

WAIMAKARIRI DISTRICT COUNCIL

PRIVATE PLAN CHANGE 26

WESTPARK RANGIORA LIMITED LEHMANS & OXFORD ROADS, RANGIORA

DECISION

NOVEMBER 2015

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Decision on Private Plan Change 26 – Westpark
Rangiora Limited

BETWEEN **WESTPARK RANGIORA LIMITED**

AND **WAIMAKARIRI DISTRICT COUNCIL**

**WAIMAKARIRI DISTRICT COUNCIL DECISION OF COMMISSIONERS DAVID
CALDWELL, ROB POTTS AND JANE WHYTE**

HEARING DATE: 27 AND 28 JULY 2015

Introduction

- 1 We were appointed to hear submissions, and make a decision on, Private Plan Change 26 (**PO26**) to the Waimakariri District Plan (**District Plan**). Commissioner Caldwell was appointed as chair.
- 2 We attended the Council chambers on 27 and 28 July 2015 and conducted a hearing.
- 3 PO26 was notified on 17 January 2015 with the submission period closing on 16 February 2015. 40 Submissions were received, including 4 late submissions. The late submissions were accepted pursuant to section 37 of the Resource Management Act 1991 (**the Act**).
- 4 No further submissions were received.

Private Plan Change 26

- 5 PO26 lodged by Westpark Rangiora Limited (**Westpark**) seeks to amend the District Plan by rezoning approximately 15ha of land at 198 Lehmans Road (PT RS1175) and 100 Oxford Road (PT RS1175).
- 6 Westpark proposes to rezone land from Rural to Residential 2 in accordance with an Outline Development Plan (**ODP**).
- 7 A number of amendments to the District Plan were sought including an amendment to policy 17.1.1.4, amendments to several existing rules, and the addition of several new rules. In essence PO26 adopted the Residential 2 zone framework with some minor amendments.
- 8 As notified, PO26 proposed the following changes:
 - 8.1 Amend District Plan maps 34, 110A and 112A to give effect to the proposed rezoning;
 - 8.2 Insert new District Plan map 183 (Lehmans Road, West Rangiora, ODP);
 - 8.3 Amend policy 17.1.1.4 to include reference to the site and ODP;
 - 8.4 Amend existing rules 27.1.1.24 (minimum floor level), 31.1.1.9 (delineated areas), 31.1.1.11 (structure coverage), 31.1.1.19 (recession planes), 31.1.1.2.4 (exemption for fencing), 31.1.3.2 (comprehensive residential activity), 31.5.4 (non-complying), 32.1.1.8 (comprehensive residential development), 32.1.1.10 (minimum net density), 32.1.1.25 (ODP), and 32.1.3 (minimum net density, matters of control);
 - 8.5 Insert new rules 31.1.10, 31.5.6, 32.1.1.9, and 31.1.1.44;
 - 8.6 Other consequential amendments to numbering, rules, maps or cross references in the District Plan.

The Environment

- 9 The Plan Change site (**the site**) is approximately 15ha. It is essentially flat, with minor undulations, a general fall towards the southeast with an overland floodwater flow path located across the southern portion of the site.
- 10 Currently the site contains two residential dwellings, associated accessory buildings, fencing, shelter belts and some large specimen trees. A stock water race crosses the southern part of the site connecting into the drainage system along Oxford Road.
- 11 The wider local environment is characterised by rural land use to the west, a veterinary clinic to the west, and residential developments to the north. To the east is an established Rural Residential development (Brick Kiln Lane) and to the east and south-east, residential development/zoning.
- 12 The site itself does not display any landscape characteristics of significance.
- 13 The Rangiora Aerodrome is located approximately 2km to the northwest of the site.

Submissions

- 14 A list of submitters is attached as Appendix 1.

Hearing

- 15 The hearing was held at the Waimakariri District Council Chambers on 27 and 28 July 2015. On the afternoon of 27 July 2015, we took the opportunity to visit the site and its surrounds. We also took the opportunity to visit the Rangiora Airfield.

Appearances / Evidence

- 16 **Mr Gerard Cleary** introduced Westpark and the PO26, outlined the statutory framework, addressed actual and potential effects, the Canterbury Regional Policy Statement (**CRPS**) / Canterbury Earthquake Recovery Act 2011, commented briefly on the West Rangiora Structure Plan (**WRSP**), outlined the section 32 analysis and submitted that the rezoning was an inevitable consequence of the site's Greenfield Priority Area status. He submitted the benefits of rezoning outweighed any potential costs and that approval of the Plan Change was the most appropriate means of achieving the objectives of the District Plan and therefore the purpose of the Act.
- 17 **Mr Peter Freeman**, CEO Special Projects, Mike Greer Homes Limited, explained that Westpark is a 50/50 joint venture partnership between Paul and Chris McGowan and Mike Greer North Canterbury Limited. He outlined what Westpark was seeking to achieve and aspects of the ODP. He addressed a number of issues relating to the proposed recreation reserve, height and permeability of the fence, and the appropriateness or otherwise of a link to Brick Kiln Road. Whilst Mr Freeman did not give evidence as an expert, he has a wide range of experience in development matters.
- 18 **Mr Stuart Camp**, an acoustic consultant, addressed the issue of potential reverse sensitivity in relation to the Rangiora Aerodrome. He applied a comparison to Ardmore Airport in South Auckland and concluded that the PO26 would not result in any reverse sensitivity effects on the Rangiora Airfield. His evidence was that a significant expansion of the airfield could occur without creating any reverse sensitivity effects.

- 19 **Ms Ann Fosberry**, traffic consultant, gave expert evidence on the impact of the development on the surrounding road network, and matters relating to the proposed width of a walkway/cycleway, intersection spacing, pedestrian connections, connection to Brick Kiln Lane and traffic generation. Overall her conclusions were that a walkway/cycleway was acceptable at 5m rather than 10m; intersection spacing, although not compliant in all cases, would not result in any operational or safety issues; pedestrian connections provided for comprehensive interconnectivity and a safe network, including a link west east to Brick Kiln Lane. She noted a road connection to Brick Kiln Lane was not feasible given the location of a consented connection point within the Ryman development being further north than anticipated.
- 20 **Mr Regan Smith**, a chartered professional engineer, provided evidence relating to the provision of infrastructure and focused on servicing and flood risk issues. He noted that the development would have to rely on a single point of water supply until residential zoned land to the east of the site is developed, and concluded that a single connection was adequate to service the development. In terms of wastewater he did not consider there was any impediment. In terms of land drainage and stormwater management he explained the proposed stormwater management system, and addressed flood risk in some detail. Mr Smith outlined updated flood modelling and changes to the development to address concerns. Overall he concluded that storm water from the site could be effectively managed onsite for up to a 2% Annual Exceedance Probability (**AEP**) event, and noted a discharge consent had been obtained from Canterbury Regional Council (**ECan**). A secondary flow path could be provided through the site, consistent with the West Rangiora Structure Plan (**WRSP**). He concluded that in the event of an Ashley River breakout, there were some areas west and south of the site that could be affected by an increase in flood level as a result of the development, but they were largely rural land or identified for future development. His evidence was there will be no increase in the number of habitable floor levels predicted to be flooded as a result of the proposed development in a 0.5% AEP Ashley River breakout event.
- 21 **Mr Mark Allan**, a planning consultant, outlined the proposal, addressed matters raised in the Officer's Report, and addressed the statutory provision and planning framework. He identified the central issues as reverse sensitivity, transport and connectivity, infrastructure and land drainage, urban growth/residential character and amenity. He also discussed a number of amendments that had been proposed to the ODP to address concerns raised. Overall he concluded the adverse effects (costs) were not significant or of a level which would cause the proposal to be inconsistent with the relevant policy framework and the purpose of the Act. He concluded further that the benefits, through a more efficient utilisation of the land resource and a decrease in flood levels east / southeast of the site meant that the purpose of the Act could better be met by the approval of PO26.

