

BEFORE THE WAIMAKARIRI DISTRICT PLAN REVIEW HEARINGS PANEL

IN THE MATTER OF the Resource Management Act 1981

AND

IN THE MATTER OF the hearing of submissions and further submissions on the Proposed Waimakariri District Plan

AND

Hearing of submissions and further submissions on Variations 1 and 2 to the Proposed Waimakariri District Plan

Hearing Stream 12: Rezoning

**STATEMENT OF EVIDENCE OF IVAN THOMSON
(PLANNING)
FOR WOODWATER LTD
(PDP SUBMITTER 215 / VARIATION 1 SUBMITTER 48)**

Dated 12 March 2024

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1 SHORT SUMMARY

- 1.1 Woodwater Limited ('the Submitter') lodged submissions on Variation 1 and the Proposed Waimakariri District Plan each requesting that approximately 32 hectares of rural land between Judsons Road and Petries Road, in south east Woodend (the 'Site') be rezoned from proposed Rural Lifestyle Zone (RLZ) to Medium Density Residential (MRZ) or General Residential (GZ). The Site is shown in **Figure 1**. The proposed development is anticipated to yield approximately 500 residential units.



Figure 1: Site showing general context of Site.

- 1.2 The Site is included within the Projected Infrastructure Boundary (PIB) in Map A to Chapter 6 of the Canterbury Regional Policy Statement (RPS), and within the Council's long term infrastructure strategy¹. On the south side of the PIB the land is zoned LLR meaning the Site is bounded by urban residential zoned to the north, south and east. Furthermore, I note that the land immediately to the west has been identified as a future business zone in the Operative Plan and Woodend-Pegasus Area Strategy 2013 (Refer to Figure 4). It has also been identified as a Business Greenfield Priority Area on Map A of the RPS.
- 1.3 The Proposed District Plan as notified, zones the Site Rural Lifestyle Zone (RLZ). The surrounding zoning includes General Residential to the north, and Special Purpose Kainga Nohoanga Zone (SPZ-KN) to the west which provides for a range of activities within all of

¹ Infrastructure Strategy 2018-2048 at page 61.

Māori Reserve 873. It appears from earlier planning documents² that the use of the land for urban purposes has been signalled for some time but for reasons I have been unable to discover, the land was not included as a Greenfield Priority Area when the Land Use Recovery Plan was prepared, nor in Change 1 to the CRPS. I assume this is the reason why the land was not included in the Proposed District Plan as an urban residential zone. In any event, in my opinion the proposed Rural Lifestyle zoning is an anomaly.

- 1.4 The Site can be serviced with water supply, wastewater infrastructure and stormwater management and disposal. Its development will not have any significant effects on the environment.
- 1.5 An Ecological Report found two wetlands on the site, both of which are considered to be of very low value, and it has been recommended that they be abandoned in favour of the preservation and enhancement of a more highly valued wetland to the south. The wetland to the south is on the Large Lot Residential zoned land acquired by Urban Estates Limited, who are seeking to develop the land in conjunction with Woodwater.
- 1.6 A geotechnical assessment concludes that the Site is suitable for residential development with some provisos. I note that the Report considers the Site as Technical Category 2 (TC2) and recommends that a full assessment of potential lateral spreading needs to be undertaken as part of the design process, but this will be able to be controlled. The Report also notes the presence of potentially compressible near surface soils which may pose a consolidation settlement risk to any proposed development. Further investigation is required but these effects can be mitigated through standard site compaction practices.
- 1.7 An ODP has been prepared to ensure that the design and layout of the development is integrated both internally and externally in terms of connectivity and overall functionality. Two ODP 'scenarios' are presented (**Appendix 1**) two reflect two medium density options under the PDP and Variation 1. A Narrative to support the ODP is provided at **Appendix 2**.
- 1.8 In summary it is my opinion that the proposed rezoning of the Site:
 - (a) will give effect to national and sub-regional urban growth objectives and has been recognised by the Council as having potential for urban development.
 - (b) Is a logical infill of residential development in an area that is already urbanised and is enclosed by existing residential zoned land and an arterial road;
 - (c) Adds to the choice of housing sites and helps provide competition in the local land market;
 - (d) Is a logical extension to, and promotes the efficient use of, existing and proposed infrastructure and services;

² Woodend Pegasus Area Strategy 2013, Greater Christchurch Urban Development Strategy 2007, Waimakariri District Development Strategy.

- (e) Provides active transport connections to support walking and cycling in the community;
 - (f) Makes more efficient use of this land resource than leaving the land as rural or rural residential development/rural lifestyle; and
 - (g) Will lead to positive environmental outcomes for residents and Rangiora as a whole.
- 1.9 Overall, I consider, for the above reasons, that rezoning this land for residential purposes is the most appropriate method of promoting the purpose of the Act compared to other land use options.

2 INTRODUCTION

- 2.1 My full name is Ivan Thomson and I hold the position of Senior Planner with Aston Consultants. I have a Bachelor of Science (Geography) from Canterbury University, and Master's Degree in Urban and Regional Planning (M.Phil) from Reading University in England. I have 40 years' post graduate experience in urban and regional planning, and I am a Fellow Member of the New Zealand Planning Institute.
- 2.2 My experience includes 30 years at the Christchurch City Council including 12 years' involvement with preparation, hearings and appeals for the former Christchurch City Plan involving the Urban Growth Chapter, four years leading an Area Plans programme, with the remainder of my time there being in a leadership/management role, including the Christchurch Replacement District Plan.
- 2.3 I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. 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. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
- 2.4 In addition to the technical reports prepared to inform the proposed rezoning, the key documents which I have relied upon in preparing my evidence are the following:
- a) the Canterbury Regional Policy Statement (CRPS) particularly Chapter 6.
 - b) the Proposed Waimakariri District Plans (PWDP).
 - c) the National Policy Statement on Urban Development 2020 (NPS-UD)
 - d) the National Policy Statement on Highly Productive Land (NPS-HPL).
 - e) Waimakariri District Growth and Demand 2021-2051 (2021).
 - f) the Greater Christchurch Partnership Housing Capacity Assessment July 2023.
 - g) the Greater Christchurch Spatial Plan.

3 SCOPE

3.1 My evidence addresses the following:-

- (a) The key features of the Submission
- (b) Contextual background, including site description.
- (c) Statutory Context
- (d) The key planning issues, including environmental effects that in my opinion are relevant.
- (e) Assessment against the relevant statutory planning documents, listed above.
- (f) Other relevant statutory and non-statutory documents.
- (g) Issues raised in submissions.

3.2 I am relying on, and accept, the evidence and/or reports of the following technical experts and parties:

- (a) David Smith - Transport and traffic effects
- (b) David Compton-Moen-Urban Design
- (c) Mark Taylor – Ecology.
- (d) ENGEO – Flooding, Geotechnical Hazards, Contaminated Land
- (e) Fraser Colegrave – Economic Analysis.
- (f) Andy Hall, - Infrastructure and Servicing.

3.3 Where appropriate I have avoided repeating information provided by the above experts.

4 SUBMISSION AND SITE DESCRIPTION

4.1 Woodwater seeks that land shown in Figure 1 be rezoned either General Residential (GRZ) or Medium Residential Density MRZ). In addition, the submission seeks *'such other amendments as may be necessary to the provisions of the Proposed District Plan. This may include, but not necessarily be limited to, amendments to the urban growth objectives and policies of the Proposed Plan, supporting rules and the relevant planning maps'*.

