification of the background to PC26, the summary of submissions received on PC26 and the identification of the key environmental effects that require consideration.

17. Where Mr Blay and I depart in our assessments is in respect of his analysis of effects relating to flooding, Lehmans Road design matters, and connectivity to Brick Kiln Lane. While I consider that some amendments to PC26 are appropriate, I disagree with the extent of the amendments recommended by Mr Blay. I outline my reasons for this position later in this statement.

STATUTORY PROVISIONS

18. The relevant statutory framework has been discussed in opening legal submissions. PC26 has been made pursuant to Clause 21 of the First Schedule of the Resource Management Act (**the Act**). While the First Schedule sets out the procedural matters for dealing with changes to policy statements and plans, Part 5 of the Act sets out what considerations must be made in assessing the substance of the change. Section 74 of the Act identifies those matters which must be considered, these being:

    a. the Council's functions under Section 31;

    b. the provisions of Part 2 of the Act; and

    c. the duty imposed by Section 32.

19. Regard must be had to any proposed regional policy statement, and any other management plans or strategies prepared under other legislation and other planning documents recognised by an Iwi authority affected by the district plan. In addition, Section 75 of the Act identifies that the contents of a District Plan must give effect to a regional policy statement, and cannot be inconsistent with any regional plan.

20. Chapter 5 of the Section 32 Assessment accompanying PC26 provides a robust assessment against the Canterbury Regional Policy Statement

(**RPS**), the WDP and other relevant plans and strategies. I do not wish to repeat that assessment, particularly given PC26 does not seek to alter any of the objectives of the WDP, with only one minor change to Policy 17.1.1.4. Further, I do not consider there is any question as to whether PC26 achieves consistency with the RPS, or indeed other higher order planning documents, e.g. Land Use Recovery Strategy and Land Use Recovery Plan (**LURP**). However, I briefly discuss these matters now for completeness.

Recovery Strategy for Greater Christchurch

21. The Recovery Strategy is the overarching, long-term approach to guiding the reconstruction, rebuilding and recovery of Greater Christchurch. Of the six components of recovery identified in the Strategy, those goals supporting the recovery of the built environment, and the integration of infrastructure, housing and transport networks, are most relevant to PC26. These goals are provided greater impetus by the LURP. For the reasons outlined below, I consider PC26 is aligned with the Recovery Strategy.

Land Use Recovery Plan

22. The LURP provides direction for residential development to support recovery and rebuilding across Greater Christchurch in the next 10-15 years. It provides the delivery mechanisms necessary to, amongst other things, provide for a range of housing opportunities, meet the land use needs of residential activities in greenfield areas to accommodate rebuilding and growth, and take account of natural hazards and environmental constraints that may affect rebuilding and recovery.

23. The LURP identifies Greenfield Priority Areas for new residential subdivisions, and directed that the RPS be amended with immediate effect to recognise these areas as necessary to ensure the recovery needs relating to residential land use are met. The Site is identified as a Greenfield Priority Area in the LURP, and also the RPS by virtue of statutory directive.

Canterbury Regional Policy Statement

24. The RPS is the strategic resource management plan to promote sustainable management in Canterbury. Of particular relevance to PC26 are those objectives and policies within Chapter 6 – Recovery and Rebuilding of Greater Christchurch, which was introduced by statutory directive through the LURP. Chapter 6 provides a framework to enable and support earthquake recovery and rebuilding, including restoration and enhancement. Recovery in Greater Christchurch is also supported by provisions in Chapter 5 – Land use and infrastructure.

25. Briefly, with respect to the RPS it is my opinion that:

    a. as an identified Greenfield Priority Area, the Site is deemed appropriate for development that achieves consolidation and intensification of the urban area;

    b. PC26 achieves the minimum residential density of 10 households per hectare as stipulated by the LURP and RPS;

    c. the ODP has been designed to ensure general consistency with the West Rangiora Structure Plan (**WRSP**); and

    d. the Site can be developed for residential purposes in a way that adequately mitigates the flood risk to surrounding land and to future residential dwellings on the Site, on the strength of Mr Smith's evidence.

26. PC26 enables development of the Site in a manner anticipated by the urban growth strategy promulgated by the Recovery Strategy, the LURP and the RPS. I consider PC26 to be consistent with these higher order documents, an outcome that I note is required to be achieved by the CER Act.

27. Turning to the other matters requiring consideration under Section 74 of the Act, I believe that there is no doubt that PC26 relates to activities which fall within the scope of Council's functions listed in Section 31 of the Act.