Submitters

- 22 We heard from **Mr Stewart Larson** both as a submitter in his own right and on behalf of Canterbury Aero club. He outlined the history of the Rangiora Airfield, its strategic location, its present use and complaints. He outlined the concern relating to reverse sensitivity issues on behalf of the Aero club. He submitted it was critical that no limits were placed on the existing uses at Rangiora Airfield. In the short term allowing new housing developments could only result in new noise complaints. In the long term, the protection required formal certification of Rangiora as an airfield. He sought a requirement for LIMs to include reference to an agreement for a no complaints covenant to avoid reverse sensitivity issues.

- 23 **Mr Glenn Martin** provided evidence of his concerns in relation to the airfield and reverse sensitivity and safety. He explained the runway configuration and use, and provided a media report relating to a recent microlight incident at Matamata.
- 24 **Mr Richard Brittan** owns properties at 157 and 161 Lehmans Road. He outlined the two concerns he had being drainage and traffic management. He is a licensed Cadastral Surveyor and clearly and concisely outlined his concern in relation to impacts on his properties, flooding in particular. He also stated his concerns in relation to traffic, and particularly a build-up of peak traffic movements at the corner of Lehmans Road and Oxford Road and Fernside Road. He considered more investigation of traffic implications was required and stormwater retention and disposal must be designed and implemented on the other side of Oxford Road prior to development within this area.
- 25 **Mr Andrew Stevens**, a resident on the site, outlined his concerns in relation to the proposed recreational reserve strip and the impact on his property. Those concerns were addressed if the recommendation made in the section 42A report was adopted.
- 26 **Ryman Healthcare Limited** did not appear but provided a letter through Mitchell Partnerships indicating support for the recommendation made in relation to overland stormwater flow paths but sought further modelling be undertaken. This letter also addressed Ryman's submission relating to the proposed road layout in support of an additional road linkage from the proposed eastern cul-de-sac access road to the Brick Kiln Road area.
- 27 **Transpower New Zealand Limited** provided a letter dated 20 July 2015, which was received as part of the hearing on 28 July 2015. It addressed the Officer's recommendation in relation to an extension of the local purpose reserve and showing the transmission lines on the ODP.
- 28 **Mr Lindsay Bain** provided submissions and evidence on behalf of Farmlands Park Trust, identifying concern as to an imbalance in east/west connectivity, querying water supply and sewer upgrades. He also addressed stormwater, noting the nature of the land and his observations during several storm events. He expressed concern about requiring floor levels too high which would result in shading and dominance of buildings. He was also concerned about recreation reserves and the lack of neighbourhood parks. He sought a pro-rata provision on Trust land and the subject site for outdoor recreational space. He further addressed the WRSP and the provision for the 10m pedestrian cycleway. He also expressed concern about the lack of specific provision for a pedestrian cycleway along Oxford Rd frontage and provided a proposed plan.

Council Officers

- 29 We also heard from **Mr Blay**, the author of the S42A Report, together with **Mr Simpson**, **Mr Boot**, **Mr Read** and **Mr Brown** in relation to stormwater, wastewater, recreation, and roading and traffic respectively.
- 30 We also read and considered the written submissions from submitters who did not attend the hearing.

Amendments

- 31 Following notification, submissions, and comments from Council officers, a number of amendments to PO26 were identified by Westpark as being appropriate.

32 These were summarised in the evidence of Mr Allan as being the following:-

32.1 Removal of specific provisions to deliver Comprehensive Residential Development as sought by Westpark in its submission. Reliance instead on the provisions introduced by Action 4A of the Land Use Recovery Plan (LURP) which provides for comprehensive residential development in the Residential 2 zones.

32.2 Amendments to the ODP as follows:-

- Removal of comprehensive residential development areas;
- Oxford Road reserve between north-south collector road and south-west stormwater basin removed;
- Pedestrian/cycle link between south-west cul-de-sac and stormwater basin removed;
- Pedestrian/cycle access between Oxford Road and Lehman's Road combined alongside road network;
- Reserve added at the top of the south-north collector road to provide an overland stormwater flow path and pedestrian/cycle link to the proposed bypass road;
- Reserve added at the end of the south-east cul-de-sac to connect with the north-south collector road, providing an stormwater overland flow path and pedestrian/cycle link to Brick Kiln Lane via the stormwater basin; and
- Transmission lines shown.

Scope for Changes

33 We have considered whether the changes proposed are within scope. We consider the amendments are within the scope. They are lesser in scale or intensity or degree of adverse effects than the proposal originally notified and respond to issues arising from submissions, including particularly the submission of Westpark. We find that the changes do not affect any existing party to any different or greater degree than the original proposal, nor would they lead to any party lodging submissions who has not already done so. We therefore assess PO26 on the basis of the amended version presented.

Relevant Statutory Considerations

34 The relevant statutory considerations have been summarised in both the opening submissions of Mr Cleary, Mr Allan's evidence, and Mr Blay in the Officer's Report.

35 The Environment Court has recently provided a comprehensive summary of mandatory requirements (updated to reflect the changes to the Act in 2009).¹

36 Relevant to this application, a District Plan (change) is to accord with and assist the Council to carry out its functions so as to achieve the purpose of the Act.

¹ *Colonial Vineyards Ltd v Marlborough District Council* [2014] NZEnvC 55 at para [17]

- 37 When considering any District Plan Change, the territorial authority is to have regard to any proposed Regional Policy Statement (there is not one) and give effect to the operative Regional Policy Statement.
- 38 The Plan Change is required not to be inconsistent with documents prepared under the Canterbury Earthquake Recovery Act 2011, particularly the Land Use Recovery Plan.
- 39 We must also have regard to any relevant management plans and strategies under other Acts (here the WRSP).
- 40 We also have to take into account any relevant planning document recognised by the iwi authority.

Section 32

- 41 PO26 was notified following the Resource Management Amendment Act 2013. It is the new version of Section 32 which applies.
- 42 The objectives in the Plan are unaltered by PO26. Accordingly, the evaluation must:-
 - 42.1 Examine whether the provisions (policies, rules, or other methods to implement the objectives) are the most appropriate way to achieve the objectives² by identifying other reasonably practicable options for achieving the objectives;
 - 42.2 Assess the efficiency and effectiveness of the provisions in achieving the objectives; and
 - 42.3 Summarise the reasons for deciding on the provisions. The assessment is to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of PO26.³
- 43 The efficiency and effectiveness assessment is also required to:-
 - 43.1 Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth (that are anticipated to be provided or reduced); and employment (that are anticipated to be provided or reduced);
 - 43.2 If practicable, quantify the benefits and costs; and
 - 43.3 Assess the risk of acting or not acting if there is uncertain or insufficient information.
- 44 Pursuant to Section 32(3) where the proposal amends an existing plan (as here) the examination of whether the provisions in PO26 are the most appropriate way to achieve the objectives must relate to:-
 - 44.1 The provisions and objectives (being the purpose of the proposal); and

² Section 32(1)(b)

³ Section 32(1)(c)

- 44.2 The objectives of the Plan to the extent that those objectives are relevant to the objectives of PO26 and would remain if PO26 takes effect.
- 45 As PO26 does not contain objectives, the appropriateness of the policies, rules and other methods to be introduced by PO26 are to be assessed against achieving the objectives of the Plan.
- 46 "Most appropriate" does not require a superior method.⁴ Section 32 requires a value judgment as to what, on balance, is the most appropriate when measured against the relevant objectives.
- 47 A Section 32 report was available at the time of notification.
- 48 We are required to undertake a further evaluation under Section 32AA for any changes that have been made to PO26 since the initial Section 32 report was prepared. That is to be undertaken in accordance with Section 32(1) to (4) at a level of detail that corresponds to the scale and significance of the changes. That can be referred to in the decision making record in sufficient detail to demonstrate that the further evaluation has been undertaken.