4.2 The Site has a Rural Zone in the Operative Waimakariri District Plan and a Proposed Rural Lifestyle Zone (RLS) in the Proposed Waimakariri District Plan (PWDP). The Site adjoins the proposed (Variation 1) Medium Residential Zone (MRZ) to the north and Large Lot Residential Zone (LLRZ) along its southern/south eastern boundary (**Figure 2**). It is within the Projected Infrastructure Boundary (PIB) as depicted on Map A in the Canterbury Regional Policy Statement (**Figure 3**). To the immediate west, a future business zone has been identified in the Operative District Plan and a previous Council strategic plan

(Woodend – Pegasus Area Strategy 2013) and is shown in **Figure 4**. The same land is identified as a Greenfield Priority Area on Map 6 of the RPS.

- 4.3 The Site is predominantly rural in nature and is currently undeveloped farmland with some supporting dwellings and associated farm buildings. 62 Judsons Road (4 ha) contains numerous 'wrecked cars' which will be removed, and any possible contaminated land associated with this activity removed as part of the proposed residential subdivision and development.
- 4.4 The Site has frontage to Petries Road, Judsons Road, Woodend Beach Road and Copper Beach Road. Judsons Road bisects the Site on an east-west alignment and is unsealed over the majority of its length. There are two reserve lots adjacent to the Site which are understood to be used for stormwater management but also provide an opportunity for additional walking / cycling connections and enhanced amenity.

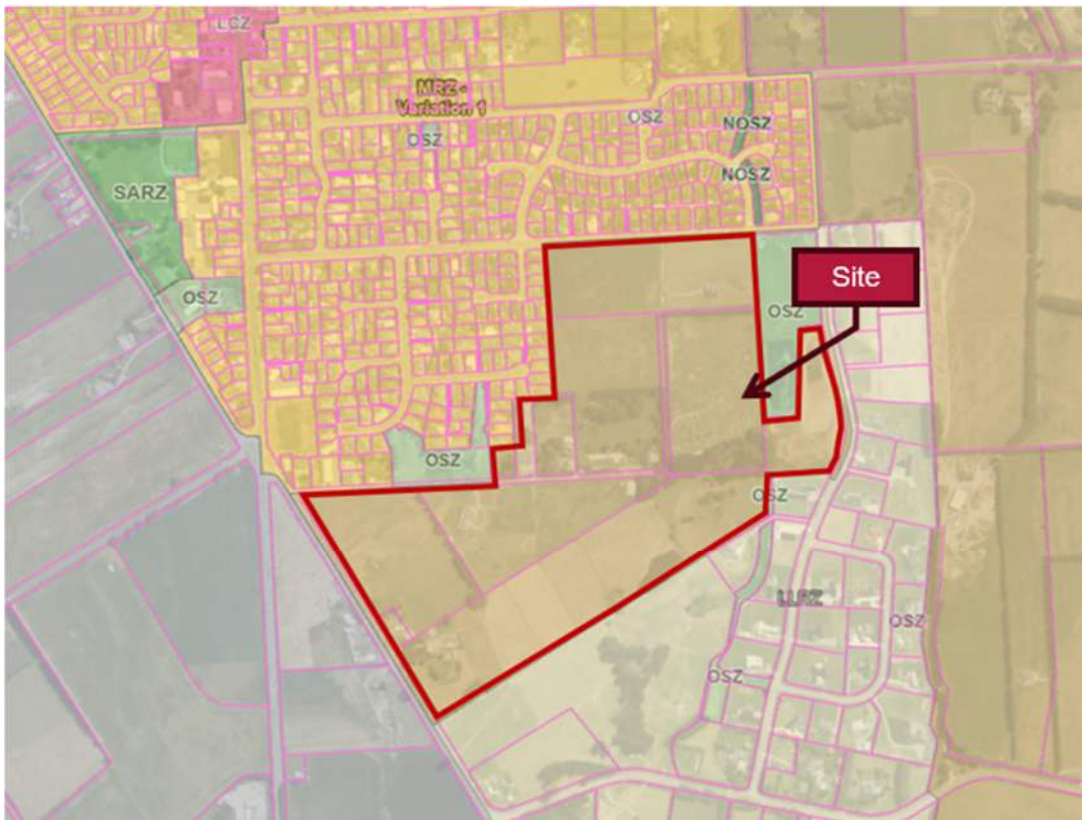


Figure 2. Proposed zoning of surrounding area in the PWDP.

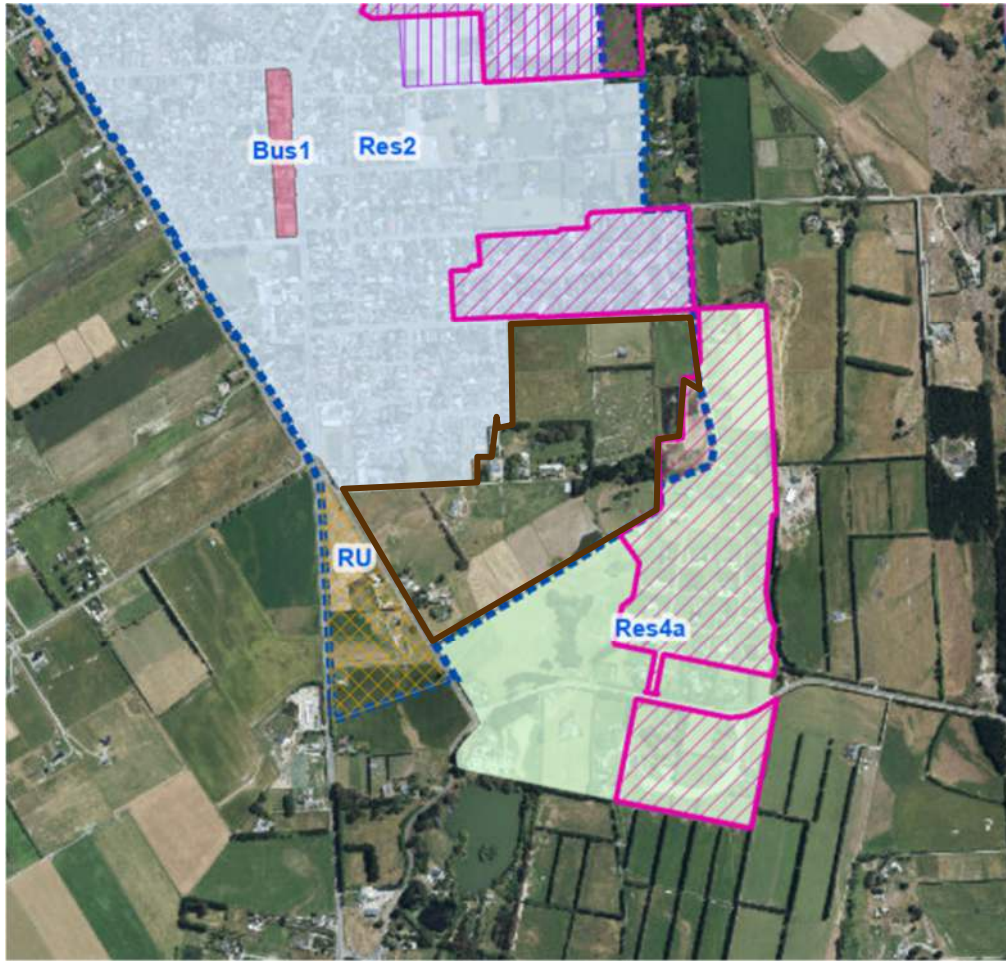


Figure 3 Extract from Operative Plan including the location of the Projected Infrastructure Boundary (Blue dashed line). Site shown in Blue outline. Business not yet zoned (Yellow cross hatch)