28. An important pre-condition is whether or not PC26 is the most appropriate way to achieve the purpose of the Act. It is my understanding that the term "most appropriate" as used in Section 32(3) has a meaning similar to expedient or desirable rather than essential. What must be considered is whether the changes being promoted would more fully satisfy the purpose of the Act than would the existing

provisions in place or some other combination of the two. In my opinion a plan change needs only to be preferable in resource management terms to the existing Plan in order to be "most appropriate" to achieve the purpose of the Act.

29. Section 32 requires an obligation to consider whether the changes are most appropriate to allow activities to occur, given that the present provisions do not. I understand that the requirements for an evaluation under section 32(3) amount to the tests for a plan change request. In this case, no changes are proposed to the objectives of the WDP. Accordingly, the focus of this statement is on the second test as to whether the "policies, rules and methods are, with regard to their efficiency and effectiveness, the most appropriate for achieving the objectives".

30. In my opinion, the focus required is that of the appropriateness of PC26 in achieving the relevant objectives of the WDP, which broadly seek to maintain or enhance amenity, character and environmental quality; ensure appropriate servicing, access and connectivity; and manage stormwater and flooding effects.

31. It is my understanding of caselaw that the purpose of the Act should be generally taken to be subsumed within the unchallenged objectives and policies in the WDP. I agree with this general proposition, however, notwithstanding this, I do proceed to consider the proposal against the relevant provisions of Part 2 of the Act later in my statement.

32. PC26 does not alter the existing objectives and policies of the WDP. To this end, the assessment required is whether PC26 is a more efficient and effective method for achieving the objectives of the WDP than the existing Rural zoning, with this assessment informed by an evaluation of the potential effects of the rezoning, which I turn to next. This will in turn determine whether PC26 is the most appropriate way to achieve the purpose of the Act.

ASSESSMENT

33. In my opinion the central issues raised in submissions and by Council Officers that require consideration in this case relate to:

a. Reverse Sensitivity

b. Transport and Connectivity

c. Infrastructure and Land Drainage

d. Urban Growth / Residential Character and Amenity

34. These correspond with those identified by Mr Blay, and given the number of submissions received I do not propose to address the submissions individually. Rather, I will discuss and respond to the same by addressing the central issues raised in submissions.

35. The assessment of environmental effects and section 32 analysis contained within the PC26 documentation provides a robust and thorough assessment of PC26. To this end, the following assessment represents a précis of the assessment of environmental effects and Section 32 analysis contained within the PC26 documentation (Chapters 4 and 5 respectively), with additional consideration given to the matters raised through submissions and presented in evidence.

Reverse Sensitivity

36. Transpower owns and operates the 220kV lines that traverse the northwest corner of the Site. While acknowledging and supporting the ODP's "buffer area" provided by the road and reserve alignment under and adjacent to the lines, Transpower seeks amendment to ensure buildings and structures do not locate within 12m of the centreline of the lines. Transpower suggests this be achieved by either widening the local purpose reserve by some 4m, or including a no-build zone on the ODP 12m either side of the centreline of the line. I appreciate the intent of the relief sought, however question the need.

37. Rule 31.1.15 (Table 13.1) of the WDP already stipulates a 32m minimum structure setback either side of the centreline of 220kV lines throughout the District. And Rule 23.1.1.10 controls the extent of earthworks in proximity of overhead high voltage transmission lines shown on the District Plan Maps.

38. By showing the location and alignment of the lines on the ODP, as is now proposed, any development will be subject to these requirements. A breach triggers discretionary and restricted discretionary activity status respectively, giving the Council and, I would expect, Transpower

as a potentially affected party, the opportunity to carefully scrutinise the proposal.

39. A further more practical consideration is the fact the alignment of the local purpose reserve shown on the ODP is consistent with that of the adjoining Arlington development to the north. I consider it reasonable in this instance to achieve a consistent reserve alignment between the two development blocks. Identifying a 12m-wide reserve would require an offset with the Arlington reserve, and Council paying for the additional reserve land with limited public benefit. Given the operative provisions of the WDP, and the practical integration of reserve networks, I do not consider there to be any resource management grounds to support the amendments sought by Transpower.

40. Mr Camp has addressed potential reverse sensitivity noise issues associated with Rangiora Airfield. Mr Camp is experienced in aircraft noise and reverse sensitivity, and I rely on his specialist expertise in these matters.

41. I note the Rangiora Airfield is not designated, and there are no noise contours associated with its operations identified on the Planning Maps. Policy 6.3.9 of the RPS seeks to ensure that rural-residential development does not compromise the operational capacity of the Rangiora Airfield. In my opinion, the specific reference to rural-residential development recognises that residential development within the prescribed urban limits (including identified Greenfield Priority Areas) is not expected to give rise to significant reverse sensitivity effects on the airfield operations. Mr Camp's evidence reinforces this position. Mr Blay acknowledges the separation distance from the Site is sufficient to mitigate the effects of any realistic development at the airfield.