Resource Management Issues

- 49 The principal issue is whether the site (being approximately 15 ha of land at 198 Lehman's Road and 100 Oxford Road, should be rezoned for Residential 2 from Rural.
- 50 As a sub-set of that principal issue, the issues (costs) raised in the application, the Section 42A report and by the submitters were as follows:-
- 50.1 Reverse sensitivity (Rangiora Airfield and Transpower);
 - 50.2 Stormwater and flooding effects;
 - 50.3 Infrastructure and land drainage;
 - 50.4 Residential character and amenity; and
 - 50.5 Traffic, roading, linkages and reserves.

Reverse Sensitivity (Rangiora Airfield and Transpower)

- 51 A number of the submitters in opposition expressed concern that PO26 would lead to residential development moving closer to the Airfield. The Rangiora Airfield is an important community asset. It is recognised in Policy 6.3.9 – Rural Residential Development – of the CRPS. The location and design of any proposed Rural Residential Development is not to compromise the operational capacity of the Airfield.
- 52 The principal concern expressed in relation to noise and reverse sensitivity arises as airfields are potentially subject to noise complaints. Those complaints may be such that, even though the airfield's activities are legal, pressure can be such that they become subject to curfews or other limitations on operations.
- 53 Mr Larson advised that the Rangiora Airfield was established in 1958 and subsequently became an asset of the Waimakariri District Council. He noted the "strategic location" just outside the northern boundary of the Christchurch

⁴ *Rational Transport Soc Inc v New Zealand Transport Agency* [2012] NZRMA 298

Air Traffic Control Zone and that it provided local and visiting pilots with vital refuelling, engineering, sales and support services. He noted it currently has approximately 80 hangars housing in excess of 150 aircraft. He further gave evidence that at least 12 established organisations operate from the Airfield including clubs, businesses, flight training centres, a local Air Training Corps, and the Canterbury Aero Club.

- 54 Mr Larsen gave evidence that he was aware of existing local complaints and that the position of the most popular runway meant that aircraft departing climb and generally make a left turn at 500 feet AGL. Depending on conditions, this is approximately overhead the Rangiora Racecourse. At that point aircraft will be at full power and the noise, he stated, would certainly carry towards the proposed development.
- 55 Mr Larsen sought conditions to fully inform future residents of Westpark of the "existing amenity".
- 56 Mr Larsen also assisted us by providing oral evidence in support of the Canterbury Aero Club's submission, noting that Rangiora is the only remaining general aviation airport near Christchurch with Canterbury Aero Club having maintained a base at Rangiora for many years for both pilot training and private hire. He noted that the Club's professional pilot training division, the International Aviation Academy of New Zealand, provided professional flight training to domestic and international students and "adds millions of dollars annually to the local communities, including the Waimakariri District".
- 57 On behalf of the Aero Club, he stated that in the short term it is critical that no limits are placed on the existing uses and in the long term formal certification of Rangiora as an airfield was required, together with LIMs to be noted requiring no complaints covenants.
- 58 Clearly the issue of certification of the Rangiora Airfield is outside our jurisdiction, nor can we impose a requirement on the wording to be incorporated on LIMS. That is a matter for Council under the Local Government Official Information & Meetings Act. Arguably it is within our jurisdiction to impose a requirement for a no complaints covenant.
- 59 In terms of the noise aspects, Mr Camp addressed reverse sensitivity noise effects noting that is generally managed around airports by reference to New Zealand Standard NZS6805:192 Airport Noise Management and Land Use Planning. Mr Camp advised that under this standard the outer control boundaries are defined as being equivalent to a noise level of 55 dB L_{dn}. The Standard provides that within the outer control boundary area, there should be no incompatible land uses, including residential activity. In his experience, it was common for Plan rules to control new residential development inside the outer control boundary but rare for there to be building controls beyond.
- 60 Mr Camp noted that there were no noise contours that he was aware of prepared for the Rangiora Airfield. He used the Ardmore Airport noise contours for the purposes of his assessment. He noted the Ardmore Airport had approximately 230,000 aircraft movements per year (2010). He compared this to the usage information for the Rangiora Airfield received from the Waimakariri District Council which suggested that a typical busy month may involve up to 3,500 movements, or around 40,000 movements per year. That is approximately 17% of the aircraft movements at Ardmore.
- 61 Mr Camp superimposed the Ardmore contours onto an aerial photograph of the Rangiora Airfield and the surrounding areas. This illustrated that even if the grass cross runway at Rangiora was as busy as the primary sealed

runway at Ardmore, the outer noise boundary would not extend as far as the Westpark site. He expects noise contours at Rangiora at least 5dB smaller than Ardmore and that the existing outer control boundary at Rangiora Airfield would be further from Westpark than the conservative analysis suggests. Overall he considered that the Plan Change will not result in any reverse sensitivity effects on the Rangiora Airfield, and indeed significant expansion of the Airfield could occur without giving rise to any reverse sensitivity effects.

- 62 Mr Martin raised two issues in relation to noise – the first was that it was only an estimate and a physical assessment of noise as was done at Ardmore should be undertaken and secondly the District Plan would need to be amended to incorporate the NZ Standard. He, like Mr Larsen, was concerned that potential buyers should be informed of the proximity of the Airfield. Mr Martin also addressed safety concerns particularly in relation to one of the runways which he noted pointed directly towards the subdivision and was approximately 1.1 kilometres from the eastern end of that runway. Again his view was that there needs to be notification on LIMs.
- 63 While we acknowledge airfield safety is an important matter, we are unable to control over flying aircraft. The distance from the end of the runway and the site is considerable, for example by comparison with the Christchurch International Airport. We do not consider there are safety issues which would warrant rejecting PO26.
- 64 In terms of noise, we accept the evidence of Mr Camp and conclude that the “costs” to the Airfield from reverse sensitivity are limited, and indeed at worst de minimis. They are not an impediment. No complaints covenants are not, in our view, appropriate.

Stormwater and Flooding Effects

- 65 The final proposal put before us for Westpark by Mr Regan Smith was to provide first flush infiltration basin treatment and attenuation in two stormwater management areas within the site. This will be designed to provide storage and soakage for all runoff from the site up to a 2% Annual Exceedance Probability (AEP) event (equivalent to a 50 year recurrence interval event).
- 66 A central swale adjacent to the main north-south road through the site provides preliminary treatment and conveyance to the stormwater management areas. Secondary flow paths are proposed to mainly be within the roading network. Where this is not possible, secondary flow paths have been identified and protected via local purpose reserves. These have changed from the original application and are now consistent with the WRSP and considered acceptable to Council Officers.
- 67 A discharge consent has been obtained from Canterbury Regional Council for the stormwater system.
- 68 Flood modelling was undertaken by Westpark using existing Canterbury Regional Council models to assess an Ashley River breakout, and Waimakariri District Council models for localised flooding. A 0.5% AEP event (equivalent to a 200 year recurrence interval) was assessed. The Ashley River breakout was the critical scenario and hence the focus of further modelling. This showed localised increases in flood depth in some areas and a reduction in others.
- 69 The Officer Report (Mr Kalley Simpson) did not consider that Westpark had mitigated the effects on flooding to off-site properties and suggested some additional mitigation measures be assessed. He concluded that the

application should be declined as the flood risk to off-site properties had not been adequately addressed. Westpark therefore undertook further modelling to include a number of mitigation options; primarily those suggested in the Officer's Report. This further modelling was presented at the hearing.