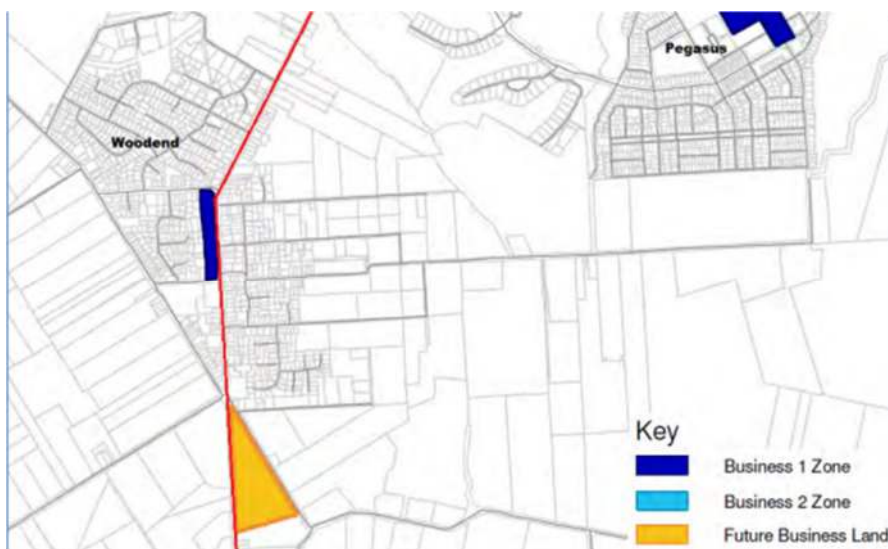


Figure 4; future Business Land. Source: Woodend – Pegasus Area Strategy 2013.

5 SURROUNDING ENVIRONMENT

- 5.1 The Site is located southeast of the existing Woodend township and adjoins existing residential activity directly to the south, east and north. It is approximately 1km from the Woodend Town Centre (northwest), and approximately 22km from Christchurch City Centre. Rangiora is approximately 7km northwest of the Site and Kaiapoi is approximately 6km south. It has virtually direct access (via Petrie's and Judson's Roads) to the Main North Road (SH1) providing residents with good access to employment areas in northern Christchurch, the Airport, and Southbrook.
- 5.2 In sub regional terms Woodend is an important growth node in the planning of Greater Christchurch. It was identified as far back as 1985 as part of the northern corridor growth area³ and this role has continued through subsequent urban development strategies. These have provided the framework for major urban expansions at Ravenswood and Pegasus as well as continuing development within Woodend.
- 5.3 As shown in Mr Colegrave's and Mr Compton-Moen's evidence, the town is continuing to experience significant growth in housing and population and given its strategic location in my opinion this growth can be expected to continue into the future. I would expect future greenfield growth to predominantly be in a north or south direction, being confined to the west by MR 873 and to the east by potential coastal hazards. The proposed Woodend by-pass may provide a long-term future growth boundary subject to the usual assessments and evaluations.

6 STATUTORY FRAMEWORK

- 6.1 Sections 31 – 32 and 72 - 76 of the RMA provide the core framework for preparing or changing district plans. Those considerations have been summarised by the Environment Court and as I understand it the relevant case authority is *Cabra*⁴. In essence, any change to a district plan must: (a) be designed to accord with, and assist Waimakariri District Council to carry out its functions under S31 and, to achieve the purpose of the Act; (b) to give effect to any national direction and the operative regional policy statement; and (c) ensure that the objectives, policies, methods and rules proposed through this submission are the most appropriate way to achieve the purpose of the Act. In considering the submission, regard must be had to the management of actual and potential effects of the activities provided by the proposed rezoning.
- 6.2 A complicating factor arising from the statutory framework is that Variation 1 has incorporated the Medium Density Residential Standard in accordance with the Enabling Housing Supply and Other Matters Amendment Act 2021. Thus, the submission on the Variation is effectively required to seek MRZ across the entire Site. However, the planning issue becomes what assumptions are made on resultant yields which become inputs into

³ Canterbury Regional Planning Scheme.

⁴ [2014] NZEnvC 55 at [17]; adopted in respect the consideration of AUP provisions in *Cabra Rural Developments Limited v Auckland Council* [2018] NZEnvC 90.

traffic and other infrastructure modelling for the purpose of assessing effects. In theory, if the entire Site was developed to its full potential there could be upwards of 1500 units which illustrates the practical planning difficulties (in my opinion) of this piece of legislation.

- 6.3 In order to simplify the situation, and hopefully provide a realistic and pragmatic assessment framework, I have asked the experts affected to base their evidence on a nett density of 15 households per hectare with a resultant yield of 500 units (calculated by Mr Hall based on concept plans). This is as I understand it the approach Selwyn District Council took in its recent plan review and is seemingly what the Council planning officers are using given this accords with the minimum density requirements of the PDP . This will also explain why some experts have not referred to the Variation 1 submission in their evidence.

National Policy Statement 2020 (NPS-UD)

- 6.4 I consider that the fundamental principle underpinning the NPS-UD 2020 is that it recognises the national significance of having *'well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future'*⁵. From a planning perspective I consider that this objective, along with Objective 2, Policies 1 and 2⁶, and the implementation of these policies are the key matters relating to this submission.
- 6.5 Providing at least sufficient development capacity to meet short, medium and long term needs is a key policy of the NPS-UD without which a well-functioning urban environment is not likely to occur. This is because the land market will not operate in a competitive manner, and without adequate land supply, house prices are likely to increase, affecting affordability⁷. Regional policy statements and district plans are expected to enable more people to live in areas of urban environments near centres or areas with employment opportunities, area well serviced by public transport or a high demand for housing in the area.
- 6.6 Local authority decisions on urban development are required to be responsive and to be more flexible in response to proposals than the current approach in Chapter 6 of the CRPS whilst not abandoning the principles of the current Greater Christchurch Spatial Plan⁸. Until the CRPS is changed to give effect to this requirement, district plan policies such as Policy UFD P2.(2) (a)-(h) in the PWDP are needed to allow proposals such as this land to be approved.

⁵ Objective 1.

⁶ Tier 1.. local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

⁷ Part of being a well-functioning urban environment - See Policy 1 a(i) and (d) NPS-UD 2020..

⁸ Sub Part 2, 3.8(3)

- 6.7 In my experience, the boundaries for Greenfield Priority Areas on Map A have excluded land suitable for urban development in terms of meeting the objectives and policies of Chapter 6. This Site appears to be one of those situations. It has also been my experience that criteria-based growth policies (such as UFD P2) provide a more responsive decision-making framework for urban development proposals rather than relying solely on metropolitan urban limits, such as the current CRPS approach. This is due to the slow and often cumbersome processes that are required to change a regional policy statement under the Act in the context meanings of 'giving effect to' and 'avoid' by the Courts, particularly since the King Salmon decision⁹.
- 6.8 Policy 2 of the NPS-UD requires (Tier 1, 2, and 3 local authorities) to, at all times, provide at least sufficient development capacity to meet expected demand for housing over the short term, medium term, and long term. In making this assessment consideration needs to be given to ensuring that when determining whether there is at least sufficient capacity, we need to consider the matters in Policy 1(a). Mr Colegrave's report demonstrates that there is no justification for retaining the land as RLZ and it should be rezoned now to ensure the NPS-UD is given effect to.
- 6.9 I refer to my assessment in **Appendix 5**. As I state there, in my opinion the Site is well located in terms of Policy 1. It is reasonably well located with respect to the commercial area and community facilities and is effectively an infill development. This enables a choice of transport modes including active and micro-personal transport (eg e-bikes) to be used along with private cars. The Site is also well located to take advantage of any future mass transit service. The rezoning of the Site for residential development would in my opinion give effect to the NPS-UD.

National Policy Statement HPL

- 6.10 The NPS-HPL came into force on 17 October 2022, being after the time the proposed plan was notified. The Site is identified as LUC Class 2 but my understanding of the Officer position is that land proposed for RLZ is exempt from the interim definition of highly productive land¹⁰ by virtue of Clause 3.5.7(ii).
- 6.11 Whether Clause 3.5.7 applies is in my view a legal question that can be addressed in legal submissions. I note however that the matter was canvassed at length by legal counsel at the hearings on Plan Change 31 to the Operative Plan and the majority of legal counsel including Waimakariri and Ecan agreed that the NPS-HPL does not apply to land that is proposed to be RLZ. The decision of the Council adopted this view.