42. In any event, I note the Site is identified by the LURP, RPS and WRSP as appropriate for residential development, and that the WDP cannot be inconsistent with these higher-order documents.

Transport and Connectivity

43. Ms Fosberry has addressed the transport matters of relevance to PC26, which have been well canvassed in the Transport Assessment and Mr Brown's review of the same for the Council. I note the transport experts

are in broad agreement as to the merits of the proposed rezoning, with the only outstanding areas of disagreement being the width of the Lehmans Road reserve, pedestrian connectivity within the Site, and the need for an east-west road connection between the Site and Brick Kiln Lane. Further modelling analysis for the applicant has, I believe, satisfactorily addressed Mr Brown's concerns that all potential traffic generation had not been included in the original assessment, and shown that the road network will operate at a high level of service.

44. Dealing first with the width of the reserve along Lehmans Road. Ms Fosberry has presented a cross-section of Lehmans Road to illustrate the generous corridor in which provision can be made for appropriate vehicle, pedestrian, cycle, stormwater and amenity needs. Significantly, a 5m-wide reserve provides an effective 11.5m buffer between the carriageway and residential property boundary. I agree with Ms Fosberry that a 5m-wide reserve provides adequate opportunity to fulfil the intent of the "walkway/cycle and amenity buffer zone" anticipated by the WRSP.

45. The Site's relatively narrow dimension is compounded by the key roading and infrastructural requirements of the WRSP, such that the balance area available for residential development is somewhat constrained. Requiring a 10m-wide reserve adjoining the existing 20m-wide Lehmans Road reserve could present difficulty in accommodating an efficient allotment configuration that achieves the minimum density requirement.

46. It would seem the 10m-wide reserve has been promoted by Council Officers based on the need to provide for mixed equestrian, pedestrian and cycle use. However based on Mr. Read's and Mr Freeman's evidence of limited, if any, equestrian use along this stretch of Lehmans Road, and Ms Fosberry's cautioning against mixed use provision, I do not believe there to be any justification for anything more than a 5m-wide reserve.

47. In my experience, it is not unusual for the concepts of a Structure Plan to be amended as they are re-examined and refined into a proposed plan change, and thus it is common for there to be differences between the plans of the former and the ODP of the latter.

48. The WRSP is, by its own admission, "flexible": *"It is important to note that the plans and their content are schematic. Further design and refinement through District Plan changes and subdivision processes will be required, including the size and shape of stormwater, reserves, aesthetic design details and the exact alignment of collector roads"* (p7, WRSP). Also: *"The Structure Plan is not intended to be a blueprint for development. The Structure Plan retains flexibility. The Waimakariri District Council acknowledges that in the course of time and specific design studies, differing and improved alternatives are likely to become available that may result in development proposals that differ from the adopted Structure Plan"* (p10, WRSP).

49. In this regard, the ODP has been developed following more detailed, site-specific investigations than would have informed the WRSP. While there are a few instances where the ODP does not fully replicate the WRSP, such is the nature and purpose of the two. As acknowledged above, differences are to be expected, particularly when one considers the hierarchy of plans that typically guide the ultimate development of land, i.e. in order of increasing level of design and investigation, Greenfield Priority Area (LURP, RPS), WRSP, ODP and, finally, subdivision consent. In my mind, what is important is not that the ODP reproduces the WRSP in every way, but that it respects the fundamental principles. Mr Blay has concluded that "the intent of the Structure Plan is met and the proposal is consistent with the outcomes sought" (10.3.4, p16). I agree.

50. In response to Mr Brown's recommendation for pedestrian connectivity from the easternmost cul-de-sac and the east-west collector road, Ms Fosberry has outlined her concerns with the length (some 80m) of such a connection and the associated safety implications. I agree that concerns of safety and attractiveness for use should take precedence in this instance, and that the local road network will provide for permeable and legible pedestrian and cycle movement.

51. A connection from the Site to Brick Kiln Lane has been recommended by Mr Oliver and Mr Read for the Council. In its submission, Ryman Healthcare Limited (**Rymans**) has sought "better connectivity" with its proposed subdivision at 56 and 74 Oxford Road.

52. Council has granted Rymans subdivision consent (RC145670 / 671, 12 June 2015) to create 75 residential lots, roads to vest and a balance lot on which an elderly persons village will be developed in accordance with land use consent RC155066 (23 June 2015). The layout of the development authorised by these consents is not in general accordance with the Oxford Road, West Rangiora ODP that applies to the Rymans land. In particular, the link to Brick Kiln Lane, shown on that ODP approximately half-way down the length of the Lane, is not provided. A link ("future road to vest") is instead provided at the northern end of the Lane.