- 70 The revised modelling results show that the increased flooding due to the development is now reduced to an area to the immediate south of the property, specifically 161 and 201 Lehmans Rd and to 67 and 83 Oxford Rd. Other areas, particularly to the east, including Rangiora, will have reduced flooding due to the development and its proposed mitigation measures.
- 71 The 67 Oxford Rd property is zoned for residential use (as is much of the surrounding land) and therefore will either need to be filled or have sufficiently high floor levels to meet the requirements of the District Plan and the CRPS. The property at 201 Lehmans Rd is predicted to have an increase in water levels of 90 mm but the existing dwelling is on higher ground and is not shown as inundated. The property at 83 Oxford Rd is predicted to have an increase in water levels of 80 mm but the existing dwelling is on higher ground and in an area where flood waters are not shown to increase. As above, future development will be built-up higher and does not need to be protected. Our attention will therefore focus on 161 Lehmans Rd.
- 72 The dwelling at 161 Lehmans Rd is shown to be inundated by about 65 mm of floodwater in the 0.5% AEP breakout scenario under existing conditions. This is predicted to increase by 25 mm as a result of the development.
- 73 The submitter who owns this property as well as 157 Lehmans Rd, Mr Brittan, is concerned about the flooding on his property. He considers that removal of the railway along Oxford Rd has resulted in more frequent flooding on his land due to Council putting in a larger culvert under Oxford Rd and also due to lack of Council maintenance. He notes that Mr Simpson in his report (para [13]) talks about the proposed culvert and proposed secondary flow path to the south to South Brook that is in the WRSP. Mr Brittan also notes that Mr Simpson in his para [34] says that these works are programmed for 2016/17 and 2019/20 of the Council's Draft LTP. Mr Brittan suggests that development on the PO26 site does not occur until after the Council have undertaken these proposed works.
- 74 Mr Brittan is also concerned about the proposed stopping of the stock water race if this is stopped at Lehmans Rd, as this will add to drainage issues; we address this subsequently.
- 75 In response to a question from the Commissioners, Mr Brittan confirmed that the house has not been inundated in the past but it came close in June 2014. This was a local flood event.
- 76 In questioning about the Council proposed improvements in the area, such as a culvert under Oxford Rd and the secondary flow path swale to South Brook, he commented that the culvert under Oxford Rd could be beneficial. He stated that the swale to South Brook was in the Long Term Plan.
- 77 Westpark had modelled the culvert under Oxford Rd and Mr Smith stated that it provided little benefit. The secondary flow path swale was not modelled.
- 78 In discussion on the accuracy of the modelling, Mr Simpson commented that it is a tool that is good for looking at before and after development. Some features may not be picked up but these would be the same in both scenarios. He also commented that there can be errors when fences become blocked and divert flows.

- 79 Mr Allan directed us to Policies 8.2.1.2 - 8.2.1.4 of the District Plan. Policy 8.2.1.2 is aimed at sites identified as historical flooding areas – this site is not in this category.
- 80 **Policy 8.2.1.3:** Avoid floodwaters entering residential, commercial and industrial buildings. This policy specifically considers the high social and financial costs that can result from inundation of water into places where people are living, housing stock, machinery, etc. This policy is to “avoid”. It is strongly worded.
- 81 The explanation to this policy says that the policy requires those undertaking activities that may have an adverse effect avoid such activities, or alternatively, adverse effects shall be remedied or mitigated to ensure that the flood risk is not increased, especially elsewhere in the District.
- 82 Policy 8.2.1.4 is not as strongly worded as Policy 8.2.1.3. It anticipates the remedying or mitigating of adverse effects and flood risk.
- 83 Mr Allan discussed with us the weighting of positive effects (reduced flooding in numerous places, including Rangiora) against increased flooding elsewhere and said in the context of Part 2 of the RMA1991, there can be winners and losers.
- 84 Mr Simpson (Council Officer) commented that the 25 mm increase in flood level at 161 Lehmans Rd seemed realistic. He also considered the increase as acceptable, as from his perspective, it is flood risk that matters and in this case, no further risk is predicted, i.e. no further dwellings are predicted to be inundated. He considered weighing up benefits against the negative impact is appropriate and in this case the benefits outweighed the small increase in potential flood level.
- 85 Another submitter, Mr Bain of the Farmlands Park Trust, the neighbouring plan change area, said that the area was well drained and that to his knowledge, water had not ponded on the PO26 site in the 18 years that he had been associated with the area and not in the last 60 years anecdotally.
- 86 Mr Allan stated that the site filling and the proposed stormwater management areas are proposed to be supplemented by a modification to Rule 27.1.1.24, requiring that the floor levels of buildings be 350 mm above the 0.5% AEP flood level. We accept this change.
- 87 Council Officers also requested an additional rule to ensure the entire allotment was above the 0.5% AEP event. After hearing evidence on this from Mr Smith and further discussion with Mr Simpson and Blay, where they commented that the fill would generally only be 50 mm, and within the accuracy of the model, we are satisfied that an additional rule is not required for this site.
- 88 Both Mr Simpson and Mr Blay were satisfied with the proposed mitigation measures and during the hearing changed their recommendation from decline to grant.
- 89 We do not accept that as a general proposition, it is appropriate to transfer flood risk from one part of the community (the winners) onto another part of the community (the losers) in a private plan change context. Our decision on this is very much fact based.
- 90 We are however satisfied that the solutions put forward by Westpark will appropriately deal with stormwater management within the site as well as addressing the effects of large floods from the Ashley River both on the site

and off-site to neighbouring land and dwellings. No further dwellings are predicted to be inundated in a large, very low probability flood event.

- 91 We consider Policies 8.2.1.3 and 8.2.1.4 are met.
- 92 We believe that the culvert under Oxford Rd and the secondary flow swale to South Brook may provide further relief to localised flooding around Lehmans and Oxford Rd during an Ashley River breakout but had no evidence before us on this. We note that these works are proposed in the LTP (although there is no guarantee this will occur) but from the evidence presented are not required before this development occurs. We therefore have not required this as part of the plan change.

Other Features Associated with Stormwater and Flooding

- 93 There are two other features that are associated with stormwater within the site. These are a stock water race and a flood channel. Both enter the site by crossing under Lehmans Rd and pass through the southern part of site.
- 94 Westpark proposes to have the stock water race stopped but is awaiting sign-off from all those downstream. Mr Simpson notes that Council are supportive of this closure as the stock water race can channel water into Rangiora in large events. Should closure not occur, there are piping options through the site. Westpark suggested this be dealt with at subdivision stage. Mr Simpson agreed. We therefore need not take this any further, apart from noting that any closure, if in the vicinity of Lehmans Rd, needs to take into account the potential for increased downstream flooding.
- 95 The flood channel that passes into the site drains some 32 ha of up-gradient rural land. It is normally dry. We observed during the site visit that it is incised through the site and on each side of Merton Rd but it is not identifiable immediately up gradient on Lehmans Rd. Mr Simpson states that this channel takes large flows in storm events.
- 96 Westpark intends to maintain the drainage path through the site via a swale and pipe to the stormwater management area, rather than diverting it around the site. Mr Smith for Westpark, in response to a question from the Commissioners, stated that the up-gradient flows are not taken into account in the stormwater storage calculations for the on-site attenuation ponds.
- 97 Although, we do not consider this ideal, storing the upgradient stormwater compensates for stormwater running off the site, so effects downstream would be similar.
- 98 Mr Simpson advised Council were considering diverting this channel down Lehmans Rd to the proposed culvert under Oxford Rd and the downstream secondary flow swale to South Brook. However, further investigations and consultation is required to confirm if the diversion is feasible.
- 99 We prefer the diversion of the upgradient floodway to the proposed Council works but as these works cannot be guaranteed, we are of the view that the current proposal to allow the floodway to enter the site and be directed to the stormwater management area and secondary flow paths is acceptable.