⁹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* - [2014] NZSC 38

¹⁰ Memorandum to Hearings Panel 22 July 2023 see [8].

6.12 I also consider that the land could be exempt because it is inside the PIB. Although land inside the PIB does not necessarily give it the status of an urban area in terms of Map A, virtually all land around Greater Christchurch inside the PIB is.

6.13 In any event I have also assessed the proposal in terms of Clause 3.6. which I consider to be the more relevant assessment matter.

6.14 Tier 1 and 2 territorial authorities may allow urban rezoning of highly productive land only if:

the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020;

6.15 I consider it pertinent to consider both the sub regional and district when making this assessment. In my opinion future sub regional growth planning in Greater Christchurch is likely to place less reliance on greenfield growth than has been the case for the last thirty years for two reasons. Firstly, protecting highly productive land will have a greater weighting in the assessment of growth options because of the NPS-HPL. Secondly, the NPS-UD makes it more explicit that new growth areas need to be closely aligned with public/mass transit services which will tend to favour intensification of existing urban areas.

6.16 What this means, in my opinion, is that greenfield development opportunities that patently promote urban consolidation / well-functioning urban environments without any material reduction in the amount of highly productive land at the regional scale should be regarded as candidates for housing development (everything else being equal).¹¹ This is clearly the case for this Site.

6.17 I also note criticism of the most recent Housing Capacity Assessment (2023) in Mr Colegrave's report and it would be a mistake to underestimate the long term demand for greenfield sites for housing in Woodend.

there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment;

6.18 There are no other greenfield options at the edge of Woodend (other than planned development areas) as the town is completely surrounded by Class 1-3 soils. Houses can and will be provided for within Woodend without building on Class 2-3 land through urban renewal/ intensification within the existing township, along with 'soft intensification' and through the MDRS. However, this is not likely to be sufficient on its own to give effect to the NPS-UD. Expansion to the new Bypass is possible subject to detailed investigations particularly relating to the impacts of future sea level rise, and potential westward expansion is identified in the Woodend – Pegasus Area Strategy 2013 (**See Figure 5A**).

¹¹ For example, are not subject to significant risk from natural hazards.

the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

- 6.19 The Site has little productive potential because it is split by an increasingly busy (Judsons) road and is effectively an 'island' wedged between existing areas of urban zoned land. There are no intangible reasons for maintaining a rural zoning and obviously the addition of 500 new houses outweighs the economic benefits of retaining the status quo.
- 6.20 In conclusion:
- (a) The proposal gives effect to the NPS-UD by promoting a well-functioning urban environment;
 - (b) The land will contribute to providing sufficient development capacity;
 - (c) The land cannot support a viable productive primary activity.
 - (d) Of all the zoning options available to the Council in Woodend (apart from intensification around the local centre) this Site in my opinion is probably one of the best sites available in terms of urban form.

Canterbury Regional Policy Statement

- 6.21 Chapter 6 of the CRPS is the relevant set of regional planning provisions relating to settlement growth for this area. The insertion of Chapter 6 into the Canterbury Regional Policy Statement (CRPS) was directed by the Minister for Canterbury Earthquake Recovery in the Land Use Recovery Plan for Greater Christchurch and under Section 27 of the Canterbury Earthquake Recovery Act 2011. The Chapter provides a resource management framework for the recovery of Greater Christchurch, to enable and support earthquake recovery and rebuilding, including restoration and enhancement, for the area through to 2028¹².
- 6.22 Urban growth in Greater Christchurch is managed by objectives and policies of the Canterbury Regional Policy Statement (CRPS). Map A in Chapter 6 (Map A) identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery in Greater Christchurch. Map A represents a policy 'hard line' to contain and intensify urban growth within existing urban areas for those purposes. It identifies Existing Urban Areas, Greenfield Priority Areas and Future Development Areas where new urban development is enabled. Outside these areas urban development must be avoided.

¹² Canterbury Regional Policy Statement Chapter 6 Introduction.

- 6.23 The PIB shows the planned extent of urban development in Greater Christchurch after 2028.¹³ The Partnership has previously considered the longer term growth needs of Greater Christchurch through to 2041, with the extent of planned greenfield areas around Christchurch City and the main towns in Selwyn and Waimakariri to support future housing growth delineated by the Projected Infrastructure Boundary on Map A¹⁴. However, there is no reference to the PIB in the objectives and policies in Chapter 6.
- 6.24 In terms of future urban planning, I consider it relevant that the Site is located within the PIB. This indicates that from an integration perspective, the Site is within an area that I understand forms part of the Council's planning for infrastructure development and servicing, a view directly supported by the Site's inclusion in the Council's long term Infrastructure Strategy 2018-2048. As such, rezoning of the Site would not result in capacity being 'taken up' by a Site which has not been taken into account in the Council's long-term plan for infrastructure; or necessitate upgrades that have not otherwise been anticipated.
- 6.25 It may be argued that, to ensure that growth is appropriately integrated with the provision of infrastructure and planned growth is able to be serviced, priority of water allocation and wastewater capacity should be given to those developments already within the zoned areas. However, in terms of this particular zoning, Mr Hall's Infrastructure Report concludes that water and wastewater capacity can be made available for this proposed area while still ensuring sufficient supply is available for all areas within the RPS boundary.
- 6.26 The Site appears to be the only or one of a few residential areas in Waimakariri (and possibly Greater Christchurch) where urban development is not planned to reach the PIB. I am unsure of the reason for this because, as explained by Mr. Hall, the land can be provided with reticulated sewer and water infrastructure, and a feasible stormwater disposal system. I also note from Mr Hall's report that '*438 new connections from East Woodend and Woodend Beach during the 2021-31 LTP period as identified as part of the 2020 WDC 50 Year Water and Sewer Connection Growth*'. This confirms to me that the Council anticipates growth on this Site.
- 6.27 Nevertheless, based on the current wording of the Act and the Supreme Court's interpretation of the word 'avoid' ¹⁵ I have to assume the proposal does not give full effect to all the objectives and policy framework for urban growth in the CRPS including Objective 6.2.1. and Policy 6.3.1. It is therefore relying on the responsive provisions of the NPS-UD discussed above and subsequently the retention of UFD P2 in the Notified Proposed District Plan.

¹³ Greater Christchurch Partnership webpage at <https://greaterchristchurch.org.nz/our-work/projects/urban-development>

¹⁴ <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Our-Space-final/Our-Space-2018-2048-WEB.pdf> p 28.

¹⁵ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

6.28 Mr Compton-Moen has assessed the urban design matters, including the Outline Development Plan, in terms of Policy 6.3.2 of the RPS and I concur with his conclusion that the internal design and layout shown on the ODP gives effect to those provisions. I have included an assessment of the proposal against the provisions of the RPS, including Chapter 6 at **Appendix 4**.

CPRS Chapter 11

6.29 Policy 11.3.1 of the CRPS the avoidance of new subdivision use and development in high hazard areas, unless, in the event of a natural hazard occurrence, the subdivision use, or development is not likely to:

- (a) result in loss of life or serious injury; and
- (b) result in significant damage or loss; and
- (c) require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
- (d) exacerbate the effects of the natural hazard.

Relying on the technical information provided there appear to be no areas subject to high flood hazard on this Site.

Canterbury Land and Water Regional Plan (CLWRP)

6.30 A district plan must not be inconsistent with a regional plan for any matter specified in section 30(1) which, in my opinion, includes the CLWRP. For this rezoning proposal the Plan is relevant to parts of the Site where there is high groundwater which are potentially impacted on by flood mitigation works and land disturbance during the development phases. The CLWP has been the subject of Court proceedings (culminating in the Supreme Court) regarding the Regional Council's interpretation of 'taking and/or use of water'.¹⁶ I do not propose to dwell on this case but I consider that it is appropriate that I acknowledge that the relevant rules, and their interpretation, in the CLWRP have been debated at length through Court processes.