53. Surprisingly there is no mention in the Officer Report of the Rymans consents and the implications they may have for the link to Brick Kiln Lane so desired by Council Officers. Ms Fosberry's opinion is that Rymans' consented subdivision makes a connection from the Site to Brick Kiln Lane difficult to achieve. Her evidence is that such a link is not essential due to the existing east-west provision on Oxford Road and that proposed by PC26 to connect Lehmans Road with Elm Drive via the intervening P018 land. I agree, and also note the WRSP does not identify the need for a link from the Site to Brick Kiln Lane, and the LURP and RPS specifically exclude the Brick Kiln Lane area from the Greenfield Priority Area.

54. Based on the evidence of Ms Fosberry, I consider the ODP's roading and reserve layout provides a guaranteed outcome for vehicle, pedestrian and cycle linkages that accord with the objectives of the WRSP. It will ensure a safe and efficient transport network in which access to Lehmans and Oxford Roads can be provided without reducing the safety or efficiency of the road network. As such, I consider that PC26 is in accord with the relevant objectives and policies of the WDP as they relate to traffic matters.

Infrastructure and Land Drainage

55. I note the level of common ground between Mr Smith and Council Officers in respect of the ability of the Site to be serviced for the disposal of stormwater and wastewater and the supply of water by logical extensions of Council's existing systems. Mr Smith has elaborated on the key components of the Infrastructure Assessment supporting PC26, paying particular attention to the concept for stormwater management

and flood risk mitigation in response to the recommendations of Council Officers.

56. Mr Smith's evidence informs my view that stormwater from the site can be effectively managed. He has accepted Mr Simpson's recommendations regarding provision for secondary flow, and the ODP has been amended accordingly. The Commissioners can take comfort from the fact that stormwater discharge consent has been obtained from Environment Canterbury for the proposed system. Furthermore, Environment Canterbury has lodged a submission in support of PC26, requesting it be approved without modification.

57. Both Mr Smith and Mr Simpson discuss the existing water race, with both expressing their preference and support for its closure. I understand there is a formal process to be followed, however do not believe this to be a prerequisite or key consideration for the rezoning. I agree that this and other such matters of detail are best addressed at the subdivision consent stage, at which time the Council will have the benefit of detailed engineering design on which to base their assessment and determination. It is certainly my experience that Council does not issue subdivision consent without such issues having first being addressed to their satisfaction.

58. In response to Mr Simpson's concerns regarding flood risk, Mr Smith has outlined the further mitigation options investigated and modelled. Key conclusions that inform my position include:

- the proposed mitigation measures can provide benefit to large areas of residential land east and southeast of the Site;
- the few areas west and south of the Site that may experience an increase in flood levels during a breakout of the Ashley River are largely rural land or land identified for future development;
- no additional habitable floor levels are predicted to be flooded during an Ashley River breakout event;
- future residential development to the south presents an opportunity to further mitigate the potential effects of a breakout of the Ashley River on residential areas of Rangiora; and

59. I note Mr Blay's position that PC26 will not achieve the natural hazards objectives and policies of the RPS (Chapter 11) and the WDP (Chapters

8 and 18). Had he and Mr Simpson had the benefit of the updated modelling at the time of writing, their conclusions regarding the potentially significant adverse effects of increased off-site flooding may have been different. Irrespective, there are two aspects of Mr Blay's analysis that I disagree with.

60. Firstly, I believe it fails to take into account the positive impact that development of the Site will have on floodwater levels for existing residential areas in Rangiora. Rather, his focus is entirely on the adverse effects associated with an increase in floodwater levels on a number of properties. This, in my view, results in an unbalanced opinion.

61. Secondly, his analysis does not distinguish between "avoid" or "mitigate", and instead seems to think that relevant policies can only be implemented by the former. That, in my view, is not the correct way in which to implement the Act.

62. In his opening submissions, Mr Cleary set out the RPS policy framework as it relates to natural hazards. I agree with his synopsis of the relevant objectives and policies in Chapters 6 and 11, in particular the fact that the avoidance of effects of natural hazards is not mandated in the policy framework, and that mitigation is considered appropriate where minimal adverse effects arise. I note that the WDP addresses natural hazard issues in similar terms, i.e. avoid or mitigate flood hazard.