Servicing - Infrastructure

- 100 Evidence was led for Westpark by Mr Smith and confirmed by Council Officer Mr Mudliar regarding water supply (presented by Mr Boot) and Mr Boot regarding sewerage for the Council, that the development can be connected to public water and sewerage reticulation providing public access links were provided in the ODP. These have now been provided, so there are no impediments to providing these services. We need take this no further.

Traffic, Roading, Linkages and Reserves

- 101 Five key matters relevant to traffic, roading and connections were addressed at the hearing. Ms Fosberry identified these as being:
- 101.1 Width of the Lehmans Road walkway/cycleway amenity buffer zone;
 - 101.2 Intersection spacing;
 - 101.3 Pedestrian connections;
 - 101.4 Connection to Brick Kiln Lane; and
 - 101.5 Development traffic generation.
- 102 Mr Bain also raised an issue with the quantum of reserve land within the site. We also address this matter.
- 103 The first matter at issue was with width of the Lehmans Road walkway/cycleway and amenity area. Westpark's evidence, presented by Ms Fosberry, was that a width of five metres, in combination with the adjacent road reserve would be sufficient to provide for the full range of activities that should occur, including pedestrian and cycle access and amenity planting. She and Mr Allan considered that it was not necessary to specifically plan for equestrian activities within this area.
- 104 Mr Read in his Section 42A report considered that 10 metres should be required. At the hearing Mr Read, having reviewed the evidence of Ms Fosberry, considered that less than 10 metres could be sufficient. Mr Read identified that the final width of the reserve required would depend on the final design of the adjacent road, including the depth and steepness of the proposed swales. The evidence for both Westpark and the Council agreed it was not necessary to specify the final width of the reserve as part of this Plan Change. The evidence in response to our questioning identified that the final width of this reserve was a matter best left to the subdivision stage once the detailed design work had been completed. We were advised that the key matter for the Plan Change is that the ODP needs to identify the location of both the new road and the adjacent reserve. We accept the evidence presented to us on this matter. The road and reserve is shown on the ODP, but the width of the reserve is not specified.
- 105 Turning now to the proposed intersections, both Ms Fosberry and Mr Brown acknowledged that the intersection spacing shown on the ODP does not currently meet all of the intersection spacing rules in the District Plan. Both considered that safe and effective functioning of the roading infrastructure can be achieved with the current layout shown, and that any specific non-compliance can be addressed through future consent processes. We accept the evidence presented by both the Council and Westpark that the layout shown on the ODP does not result in any safety or operational issues and

that the specific intersection layouts can be confirmed at the time of subdivision.

- 106 In addressing pedestrian linkages the evidence of Westpark and the Council was an agreement as to the proposed pedestrian linkages provided to the north west and south east of the site and shown on the amended ODP. The evidence of both these parties also agreed that there was no need to provide a specific link along the Oxford Road boundary of the property. The existing road reserve provided sufficient space to accommodate all roading, pedestrian and cycle requirements.
- 107 Ms Fosberry's evidence was that a pedestrian linkage from the end of the centre cul-de-sac towards the east of the site was not required. She considered there are other better links and that this proposed link could result in poor design outcomes. This was also supported by the evidence provided by Mr Freeman for Westpark. At the hearing Mr Brown advised us that he agreed with Ms Fosberry and that this linkage is no longer required. We accept this evidence and have confirmed the pedestrian linkages as shown on the ODP presented by Westpark at the start of the hearing.
- 108 There was one further issue raised with respect to pedestrian linkages. Mr Bain in his presentation to us sought that the northern roading link shown on the ODP not provide for vehicle access, but rather be converted into a pedestrian link. This roading link connects with the northern roading link shown on the adjacent land subject to ODP168. In response to questioning Mr Bain advised that in developing the adjacent ODP168 land he was likely to seek this roading link be converted to a pedestrian only link. Mr Brown did not support the northern roading link being a pedestrian link only and we accept his opinion on this. This roading link provides an important east west connection between the site and the adjacent land. If in the future it is determined this roading link is not required this can be addressed at the time of subdivision. At this time we are not satisfied this roading link should be removed.
- 109 We now turn to whether an additional roading link is needed from the site to Brick Kiln Lane. The purpose of this link would be to provide an east west connection between the Westpark land and Brick Kiln Lane to enhance future connectivity. Ms Fosberry considered that this roading link was not required and that the pedestrian link as shown on the ODP is satisfactory to provide for cyclists and pedestrians. She noted that the consented subdivision for the Ryman's development to the east of the Brick Kiln Lane site would make any east west roading connection difficult to achieve. She considered that the spacing between the roading connections on the site already provided were sufficient and an additional link was not required. Mr Brown considered that the additional roading link would future proof any future development of the Brick Kiln Lane area. We have considered this carefully, and overall accept the evidence of Ms Fosberry that such a roading link is not necessary. We find that the approved subdivision of the Ryman land does limit the ability for a full east west connection to be made from the site right through to the PC 18 land. The roading links shown on the ODP are considered to be sufficient.
- 110 The last traffic matter we consider is the potential traffic generation effects of the development. Mr Brittan raised concerns regarding the build-up of peak traffic movements at the corners of Lehman's Road with Oxford Road and Fernside Road. Mr Brittan was concerned that the traffic counts in the application were well out of date with the rapid developments that have occurred in Rangiora. He considered more investigation of the traffic implications was required. Mr Brown had also identified that the Transport Assessment submitted with the application did not consider all potential traffic generation, including trips generated from the adjacent residentially zoned

Farmland site. Ms Fosberry presented updated traffic generation data within her evidence. She noted that the assessed maximum lot yield resulted in an approximate 20% increase from the data presented in the original Transport Assessment. Ms Fosberry concluded that the updated traffic modelling shows that there are no changes to the levels of service likely to be experienced at the proposed intersection of the new road and Oxford Street. While a minor increase in queuing is indicated this is still no more than one vehicle. Mr Brown, having considered the updated information presented by Ms Fosberry, agreed with her evaluation. We accept the evidence and find that any effects of traffic generated as a result of this plan change are appropriate and will not adversely affect the roading network.

- 111 Mr Bain raised a concern that sufficient reserves had not been provided on the site. In particular he considered that proportionally, there is less reserve land being required on this site, than identified on the adjacent ODP 168 site. We questioned Mr Read for the Council on this matter. Mr Read was satisfied that sufficient reserves are incorporated into the Outline Development Plan. We accept his evidence and do not require additional reserves be shown on the Outline Development Plan.
- 112 Finally, the issues raised by Mr Stevens in relation to the reserve strip have been addressed by the proposed amendments to the ODP.