6.31 Mr Hall's evidence demonstrates there are ways through which the Site can be serviced for stormwater without interception of groundwater, and the development will be 'hydraulically neutral'.

¹⁶ *Cloud Ocean Water Limited v Aotearoa Water Action Incorporated, Canterbury Regional Council and Southridge Holdings Limited* SC82/2022 [2023] NZSC 153.

Proposed Waimakariri District Plan (PDP)

- 6.32 The Site is zoned RLZ in the PDP and the submission is largely reliant on Policy UFD P2(2) to enable the land to be rezoned. I provided evidence to support the retention of this Policy at the Urban Growth Hearings and my view has not changed since that hearing. UFD P2(2) contains the following criteria for establishing new residential areas:
- (a) for new Residential Development Areas, other than those identified by (1) above, avoid residential development unless located so that they:
 - (b) occur in a form that concentrates, or are attached to, an existing urban environment and promotes a coordinated pattern of development;
 - (c) occur in a manner that makes use of existing and planned transport and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required;
 - (d) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;
 - (e) concentrate higher density residential housing in locations focusing on activity nodes such as key activity centres, schools, public transport routes and open space;
 - (f) take into account the need to provide for intensification of residential development while maintaining appropriate levels of amenity values on surrounding sites and streetscapes;
 - (g) are informed through the development of an ODP;
 - (h) supports reductions in greenhouse gas emissions; and
 - (i) are resilient to natural hazards and the likely current and future effects of climate change as identified in SD-O6
- 6.33 Several of the above will be covered by the other experts but I have provided a brief assessment of each in **Appendix 3**. I note that the DCM Report prepared by Mr Compton-Moen has provided an assessment of the PDP provisions concerning the ODP and I do not need to address that any further.
- 6.34 Section 6 of the Act (Matters of National Importance) requires the PDP to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The planning map identifies features that need to be considered for this (**Figure 5** below). SASM P3 and SASM P4 provide the policy framework for management areas of cultural significance to Runanga and provide the framework for subsequent rules which are implemented through the subdivision consent process (SUB R5). I expect these processes will recognise the Ngāi Tahu Subdivision and Development Guidelines contained in the Mahaanui Iwi Management Plan.

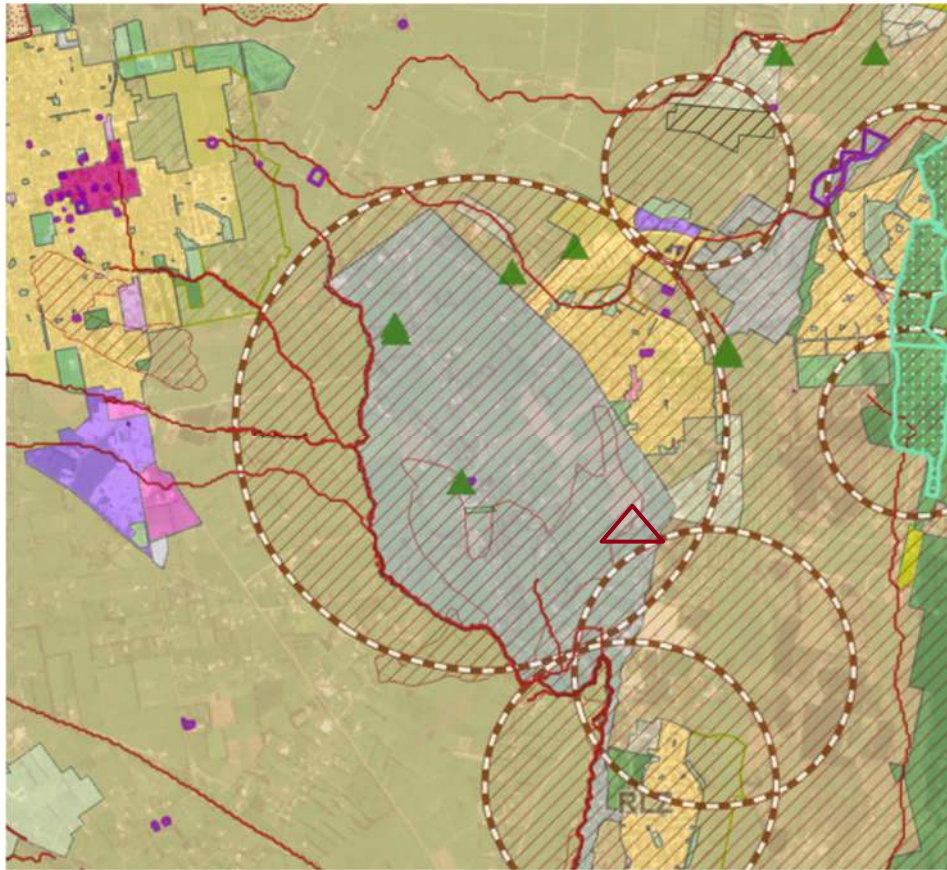


Figure 4. (Legend on next page)

Wāhi Tapu Overlay



Wāhi Taonga Overlay



Ngā Wai Overlay



Ngā Reporepo Overlay



Ngā Tūranga Tupuna Overlay



General Location of Site Blue Triangle

Iwi management Plan

6.35 The Council is required to take into account any Iwi Management Plan prepared for the District¹⁷. Ngāi Tahu has set out its resource management values, issues, objectives and policies within the Mahaanui Iwi Management Plan (2013). It is also required under Schedule 1 to consult with Te Ngai Tūāhuriri Rūnanga. I understand MKT has declined to become involved with the rezoning process and would only become involved at the consenting i.e., subdivision/discharge consent stage.

Greater Christchurch Spatial Plan (GCSP)

6.36 The GCSP was endorsed by the Greater Christchurch Partnership Committee on February 16 2024. It is a strategy prepared under the Local Government Act that local authorities must have regard to in preparing their district plan. I note that the Strategy seeks 'a *strengthened network of urban and town centres*'. Woodend is identified as a locally important urban centre and is located on the preferred mass transit route¹⁸.

6.37 As stated above Woodend has been part of the growth strategy for Greater Christchurch's northern corridor for over 40 years and this is reflected by the significant amount of growth that has occurred in the township and vicinity. Its strategic importance continues to be recognised in the latest Greater Christchurch growth strategy.

6.38 Map 14 of the GCSP (see **Figure 4A** below) identifies broad locations for housing and business capacity for a population of 700 000 (anticipated by 2050). The Site is fully surrounded by the existing urban area, which illustrates how its continued rural zoning in the PDP is anomalous in terms of urban form. It is also adjacent to core public transport routes.

¹⁷ Resource Management Act S 74(2A).

¹⁸ Map 2 Greater Christchurch Spatial Strategy 14 February 2024.

Map 14: Broad locations of housing and business development capacity (700,000 people)



Figure 4A: Extract from Map 14 GCSP – Site identified with red star.

6.39 It appears that the GCSP future housing areas are the same as those shown on Map A of the CRPS. However, the GCSP does anticipate some additional greenfield growth which meets the criteria set out below – which are all met in the case of this Site.

6.40 The creation of 'greenfield' areas will continue to be part of how we accommodate more people so that we can provide a range of lifestyle choices that our communities value. The focus of our spatial plan and greenfield development, is to encourage positive change in our urban form and function, recognising that while housing capacity needs to be provided, this must achieve and not undermine other directions and principles. To achieve this, successful future greenfield development needs to:

- (a) Be well connected with employment, services and leisure through public and active transport networks.
- (b) Be integrated with existing urban areas.
- (c) Meet a need identified by the latest Housing and Business Development Capacity Assessment.