63. PC26 proposes a minimum floor level (amended Rule 27.1.1.24) to avoid inundation of dwellings, which I consider appropriate in the context of the abovementioned policy framework, e.g. WDP Policy 8.2.1.3 seeks to *avoid floodwaters entering residential buildings.*

64. In addition to the proposed minimum floor level requirement, Council's submission on PC26 seeks the inclusion of a new subdivision rule requiring residential allotments have a finished ground level that avoids inundation in the 0.5% AEP flood event. This is included in Mr Blay's recommended District Plan amendments (Appendix 11, Officer Report). I note Mr Smith's concerns with this additional requirement, and the potential consequence it would have for the conveyance of secondary flow. Requiring the avoidance of inundation of lots (bearing in mind dwellings will be sufficiently protected from flooding by the minimum floor level) is, in my view, not warranted in the context of the policy

framework, particularly given the Site is not in a high hazard area and there will be no increased risk for life. If the Commissioners are of a mind to introduce a new subdivision rule along the lines recommended by Council Officers, I agree with Mr Smith (para 6.4.24) that any reference to inundation should be limited to the building platform of a lot, and not the entire lot.

Urban Growth / Residential Character and Amenity

65. The most relevant guide for determining appropriate growth patterns and level of amenity in the District is the Greenfield Priority Areas outlined in the RPS, which effectively reinforce the WRSP. In this regard, PC26 relates to an area identified as suitable for residential development, being adjacent to established (or at least developing) residential areas and well-positioned in respect of existing infrastructure with available capacity. PC26 avoids a dispersed settlement pattern, and instead promotes a consolidated and well-structured urban form that implements the LURP, RPS and WRSP. Significantly, the various Officer Reports do not question the appropriateness of the Site for residential development.

66. The RPS requires that development of Greenfield Priority Areas achieve a minimum density of 10hh/ha. With a net site area (i.e. excluding stormwater management areas) of approximately 14.15ha, a minimum yield of some 141 lots or household units is required to achieve the minimum net density. PC26 adopts the WDP's existing Residential 2 Zone with its 600m^2 minimum allotment area and provision for Comprehensive Residential Development. Appendix C of Ms Fosberry's evidence outlines a potential maximum lot yield of some 171 lots (including 35 Comprehensive Residential Development lots). To this end, I consider PC26 achieves a form and density of development as stipulated by the higher order planning documents and anticipated by the WDP.

67. PC26 provides for fencing up to 1.8m in height along the Lehmans Road boundary. Mr Read has recommended such fencing be permeable above a height of 1.2m, for reasons of passive site surveillance and reduced visual impact. Mr Blay supports this recommendation, and has suggested changes to the proposed District Plan amendments

accordingly. The applicant is agreeable to Mr Blay's recommended new Rule 31.1.1.47 (Appendix 11, Officer Report).

PART 2 OF THE RESOURCE MANAGEMENT ACT

68. The purpose of the Act will be well known to the Commissioners. Section 5 defines sustainable management as managing resources in a way or at a rate which enable people and communities to meet their needs while ensuring resources are protected for future generations, safeguarding the life supporting capacity of the natural environment and avoiding, remedying or mitigating any adverse effects on the environment.

69. PC26 does not give rise to any Section 6 "Matters of National Importance" issues.

70. Section 7 lists "other matters" which the Council must "have regard to". In my opinion, the relevant matters to have regard to in respect to PC26 are:

    (b) Efficient use and development of natural and physical resources;

    (c) The maintenance and enhancement of amenity values;

    (f) Maintenance and enhancement of the quality of the environment.

71. Taking a reasonably simplistic approach to efficiency and the matters raised in section 7(b), I consider that the adoption of the existing Residential 2 Zone framework proposed by PC26 will ensure the most efficient use and development of the Site, recognising the location of the Site within the Urban Limits and Greenfield Priority Area established by the higher order documents.

72. PC26 gives rise to a consideration of amenity and character values that have been raised by some submitters and discussed in the Officer Report. On the strength of the conclusions reached by the applicant's experts, and the post-notification amendments made to PC26, it is my opinion that the amenity values, quality and character of the area will be maintained and enhanced.

73. Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. Local runanga were consulted as part of the

preparation of PC26. They have not submitted on or otherwise objected to PC26 and from this, I assume, no Section 8 issues arise.

74. Putting all of these matters together, my conclusion is that PC26 meets the requirements of Part 2 of the Act.

CONCLUSIONS

75. The most relevant statutory and non-statutory planning documents identify the land as appropriate for residential development. All experts concur. Similarly, the conclusion of Council Officers is that PC26 represents an appropriate response to the urban growth principles espoused in the LURP, RPS and WDP.

76. A number of amendments have been made to the ODP in response to Council concerns. Remaining differences in opinion between the applicant and Officers are largely limited to the extent to which PC26 should mitigate flood risk, provide for connectivity within the Site and to Brick Kiln Lane, and allow for reserve provision along Lehmans Road.