High Voltage Transmission Lines

- 113 There are 220 kV lines that traverse the north-west corner of the site. These are owned and operated by Transpower. Transpower lodged a submission to the plan change seeking amendments to the proposal to protect the National Grid assets from potential adverse effects caused by the proposed residential development. We received a written letter on behalf of Transpower which stated it no longer wished to be heard in support of its submission. The letter identified that the recommendations contained in the Officer report to amend the boundary of the local purpose reserve to 12 m and to identify the transmission lines on the ODP were supported.
- 114 Mr Allan on behalf of Westpark addressed this issue in his evidence. He questioned whether the relief sought by Transpower that the local purpose reserve be widened by some 4 m or include a no-build area on the ODP - 12 m either side of the centreline of the lines - was needed. In particular, he referred us to Rule 31.1.15 (Table 13.1) of the District Plan which he stated already stipulates a 32m minimum structure setback either side of the centreline of 220 kV lines. He also identified that Rule 23.1.1.10 controls the extent of earthworks in proximity of overhead high voltage transmission lines shown on the District Plan Maps. Mr Allan stated that showing the location and alignment of the lines on the ODP ensured that any subsequent development would be subject to the existing requirements of the District Plan. He identified that a breach of those rules triggered either a discretionary or restricted discretionary activity consent and this gave the opportunity to carefully scrutinise any proposal. Mr Allan did not support extending the extent of the reserve in this area.
- 115 Mr Blay when addressing his report confirmed that the current District Plan requirements are more onerous than the controls sought by Transpower. He did consider that there was scope through the Transpower submission to reduce the setback requirement from 32 m to 12 m for this piece of land.
- 116 Having considered the evidence put before us we accept the view of Mr Allan that the key matter is that the transmission lines be shown on the ODP. Following this the current District Plan rules provide adequate protection to restrict buildings and earthworks under these lines. We do not require the

extent of the reserve or an additional no building restriction to be shown on the ODP. Nor do we consider it necessary for us to amend the Plan rules specific to this site as suggested by Mr Blay. Mr Allan acknowledged that there is an ability to apply for consent for a reduced setback within the current Plan. Our decision is to show the transmission lines on the ODP. This combined with the current planning rules is sufficient to address any potential reverse sensitivity effects, and give effect to the NPSET.

Urban Growth/Residential Character and Amenity

- 117 A number of the submissions raised issues relating to urban growth/residential character and amenity. The Ryman submission submitted that the site forms an important part of the urban/rural interface and that if PO26 were to be approved, the distinct urban boundary which continues both to the north and south of Oxford Road would be eroded resulting in adverse effects on Rangiora's urban form. It further submitted that PO26 would significantly change the environmental character of the existing urban/rural boundary resulting in loss of rural resource, loss of rural outlook, loss of rural character, potential for increased traffic movements and increased potential for conflicts along the rural urban interface.
- 118 The Farmlands Park Trust submitted PO26 would result in significant adverse effects on the environment, including but not limited to visual, amenity, urban design, health, connectivity and traffic effects. It further submitted that the proposal was contrary to best practice urban design, was contrary to the provisions and sequencing of the approved WRSP and LURP, was not an appropriate location for higher density residential developments of the scale and percentage of the area of land proposed to be developed, would result in poor urban design outcomes and that an overall lower density development or change in the design was necessary to ensure a higher quality design outcome.
- 119 Submitters Bruce and Stella Duff raised issues, amongst others, of the need for Council to take a conservative view when considering applications for new subdivisions eating into farm land on the perimeter of Rangiora and in particular to decline the current and any impending future housing/subdivision developments in the vicinity of the Rangiora Airfield and its flight paths.
- 120 Undoubtedly the character and amenity of the site will change should PO26 be approved. However we consider that change is anticipated. The site is identified in the WRSP and is within the proposed development area. It is identified as a priority Greenfield development area in the CRPS.
- 121 One issue with which Mr Blay was concerned related to the proposed fencing along Lehman's Road. Westpark offered an amendment to Rule 31.1.1.44 so that any fencing located within 2 metres of the boundary of a pedestrian/cycle linkage is to be 50% visually permeable above 1.2 metres in height and shall not exceed 1.8 metres in height. We consider that is sufficient to address the concerns raised and of course the final design is a matter that can be addressed at subdivision stage.
- 122 In terms of density, the CRPS requires that development of Greenfield Priority Areas achieve a minimum density of 10hh/ha. We agree with the evidence of Mr Allan that PO26 achieves a form and density of development as stipulated by the higher order planning documents, and anticipated by the District Plan.
- 123 Overall we are satisfied that in terms of urban design, urban growth, and residential character/amenity that the proposed rezoning is appropriate.

Relevant Objectives and Policies

- 124 There are a number of statutory documents which are relevant. The most important of which, in our view, are the CRPS (as amended by the LURP) and the District Plan.

Canterbury Regional Policy Statement

- 125 In terms of Chapter 5, Objective 5.2.1 – *Location, design and function of development* – is relevant. We consider PO26 achieves that Objective by providing consolidated, well designed and sustainable growth in and around the existing urban area of Rangiora. It enables people and communities to provide for their social, economic and cultural wellbeing and health and safety, provides housing choice, and avoids conflicts between incompatible activities. It avoids development which adversely affects the safe and efficient functioning of the strategic land transport network and arterial roads and therefore implements Policy 5.3.7.
- 126 As a result of Action 44 of the LURP, a new Chapter 6: Recovery and Rebuilding of Greater Christchurch was incorporated into the CRPS. Map 8 to Chapter 6 identifies this site as a residential Greenfield Priority Area.
- 127 In terms of Chapter 6, Objective 6.2.2. – *Urban form and settlement pattern* – provides for urban form and settlement pattern in Greater Christchurch to be managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with urban form that achieves consolidation and intensification of urban areas and avoids unplanned expansion of urban areas.
- 128 Policy 3.3 provides for development in accordance with Outline Development Plans. Policy 6.3.7 provides for residential Greenfield Priority development in accordance with map A, and development of Greenfield Priority Areas to achieve a ten household units per hectare residential net density averaged over the ODP area.
- 129 Chapter 7 is of some relevance. Policy 7.3.7 requires adverse effects of changes in the landuse, including urban expansion to be avoided, remedied or mitigated. PO26 provides a stormwater management area and initial design work has determined that the discharges can be retained and treated. Stormwater discharge consent has been obtained from Environment Canterbury.
- 130 Chapter 11 addresses natural hazards including flooding. Objective 11.2.1 is to avoid new subdivision, use and development of land that increases risks associated with natural hazards. Objective 11.2.2 requires adverse effects from hazard mitigation to be avoided or mitigated, policy 11.3.1 provides for the avoidance of inappropriate development in high hazard areas, and 11.3.2 relates to avoiding development in areas subject to inundation, unless appropriate mitigation measures are put in play. This site is subject to flooding in a 0.5% AEP Ashley River breakout event and proposes methods to address those.
- 131 Overall, we consider PO26 achieves the provisions relating to stormwater management and natural hazard mitigation, will not cause any adverse effects on the transport network, and, critically, it is identified in Chapter 6 as a Greenfield Priority Area.

Waimakariri District Plan

- 132 As would be expected, the District Plan provides an extensive range of objectives and policies which are relevant to this proposal. These had been fully discussed in the s42A report of Mr Blay, within the evidence of Mr Allan, and within the application documents.
- 133 PO26 provides only one amendment to the one policy (17.1.1.4).
- 134 The relevant objectives and policies include those contained in Chapter 11 (Objective 11.1.1 and Policies 11.1.1.1, Policy 11.1.1.2, Policy 11.1.1.3, Policy 11.1.1.4, Policy 11.1.1.5 and Policy 11.1.1.16).
- 135 In terms of Chapter 12, Objective 11.1.1 and Policies 12.1.1 and 12.1.13 are relevant.
- 136 In terms of Chapter 13, Objective 13.1.1 and Policies 13.1.1.1, 13.1.1.3, and 13.1.1.4 are all relevant.
- 137 Chapter 14 – Rural Zones is of some relevance and we have considered it, although in the circumstances, given the identification of this land for Greenfield residential development in the RPS, it is not one to which we have given significant weight.
- 138 Chapter 11 – Urban Environment again is relevant. We consider Objective 15.1.1 and Policies 15.1.11, 15.1.12 and 15.1.13 are relevant.
- 139 Chapter 17 addresses Residential Zones. We consider Objective 17.1.1 is relevant, Policies 17.1.1.1 and 17.1.1.2 are also relevant.
- 140 Mr Blay, in his report, identified the objectives and policies in Chapter 18, in particular Policies 18.1.1.1 and 18.1.1.3 as relevant. We agree with Mr Blay that Policy 18.1.1.1 ties back to other relevant policies within the Plan and that Policy 18.1.1.3 is concerned with addressing adverse effects of nearby activities.
- 141 We consider Mr Blay's description of the relevant objectives and policies as seeking an outcome that will ensure appropriate servicing, access, internal and external connectivity, avoidance of all mitigation of adverse effects relating to stormwater and flooding, and maintenance or enhancement of amenity, character and environmental quality, is accurate.
- 142 Overall, we are satisfied that PO26, as amended, gives effect to the objectives and policies of the Regional Policy Statement and the District Plan.