- (d) Be at the right scale, density and location to minimise impact on highly productive land and existing permitted or consented primary production activities.¹⁹

Waimakariri District Development Strategy (WDDS) 2018

6.41 This is a strategy to have regard to under Section 74(2)(i) of the Act.

6.42 **Figure 5** indicates future urban growth directions, and shows the area south of Petrie’s Road towards Judsons Road as a proposed residential growth expansion. I am also aware of the Woodend – Pegasus Area Strategy 2013 (**Figure 5A.**)



Figure 5: Growth Directions provided for in the WDDS for Woodend.

¹⁹ GCSP page 60

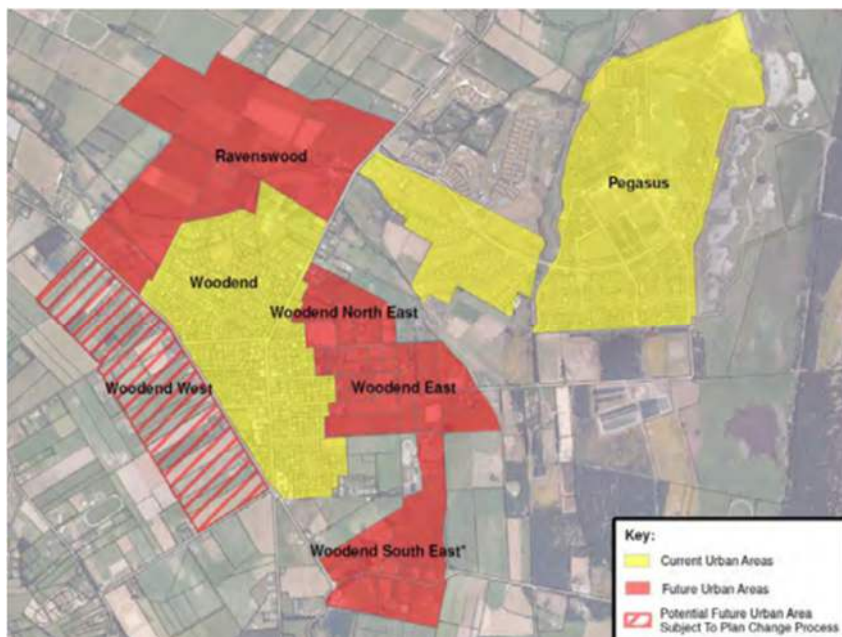


Figure 5A

Source Figure 5. Woodend – Pegasus Area Strategy 2013. Map of the Woodend Pegasus urban area.

* Woodend South East is zoned rural residential.

7 KEY RESOURCE MANAGEMENT ISSUES

7.1 Within the overall statutory context outlined above, and the evidence of the technical experts, I consider that there are two sets of planning issues to consider for this Site: those that are of strategic or wider importance; and those that are site specific. Within the first group are ground water and flood management, urban form, development capacity, protection of ecological significance, climate change effects, effects on manawhenua values and effects on strategic infrastructure. Within the second group I have included geotech, contamination, internal design and layout, landscape values, and local service capacity.

Flood Management

7.2 Parts of the Site are affected by the Non-Urban Flood Assessment Overlay in the WPDP (**Figure 6**). The Overlay shows that parts of the south and eastern edges of the Site need to be considered for mitigation or avoidance of a natural hazard (flooding and inundation). This matter is covered by ENGEO and detailed in their Report based on their review of the Waimakariri District Council GIS database (Figure 1 in their report). The mapping confirms that parts of the eastern and southern sides of the Site may be subject to a medium flood hazard (defined as inundation depth of greater than 0.3 m) during a 1 in 200-year flood event. A high flood hazard has been associated with the current stream channel for the 1 in 200-year flood event.

7.3 The authors of the Report do not consider that the flood risk should preclude rezoning of the Site however they recommend that the flooding hazard *'is considered during civil engineering subdivision design'*.

- 7.4 My interpretation of Figure 6 is that most of the Site is free from any constraint imposed by the Overlay but there are areas around the edge of the Site that will require mitigation measures at the subdivision and/or building stage.

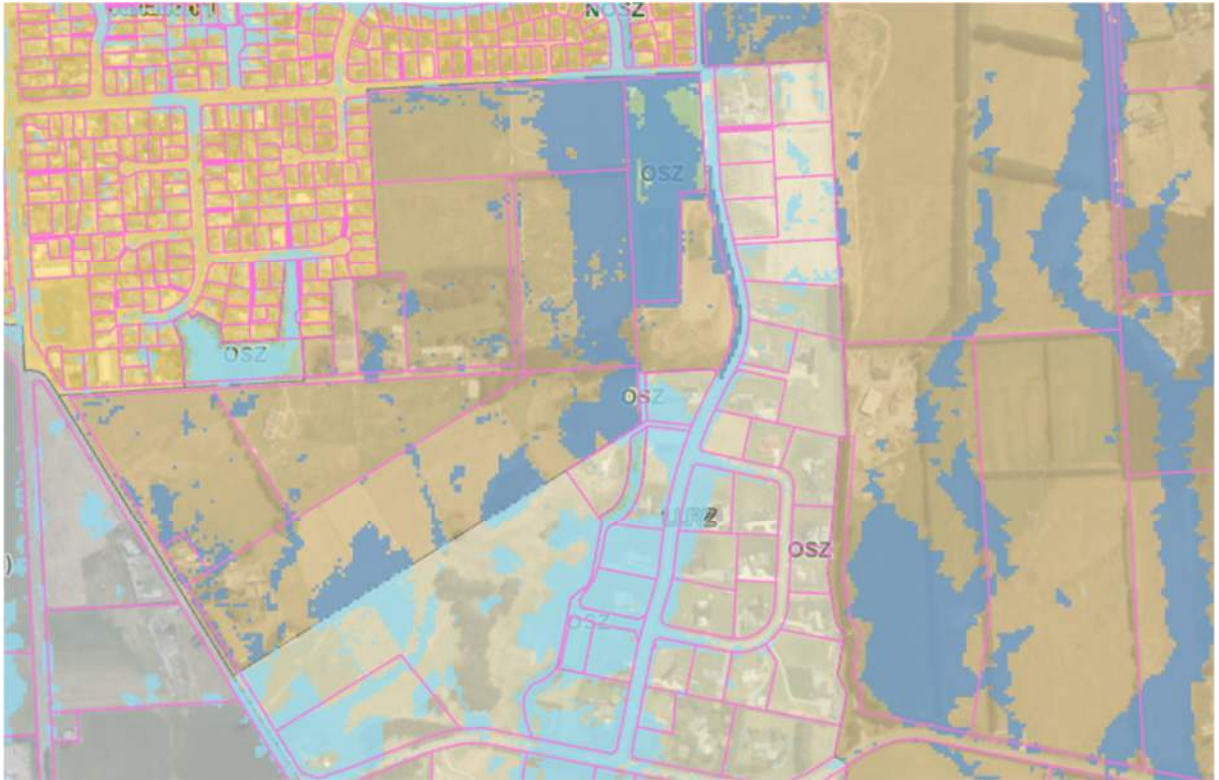


Figure 6 Non Urban Flood Assessment Overlay (WPDP)

Urban Form

- 7.5 The development of the Site in my opinion gives effect to the planning principles of the objectives and policies in Chapter 6 of the CRPS apart from the highly prescriptive Policy 6.3.1. where it refers to Map A and not the PIB. There appears to be no flexibility in Policy 6.3.1 to approve development proposals that patently have resource management merit and the absurdity of this situation was demonstrated both during the hearings of submissions on the Christchurch Replacement District Plan, and on Our Space. Several otherwise meritorious submissions had to be declined because they were outside of the Projected Infrastructure Boundary and did not 'give effect' to Map A.²⁰ I do not consider that this situation is consistent with, or gives effect to, the responsive planning framework contained in the NPS-UD. From extensive involvement with the Selwyn Proposed District Plan, I am aware that a similar conclusion was arrived at by that Council.