77. Evidence for the applicant has found PC26 to be considerate of the key issues identified in the WRSP, namely through the provision of coordinated transport, servicing and reserve networks in an overall layout that respects existing and proposed developments adjoining the Site. Where the ODP departs from the WRSP, the differences do not compromise the functionality of key servicing, movement and reserve networks promoted by the WRSP, or the ability of adjoining land to achieve the same. There is general agreement amongst the experts that any outstanding matters of detail can be resolved at subdivision stage.

78. As the relevant objectives and policies of the WDP are operative they can be taken to achieve the purpose of the Act. The purpose of the Act involves making adequate provisions in district plans for activities so long as the adverse effects on the environment are avoided, remedied or mitigated.

79. It is my opinion that the adverse effects (costs) arising from PC26 are not significant or of a level that causes the proposal to be inconsistent with the purpose of the relevant policy framework and, through this, the purpose of the Act. In addition, I believe that the benefits arising from

the proposed rezoning through a more efficient utilisation of the land resource and a decrease in flood levels east / southeast of the Site, whilst providing for a high quality residential environment with minimal environmental effects beyond the Zone, mean that the purpose of the Act will be better met through the approval of PC26.

Mark David Allan

27 July 2015

APPENDIX A

Qualifications and Experience of Mark David Allan

I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have some 18 years' experience in the field of resource management, both in the public and private sector.

I have prepared numerous Plan Change and Resource Consent applications for a variety of activities across the South Island and regularly give expert planning evidence in respect of the same. The majority of my experience has been in the field of urban development. I have experience in the district plan formulation process, having reported on submissions, attended hearings and prepared amended provisions on behalf of District Councils and private clients. I have more recently been involved with the rezoning of land for residential (including P018 to the WDP), retirement village and commercial activities in the South Island, as well as the preparation of consent applications for large scale residential, commercial and rural-residential developments.

Through the above and other matters I am regularly called upon to present evidence at both Council hearings and the Environment Court.

APPENDIX B

Revised Schedule of Proposed Amendments

PC26 Westpark Rangiora Limited Schedule of Proposed Amendments (27 July 2015)

For the purposes of the identification of the changes sought to the Waimakariri District Plan, any text proposed to be added by PC26 is shown as **bold underlined in a grey shade** and text to be deleted as ~~**bold text with strikethrough**~~. Existing text to provide context to the proposed changes is shown as normal text.

Amendments identified in ~~red font with strikethrough~~ represent deletions from the notified version of amendments in response to submissions and relief sought.

Amendment Reference	Proposed Amendment	Change and Reference to Submitter / Relief Sought
Amendment 1	**Amend** Policy 17.1.1.4 as follows: Ensure that subdivision and development within the Oxford Road, West Rangiora Outline Development Plan area**, Lehmans Road, West Rangiora Outline Development Plan area** and North East Woodend Outline Development Plan area achieve a minimum net density of 10 households per hectare averaged over the entire Outline Development Plan area.	
Amendment 2	**Amend** Rule 27.1.1.24 as follows: Within the Oxford Road~~,~~ **–** West Rangiora **and Lehmans Road – West Rangiora** Outline Development Plan**s** ~~area~~ shown on District Plan Map**s** 168 **and 183**, any dwellinghouse shall have a minimum floor level of 350mm above the 0.5% Annual Exceedence Probability flood event.	
Amendment 3	**Amend** Rule 31.1.1.9 as follows Within the Oxford Road~~,~~ **–** West Rangiora **and Lehmans Road – West Rangiora** Outline Development Plan**s** ~~area~~ shown on District Plan Map**s** 168 **and 183**, any dwellinghouse on a site greater than 1,200m^2 in area shall be contained within its own delineated area, where that delineated area: a. complies with the area and dimensions set out in Table 32.1 (Subdivision – Rules) as though the site was an allotment; and b. is of an area and dimension, and located in such a position, that does not frustrate compliance with Rule 32.1.1.10.	