Other Relevant Plans

- 143 In accordance with section 74(2), we must have regard to any relevant management plans or strategies prepared under other Acts.

Regional Land Transport Strategy 2012

- 144 This contains objectives and outcomes at a broad level.
- 145 It seeks results including reduced greenhouse emissions from use of the domestic transport systems, improved land and transport integration, improved personal safety and improved health for an increase in time spent travelling by different means.

- 146 This was addressed by Mr Blay in the Officer's Report. He concluded the request will integrate with the existing roading system; develop in the area close to, and integrated with, the Rangiora township and existing roads; provide a safe road layout and linkages to existing roads; and its location will allow people to utilise active transport to access Rangiora if they desire, although he concluded that some relatively minor additional linkages could improve outcomes. Overall, in noting the transportation assessment earlier in this decision, this strategy raises no issues.
- 147 In terms of the Long Term Plan, we consider that PO26 can be serviced affordably and efficiently by making use of both new and existing infrastructure.
- 148 The Mahaanui Iwi Management Plan provides a range of policies particularly relating to water quality and quantity. That plan was assessed by Westpark and we consider there is nothing inconsistent from this proposal.

West Rangiora Structure Plan

- 149 We consider this very relevant. The objective of the WRSP is to facilitate and manage growth and development, guide and inform development proposals, address relevant development issues and determine key infrastructure requirements. We note that it is not intended to be a blueprint for development without flexibility. We accept Mr Blay's comment at 10.3.4 of his Officer's Report that the Outline Development Plan proposed with this application reflects the WRSP and provides the infrastructure and linkages required in the locations indicated.

Waimakariri District Walking & Cycle Strategy

- 150 Finally, Mr Blay identified the Waimakariri District Walking & Cycle Strategy. Again Mr Blay assessed this in his Report. The strategy was also addressed in the Reports of Mr Read and Mr Brown. We agree that the location and internal design will support walking and/or cycling, particularly with the changes made. There are safe and direct linkages for both walking and cycling into Rangiora within the site.

Part 2

- 151 Our overall consideration of PO26 is subject to Part 2 of the Act which sets out the Act's purpose, identifies the matters of national importance which must be recognised and provided for, and the matters to which particular regard must be had. Part 2 also identifies the principles of the Treaty of Waitangi which must be taken into account.
- 152 We note that both the CRPS and the District Plan were prepared under the provisions of Part 2. We consider the proposal conforms with the Objectives and Policies of those documents. Overall, we consider that the proposal is consistent with the sustainable management purpose of the Act.
- 153 None of the matters of national importance in section 6 were drawn to our attention and we did not consider any are applicable.
- 154 In terms of section 7, we consider that s7(b) the efficient use and development of natural and physical resources, (c) the maintenance and enhancement of amenity values, and (f) the maintenance and enhancement of the quality of the environment, are the most relevant. Our assessment on the issues establishes to our satisfaction that those matters are all achieved.

- 155 There was nothing which was brought to our attention in relation to any inconsistencies with the Treaty of Waitangi.
- 156 Overall, having considered all of the material presented to us and all of the material we have read, we are satisfied that our decision will provide for the sustainable management of natural and physical resources.

Section 32

- 157 No new objectives or changes to objectives in the District Plan have been proposed in PO26. We are therefore required to assess whether the amended policies and rules are the most appropriate for achieving the objectives. We have referred earlier in our decision to the relevant provisions of the CRPS. These provisions provide that the site is a priority area for Greenfields residential development. The Council is of course required to give effect to the CRPS. We conclude that the amendments to the policies, rules and other provisions proposed are the most appropriate way of achieving the objectives of the District Plan.
- 158 We have considered alternative development and whether the maintenance of the status quo would be more appropriate. Fully informed by the provisions of the CRPS, we do not consider any alternative development or maintenance of the status quo would be more appropriate.
- 159 Having considered all of the effects, we conclude that the provisions of PO26 are the most appropriate for achieving the objectives of the District Plan.
- 160 As outlined in paragraph 48 of this decision, we are required to undertake further evaluation under Section 32AA.
- 161 Those changes are summarised in the evidence of Mr Allan and in this decision at paragraph 32. Relating to the removal of the proposed provisions to deliver comprehensive residential development, and the reliance now on the set of provisions introduced by Action 4 of the LURP that specifically provide for comprehensive residential development in the Residential 2 zone, we consider that is most appropriate. We note that Mr Blay agreed.
- 162 In relation to the change to the ODP to remove the Oxford Road reserve between the north-south collector road and south-west stormwater basin, again it is in our view appropriate, particularly given the impact the reserve as originally proposed had on Mr Andrew Stevens.
- 163 As to the removal of the pedestrian/cycle link between south-west cul-de-sac and stormwater basin, again that avoids unnecessary cost and is appropriate.
- 164 The removal of the pedestrian/cycle link, and the combining of that, between Oxford Road and Lehman's Road, alongside the road network, we consider is most appropriate.
- 165 The addition of the reserve at the top of the north-south collector road to provide an overland stormwater flow path and pedestrian link to the proposed bypass road, we also consider is most appropriate, and it responds to submissions and concerns from the Council Reporting Officers.
- 166 The addition of the reserve at the end of the south-east cul-de-sac to connect with the north-south collector road, providing a stormwater overland flow path and pedestrian cycle link also addresses costs and has significant benefits.
- 167 The addition of the transmission lines responds to the concerns expressed by Transpower and is most appropriate.

- 168 Overall, we consider that the benefits of the changes proposed are significant and the amended PO26 is the most appropriate.

Decision

- 169 Plan Change PO26 to the District Plan is approved subject to the amendments set out in the attachments to this decision, together with any consequential amendments necessary to give effect to these changes.
- 170 The reasons for our decision have been set out above, and are summarised in Appendix 2.
- 171 The submissions in support of PO26 are accepted, and the submissions in opposition rejected.