²⁰ For example see evidence given by David Mountfort to the IHP Christchurch Replacement District Plan in support of the submission by G. Poultney <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/07/2190-Poultney-Expert-Evidence-of-David-Mountfort-8-9-15.pdf>

- 7.6 UFD-P2 in my opinion provides the gateway for the Council to resolve this situation. It lists the criteria that need to be met for proposals that are not in areas identified on Map A and I have assessed this proposal against those criteria (as proposed to be amended by Officers) in **Appendix 5**.
- 7.7 In short, the Site epitomises concepts such as 'urban consolidation'²¹ and 'functional urban environments'²² in terms of urban form. Mr Compton Moen also reaches this view from an urban design perspective.

Development Capacity

- 7.8 Both the NPS-UD and CRPS include provisions concerning development capacity. The NPS requires Councils to provide at least sufficient development capacity to meet expected demand for housing and business over the short, medium and long term (Policy (2)).
- 7.9 The CRPS Objective 2(a) concerns housing bottom lines: for the period 2021-2051, at least sufficient development capacity for housing is enabled for the Greater Christchurch urban environment in accordance with the Housing Bottom Lines set out in Table 6.1. These bottom lines reflect the Greater Christchurch Housing Capacity Assessment 2021 which are now well out of date but include the land in the FDAs.²³ The most recent HCA was published in July 2023²⁴ and WDC published a specific district wide capacity assessment in December 2023.²⁵
- 7.10 Mr Colegrave comments on these more recent publications and concludes that more greenfields land needs to be enabled now if the district plan is to keep pace with demand into the long term and thereby give effect to the NPS-UD²⁶.
- 7.11 I agree with two other matters in Mr Colegrave's evidence: the assumptions by Formative regarding additional capacity provided by the MDRS; and the need for more greenfields land.
- 7.12 Regarding the first matter, from a sustainable urban planning perspective I consider, based on my experience with Christchurch City Council, that intensification is the preferred form of growth management in terms of accessibility, efficiency in service provision, housing affordability and protecting rural resources. However, there would need to be wholesale housing and neighbourhood redevelopments to accommodate the amount of intensification assumed in the Formative report. As Mr Colegrave states in his evidence the feasibility of

²¹ In contrast to 'urban containment'.

²² NPS-UD 2020 Policy1.

²³ See <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf> page 6.

²⁴ Greater Christchurch Partnership.

²⁵ Formative Report

²⁶ At Sections 6.4 and 6.5 of Insight Report noting the recommendations of the Independent Hearings Panel for Plan Change 31.

multi-unit development does not stack up in all areas, and there is only a segment of the housing market (albeit a growing one) that prefer apartment or townhouse living.

- 7.13 Regarding greenfield land supply and demand, based on Mr Colegrave's figures I concur with his conclusion about the need for more land to become available in the medium term. In order to provide that, land needs to be rezoned now due to 'the time lag in delivering completed houses to the market'. This need, in my assessment, will be partly driven by an impending shortage of greenfields land in Christchurch City as options for that form of development dry up.

Transport Effects

- 7.14 I have considered the transport related resource management implications of the proposed rezoning at three levels based on the Integrated Transport Assessment (ITA) provided by Mr Smith of Abley. Firstly, I have considered the connectivity and accessibility of the Site to key destinations; secondly the potential choice of sustainable transport options; and thirdly potential direct and indirect adverse effects of the proposed development on the safe and efficient function of strategic infrastructure.
- 7.15 There is a range of public transport options that connect Woodend to Rangiora, Christchurch, Kaiapoi, Pegasus and Waikuku. The bus routes vary in frequency and are operated by Environment Canterbury. As Mr Smith notes there are five locations for Park and Ride facilities. Three are in Rangiora and two in Kaiapoi. These services provide accessibility to direct peak hour services into Christchurch City.
- 7.16 Looking to the future potential public transport network the Greater Christchurch Spatial Plan (GCSP) shows the proposed core MRT connecting Hornby to Belfast via the Christchurch City centre. Standard or express bus service improvements would be included to connect from Woodend to Rangiora, Christchurch or into Selwyn area²⁷. The MRT has been proposed and supported as a business case as of May 2023 and is expected to be operational by 2033 with expansion continuing after as future phases²⁸.
- 7.17 In my opinion investment of this scale would not be contemplated unless the intention is to continue to support, and further develop, the current settlement distribution pattern that has been in place for at least forty years and includes Woodend. Therefore, any future development that, through further intensification and urban consolidation that will support this transport investment (such as this current proposed development) needs to be encouraged. Crucially, it would also be giving effect to the NPS-UD (discussed above).
- 7.18 In terms of overall connectivity, I agree with comments in the ITA that the Site is well located in terms of proximity to the Rangiora Town Centre, the Southbrook employment area and local recreation facilities and areas. This will provide opportunities for future residents to use transport options other than private motor vehicles (e.g., e-bikes). The

²⁷.ITA p18

²⁸ ITA p18

proposed small industrial area opposite the Site on Main North Road and local town centre will also provide accessible opportunities for employment, albeit at a small scale.

- 7.19 I note that Part 8 of the ITA provides an assessment of the proposal in terms of the relevant statutory planning documents and concludes that the proposed rezoning is not anticipated to give rise to adverse effects on the strategic transport network provided mitigation measures provided for in Part 6 of the Report area implemented. These measures have been incorporated into the ODP to ensure that these effects can be integrated with the development.
- 7.20 Overall, I consider that the Site's location has good accessibility by all modes to key destinations in the Greater Christchurch area and can be integrated with future planned infrastructure upgrades by NZTA to avoid adverse effects on the Strategic Transport Network.

Climate Change effects

- 7.21 New urban development can contribute to transport related greenhouse gas emissions. Conversely, an urban form which promotes accessibility can indirectly assist with reducing transport related emissions. For example, if new greenfields land is situated close to and is well connected with existing urban facilities and services (shops, community and recreational facilities etc.) and employment areas, it provides future residents with opportunities to reduce auto dependence. As mentioned above under Transport, the Site is suitably placed in this regard. It has easy and convenient access to the existing town centre, and the employment areas in Kaiapoi, Rangiora and Christchurch City including the Airport.
- 7.22 In my opinion approving consolidated development such as that being proposed inherently supports the minimising of energy use and provides greater modal choice.

Ecology

- 7.23 The Ecology Report prepared by Mr Taylor considers that the Site provides few tangible opportunities for environmental gain in the protection and enhancement of springs and waterways and their associated ecological values. There are no indications of any ecological values that are required to be recognised and provided for under Section 6 of the Act.
- 7.24 Mr Taylor's investigation found two wetlands on the Site. Both are considered to be of very low value, and it has been recommended priority be given to the preservation and enhancement of a more highly valued wetland to the south. The wetland to the south is on the Large Lot Residential zoned land acquired by UEL.
- 7.25 A planting setback of at least 10 m is recommended for the entire stretch on each side of McIntosh Drain. I note that Mr Compton- Moen is also proposing a 10m' offset' along the Drain and the ODP provides for cycle / pedestrian access. McIntosh Drain is not a waterbody listed in Table SUB-2 where an esplanade reserve or strip is required and

appears not to come under the definition of 'waterbody' in the PDP²⁹. While I can see benefits in providing for access/planting along this stretch in my opinion its width, design and management require further discussions, possibly provided through an esplanade strip through negotiation with the Council.