~~Amendment 4~~	~~Introduce new Rule 31.1.1.10 (under 'Dwellinghouses') as follows:~~ ~~Within the Lehmans Road – West Rangiora Outline Development Plan shown on District Plan Map 183, the scale of Comprehensive Residential Development shall not exceed a total of 35 residential dwellinghouses.~~	**Westpark Rangiora Limited (116)**
~~Amendment 5~~	~~Amend Rule 31.1.1.11 as follows:~~ ~~The structure coverage of the net area of any site within the Comprehensive Residential Development areas shown on District Plan Maps 152, 163, and 172 and 183 shall not exceed 50%.~~	**Westpark Rangiora Limited (116)**
~~Amendment 6~~	~~Amend Rule 31.1.1.19 as follows:~~ ~~Within the Comprehensive Residential Development areas identified on District Plan Maps 152, 163, and 172 and 183 no attached or semi-detached dwelling shall project beyond the building envelope defined by recession planes constructed 5.7m above any site boundary or any boundary adjoining the Comprehensive Residential Development areas...~~	**Westpark Rangiora Limited (116)**
Amendment 4	**Introduce** new Rule 31.1.1.44 (under 'Screening and Landscaping') as follows: **Within the Lehmans Road – West Rangiora Outline Development Plan shown on District Plan Map 183, all fencing:** **a. where located within 2 metres of the boundary of a pedestrian / cycleway linkage (except that pedestrian / cycleway linkage adjacent to Lehmans Road) shall be 50% visually permeable above 1.2 metres in height, and shall not exceed 1.8 metres in height; and** ~~b. where located within 2 metres of the Lehmans Road frontage shall not exceed 1.8 metres in height.~~	**WDC s42A Report – Jon Read/Garry Blay recommendation**
~~Amendment 5~~	~~Amend Rule 31.1.2.4 as follows:~~ ~~The following structures are exempt from complying with Rules 31.1.1.14 to 31.1.1.16 (Setback for Structures)...~~ ~~n. in the Lehmans Road – West Rangiora Outline Development Plan Area shown on District Plan Map 183, any fence 1.8 metres or less in height located along the Lehmans Road frontage.~~	**WDC s42A Report – Jon Read/Garry Blay recommendation**
~~Amendment 6~~	~~Amend Rule 31.3.2 as follows:~~ ~~In the areas identified on District Plan Maps 152, 163, and 172 and 183 as being available for Comprehensive Residential Development, any Comprehensive Residential Development is a discretionary activity (restricted)...~~	**Westpark Rangiora Limited (116)**