8 SITE SPECIFIC ISSUES

Land use / Infrastructure Integration

8.1 Mr Hall has assessed the ability of the proposed rezoned area to be serviced assuming an estimated 500 lots at a density of approximately just over 15 households/hectare. His conclusions area as follows:

- (a) Water Supply – Initial connections will be made to the existing infrastructure but planned upgrades will be required including a new pipe connection from the Chinnerys Road Facility to the site. I note in his Report that 438 new connections from East Woodend and Woodend Beach during the 2021-31 LTP period have been provided for as part of the 2020 WDC 50 Year Water and Sewer Connection Growth. I assume this is implementing the growth direction in the WDDS and the Council's Infrastructure Strategy 2028-2048.
- (b) Wastewater – the best option is to directly connect to the Woodend Treatment Facility and carry out upgrades to standards prescribed by the Council's Activity Management Plan. The new infrastructure will be either a Local Pressure System or gravity with a pump station. I note that that the Treatment Plant will need to undergo planned upgrades prior to there being sufficient capacity in the Plant and the Long Term Plan provides for these upgrades. According to advice from Council officers, these upgrades are sufficient to cover the development of this Site and can be brought forward to meet development demand³⁰.
- (c) Stormwater – I note that a new stormwater facility is to be located in the Large Lot Residential zone portion of 320 Woodend Beach Road to the south of the Site area. This property has recently been acquired by Urban Estates Limited who are progressing the proposed rezoning in conjunction with the submitter, Woodwater Limited. Therefore, I see no reason why there should be any delays in initiating the development once the necessary consents have been obtained from Ecan and the Council.

Effects on local amenity

8.2 The conversion of rural environments into urban ones inevitably affects neighbouring residents and changes the character of an area. This issue is an important focus of the National Policy Statement Urban Development particularly Policy 6 (b) which states that:

²⁹ means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

³⁰ Mr Hall's Infrastructure Report p6.

- (a) the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
- (b) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
- (c) are not, of themselves, an adverse effect.

8.3 No submissions have been lodged that raise this issue. In any event, the existing environment, which includes approved plan changes for residential environment, is predominantly urban. Mr Compton describes the landscape features and proposals in his evidence.

Ground Conditions

- 8.4 The Site is, in general, considered suitable for its intended use, with satisfactory conditions for future residential building development, subject to the recommendations and qualifications stated in the Services Report, and provided the design and inspection of foundations are carried out as would be done under normal circumstances in accordance with the requirements of the relevant New Zealand Standard Codes of Practice.
- 8.5 I note from the Service Report (Referencing the Geotech Report by ENGEO) the presence of potentially compressible near surface soils which *'may pose a consolidation settlement risk to any proposed development.'* Further investigation is required but these effects will be *'easily mitigated through standard site compaction practices'*. Based on this opinion, and the other recommendations stated in the Report, I do not see any issues with future a subdivision meeting the requirements of Section 106 of the Act.

Site Contamination

- 8.6 The ENGEO Report identifies several sites recorded on the Listed Land Use Register as having HAIL activities ENGEO recommends that a Detailed Site Investigation (DSI) with targeted soil sampling is undertaken prior to the subdivision, or any soil disturbance being undertaken on the site with HAIL activities noted and summarised in Table 9 below. Depending on the results of the DSI, a remedial action plan may also be required to manage identified impacted soils and ensure that appropriate controls are implemented and adhered to.
- 8.7 The Report notes that various on-site buildings on the Site were constructed prior to 2000. The Health and Safety at Work (Asbestos) Regulations 2016 state if a building constructed or installed prior to January 2000 requires demolition or refurbishment, an asbestos survey must be undertaken by a competent person. If asbestos is in a damaged or deteriorated condition, or becomes damaged during demolition, friable asbestos fibres can potentially contaminate the surrounding soils. It recommends that an asbestos survey is completed prior to the demolition of the buildings present on-site for which building surveys are not available.

9 FURTHER SUBMISSIONS

- 9.1 One further submission has been lodged. This is by Perforated Sheet Services Limited in support of the proposal.

10 CONSULTATION

- 10.1 Over the past year technical staff from the Council have been very helpful in providing advice the submitter's consultants without compromising the submission process. As I mentioned above, there has also been preliminary contact with MKT whose advice was that MKT would not become involved with the rezoning process, as this was a matter between the submitter and the Council. MKT confirmed they would only become involved at the consenting i.e. subdivision/discharge consent stage.

RESOURCE MANAGEMENT ACT

Part 2

- 10.2 There are three matters of national Importance that need to be recognised and provided for under Section 6. The first is 6I the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. These are already provided for in the PDP and have been acknowledged in the zoning request and evidence. Section 6(h) is the management of significant risks from natural hazards. I consider that the mitigation and avoidance measures in technical evidence of Mr Hall adequately recognises and provides for this (flood hazard) risk. Section 6(d), the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers, is also recognised and provided for.
- 10.3 There are two clauses in Section 7 that I consider the Panel should have particular regard to. Section 7(b), the efficient use and development of natural and physical resources, is I believe a relevant consideration because the zoning change being sought will result in a more efficient use of the land resource through enabling a significant increase in the number of dwellings on properties that in my opinion are under-utilised as lifestyle blocks given their proximity to urban services.
- 10.4 Section 7(c), the maintenance and enhancement of amenity values, is also a matter the Panel my want to have particular regard to as the proposed rezoning will change the character of the local area. I consider that the measures included in the Urban Design Report adequately addresses this matter. From my visit to the Site I do not consider there to be a high level of rural amenity over parts of the proposed area proposed for development. For example, as noted in the Contamination Assessment by ENGE0, there is a significant number of wrecked car bodies in the vicinity of 62 Judsons Road which could be a potential source of contamination. Residential development in my opinion would result in a higher level of amenity overall.

Section 31- Integrated Management of Effects

- 10.5 There are several dimensions to this issue including: spatial integration with transport, stormwater disposal areas local facilities; the capacities of respective networks and system to handle the additional loads; integration with other policy documents and the and programming of development to match the future anticipated infrastructure provision and consenting. The outcome sought in the Submission will enable the Council to fulfil its functions under the Act (integrated management of the effect of the use and development of this land) through the spatial integration provided through the ODP.
- 10.6 I note that one of the functions of district councils is the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (Section 31(1)(aa). The NPS-UD, to the extent it is relevant to this Submission, explains what sufficient development capacity means. I consider that this proposal assists in ensuring there is sufficient enabled development capacity available over the next thirty years.

11 SECTION 32

- 11.1 A Section 32 Assessment was not included in the submission, and I have undertaken the required assessments and included it in my evidence as **Appendix 6**. I have concluded from the assessment that the submission to re-zone the Site from Rural Lifestyle Zone to General Resident/ Medium Density Residential is the most appropriate method for achieving the objectives of the proposal, compared to the other alternatives (retain status quo i.e. RLZ or rely on resource consents for future residential development).

12 CONCLUSION

- 12.1 In my opinion the rezoning of 32.9-hectare site should give effect to the strategic objectives of the PDP and higher order documents and has already been identified in strategic urban growth policies as a future area for urban growth by being included in the PIB on Map A of the CRPS. Its zoning is required now in order to meet the Council's obligations under the NPS-UD 2020 to provide at least sufficient capacity to meet short, medium and long term housing land requirements.
- 12.2 The Site has some localised site constraints including a potential flood hazard, but the technical evidence demonstrates how flood risk can be effectively managed while at the same time generating positive outcomes in terms of ecological, cultural, recreation and landscape values through integrative environmental design.
- 12.3 Overall, I consider that the submission has merit in terms of promoting the overall purpose of the Act. The ODP will provide the framework for an integrated development using an appropriate methodology and based on sound urban design principles and technical evidence. The proposed development is, in my opinion the most appropriate method for implementing the objectives and policies of the PDP.

Attached to this evidence are the following Appendices:

1. Proposed Outline Development Plan (Two Scenarios).
2. ODP Narrative.
3. Assessment against Proposed Waimakariri District Plan.
4. Assessment against the Canterbury Regional Policy Statement.
5. Assessment against National Policy Statement on Urban Development 2020.
6. Section 32 Evaluation.