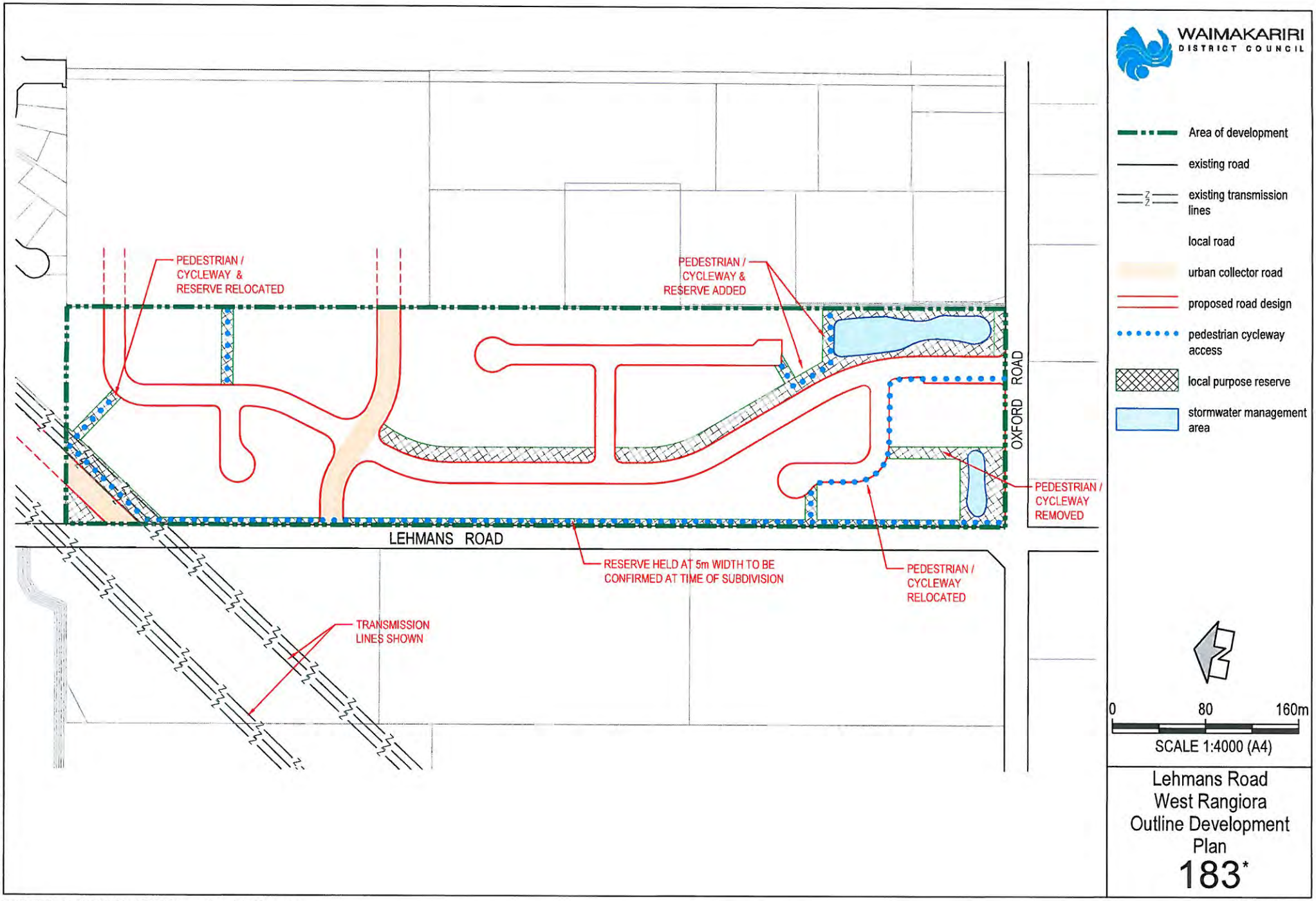
Amendment 6	**Amend** Rule 31.5.4 as follows Any land use which does not comply with Rule 31.1.1.9 (location of dwellinghouses within the Oxford Road~~,~~ ~~–~~West Rangiora **and Lehmans Road – West Rangiora** Outline Development Plan**s** ~~area~~) is a non-complying activity.	
~~Amendment 7~~	~~Introduce new Rule 31.5.6 as follows:~~ ~~Any Comprehensive Residential Development which does not comply with Rule 31.1.1.10 (Comprehensive Residential Development within the Lehmans Road – West Rangiora Outline Development Plan area) is a non-complying activity.~~	**Westpark Rangiora Limited (116)**
~~Amendment 8~~	~~Amend Rule 32.1.1.8 and Introduce new title of 'Comprehensive Residential Development' as follows:~~ ~~Comprehensive Residential Development~~ ~~Within the Outline Development Plan area shown on District Plan Maps 152, 163, and 172~~ **and 183** ~~identified as being available for Comprehensive Residential Development, and developed as Comprehensive Residential Developments, shall:~~ ~~a. have a minimum allotment size of 300m²; and~~ ~~b. have allotments with a minimum road frontage of 10m.~~	**Westpark Rangiora Limited (116)**
~~Amendment 9~~	~~Introduce new Rule 32.1.1.9 (under 'Comprehensive Residential Development') as follows:~~ ~~Within the Lehmans Road – West Rangiora Outline Development Plan shown on District Plan Map 183, the maximum number of residential allotments developed as Comprehensive Residential Development shall be 35.~~	**Westpark Rangiora Limited (116)**
Amendment 7	**Amend** Rule 32.1.1.10 as follows: Within the Oxford Road~~,~~ ~~–~~ West Rangiora **and Lehmans Road – West Rangiora** Outline Development Plan**s** ~~area~~ shown on District Plan Map**s** 168 **and 183**, subdivision shall achieve a minimum net density of 10 allotments per hectare once the entire Outline Development Plan area has been developed and achievement of this shall be demonstrated for each stage of subdivision.	
Amendment 8	**Amend** Rule 32.1.1.25 as follows: Subdivision within the following areas shall generally comply with the Outline Development Plan for that area… **ad. The Residential 2 Zone Lehmans Road, West Rangiora identified on District Plan Map 183.**	

Amendment 9	**Amend** Rule 32.1.3 Matters Over Which Control is Exercised by adding a new clause as follows: ii Allotment Area and Dimensions – in the case of subdivision within the Oxford Road~~,~~ – West Rangiora **and Lehmans Road – West Rangiora** Outline Development Plan**s** ~~area~~ shown on District Plan Map**s** 168 **and 183**, the need to ensure any balance land is able to achieve a minimum net density of 10 allotments per hectare once the entire area has been developed.	
Amendment 10	**Amend** District Plan Maps 34 and 112A to give effect to the rezoning of 198 Lehmans Road and 100 Oxford Road from Rural to Residential 2.	
Amendment 11	**Add** District Plan Map 183 (Lehmans Road, West Rangiora Outline Development Plan).	**Various Amendments in Response to Submissions of: Westpark Rangiora Limited (116) – Removal of Comprehensive Residential Development Areas** **Transpower (120) –Inclusion of Transmission Grid Lines** **Ryman (109) – Inclusion of Pedestrian / Cycleway Connection to Brick Kiln Lane** **Andrew Stevens (113) – Amendments to Reserve Area along Oxford Road** **WDC Kalley Simpson – Amendments to Reserve Areas /**

		secondary flow paths
Amendment 12	Consequential amendments to numbering and cross references.	

APPENDIX C

Post-notification Changes to Outline Development Plan



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* to be confirmed