Dated 20 October 2015



Commissioner David Caldwell



Commissioner Rob Potts



Commissioner Jane Whyte

APPENDIX 1

83	Ashby Consulting Engineering (Christchurch) Ltd 19 Amoka Crescent Christchurch 8083 Attention: Colin Ashby
84	Avionics Canterbury Wide Ltd 394 Priors Road RD 1 Rangiora 7471 Attention: David Harnett
85	Canterbury Aero Club PO Box 14006 Christchurch 8544
86	Canterbury Regional Council PO Box 345 Christchurch 8140
87	Ronald Bannister 11 Panckhurst Drive Woodend 7610
88	Chris Bell 26 Shrewsbury Street Christchurch 8014
89	Bizzart 47 Good Street Rangiora 7400 Attention: Caroline Trevella
90	Richard Brittan 161 Lehmans Road RD 1 Rangiora 7471
91	Frederick Bull 47 Waddington Road Waddington Canterbury 7500

92	Bruce Burdekin 1/31 Heywood Terrace Christchurch 8013
93	Buzzard Engineering 447 Johns Road RD 1 Rangiora 7471 Attention: Bernard Johnston
94	Patricia & Alistair Campbell Canterbury Aero Club PO Box 69052 Lincoln 7640
95	Canterbury Recreational Aircraft Club Mertons Road Rangiora 7400 Attention: Mike Sheffield
96	Russell Craigie 114 Swamp Road RD 2 Rangiora 7472
97	James Elder 63 Bush Street Rangiora 7400
98	Lachlan Falconer 25 Yardley Street Christchurch 8042
99	Farmlands Park Trust PO Box 9 Rangiora 7440 Attention: Lindsay Bain
100	Brian Greenwood 22A Sidey Quay Kaiapoi 7630

101	Martin Healey 5 Cass Bay Place Cass Bay Lyttelton 8082
102	Kippenberger Holdings Ltd c/- 181 Lehmans Road Rangiora 7471 Attention: Andrew Bailey
103	Stuart Larson 386 Bradleys Road RD 2 Kaiapoi 7692
104	Glenn Martin 20 Rothesay Road Christchurch 8083
105	David Mitchell 217 Stanton Road RD 2 Amberley 7482
106	Margaret Parkinson 11B McAlpine Place Rangiora 7400
107	Christopher Pennell 18 Bridget Lane Rangiora 7400
108	Rangiora Aircraft Engineering 228 South Eyre Road RD 2 Kaiapoi 7692 Attention: Patrick Scotter

109	Ryman Healthcare Ltd c/- Mitchell Partnerships Ltd PO Box 489 Dunedin Attention: John Kyle
110	Kevin Slattery 3 Ascot Place Rangiora 7400
111	SpringAero 6 Gerald Beattie Lane Rangiora 7400
112	Michael Spruce PO Box 562 Greymouth 7840
113	Andrew Stevens 100 Oxford Road Rangiora 7400
114	James Turner 79 Rossall Street Christchurch 8014
115	Waimakariri District Council Attention: Victoria Caseley
116	Westpark Rangiora Ltd c/- Aurecon NZ Limited PO Box 1061 Christchurch 8140 Attention: Daniel Thorne
117	Wayne Wilson 35 Kintyre Drive Christchurch 8042
118	R & B Zahner 70 Oxford Road Rangiora 7400

119	LATE SUBMISSION Bruce Kivi 289 Mill Road RD 2 Kaiapoi 7692
120	LATE SUBMISSION Transpower New Zealand Limited PO Box 1021 Wellington 6140 Attention: Kelly Parekowhai
121	LATE SUBMISSION Fraser Watt 4/15 George Street Christchurch 8041
122	LATE SUBMISSION Bruce & Stella Duff 42 Canterbury Street RD 7 Rangiora 7477

APPENDIX 2

Sub No.	Name	Provision	Oppose/Support	Decision	Summary of Reasons	Changes to Plan
83.1, 84.1, 87.1, 88.1, 89.1, 91.1, 92.1, 93.1, 94.1, 85.1, 95.1, 96.1, 97.1, 98.1, 100.1, 101.1, 119.1, 103.1, 104.1, 105.1, 106.1, 107.1, 108.1, 110.1, 111.1, 112.1, 114.1, 121.1, 117.1	Various – Topic: Rangiora Airfield	Adverse impact on the operation and development of Rangiora Airfield	Oppose	Reject	The ODP area is some distance (approx. 1.8km) from the airfield and it is unlikely that there will be an adverse noise effect on residential properties within the ODP area such as to create reverse sensitivity issues. The safety issues are less than minor.	N/A
86.1	CRC	The Plan Change will give effect to the Canterbury Regional Policy Statement, as consistent with the Land Use Recovery Plan, will assist the Waimakariri District Council to carry out its functions, contains policies that implement the objectives and rules that implement the policies and achieves the purpose of the Act	Support	Accept	The request will give effect to the Objectives and Policies of the Regional Policy Statement, will assist the Waimakariri District Council to carry out its functions, will achieve the purpose of the Resource Management Act 1991, will achieve the outcomes sought by the Objectives and Policies of the District Plan, and is consistent with the outcomes sought in the Land Use Recovery Plan.	N/A
90.1	Richard Brittan	Impose a requirement that no earthworks are commenced until the Council receives an engineer's assurance that there will not be an overflow south of Oxford Road	Oppose	Reject	Earthworks are a subdivision detail dealt with at the time of subdivision application. Modelling undertaken by Westpark with proposed mitigation shows no additional flooding of dwellings south of Oxford Road without the need for further works downstream of Oxford Road.	N/A
90.2	Richard Brittan	Require an update for traffic movements including on a race day prior to making a decision and adjust conditions as necessary	Oppose	Reject	Traffic counts used in the assessment are appropriate for the purpose of the Plan Change request.	N/A
90.3	Richard Brittan	Delete any reference to Lehmans Road as a collector road or notify a formal amendment to the District Plan	Oppose	Reject	The status of Lehmans Road is not to be changed as part of this request for a plan change. The changing of road status is done through a different process as is deemed to be required given traffic patterns at the time.	N/A
90.4	Richard Brittan	Delete the proposed road, shown between the transmission lines		Reject	The request Outline Development Plan shows provision for a road corridor under the transmission lines which will align with the proposed western bypass route using Lehmans Road. This is appropriate to ensure the request provides for this potential future development.	N/A
99.1	Farmlands Park Trust	Not in accordance with the Resource Management Act 1991, in particular Part 2; contrary to sound resource management planning and contrary to the provisions of the relevant planning instruments; will result in significant adverse effects, contrary to best practice urban design, contrary to WRSP and LURP, not appropriate location for high density residential, will result in poor urban design outcomes, lower density or change in design required, no recreational space, ODP does not provide for sufficient east-west connectivity, inappropriate roading layout, unreasonably high proportion of residential land	Oppose	Reject	The request will achieve the purpose of the Act and will result in sound resource management outcomes. East-west connectivity is appropriately achieved by the amendment to the ODP to provide pedestrian and cycle access. The roading links shown on the ODP are considered to be sufficient. The request is consistent with the outcomes sought in the relevant statutory documents, is consistent with the West Rangiora Structure Plan, provides an appropriate urban design and location for comprehensive residential development, and generally provides appropriate connections to existing road networks.	N/A

102.1	Kippenberger Holdings Ltd	Requires provisions to be put in place by developers to prevent flooding of surrounding areas	Oppose	Reject	The amendments made to the ODP and mitigation measures proposed appropriately address issues in relation to displacement of floodwater.	N/A
109.1	Ryman Healthcare Ltd	Site forms an important part of the urban-rural interface and the distinct urban boundary to the west would be eroded if the Plan Change were to be approved	Oppose subject to relief sought	Reject	The amendments to the ODP and other measures proposed are appropriate having regard to the urban/rural interface.	Amend ODP to show overland flow paths in the north and from the south-eastern cul-de-sac head.
109.2	Ryman Healthcare Ltd	Ensure efficient use of services in this location and ensure the Plan Change does not affect the availability of services, including water supply	Oppose	Reject	The amendments to the ODP and mitigation measures ensure water supply, wastewater disposal and stormwater management is provided for without affecting existing or proposed infrastructure.	N/A
109.3	Ryman Healthcare Ltd	Provide for better connectivity with Ryman's subdivision and consideration of alternative roading layouts	Oppose	Reject	The request will achieve the purpose of the Act and will result in sound resource management outcomes. East-west connectivity is appropriately achieved by the amendment to the ODP to provide pedestrian and cycle access. The roading links shown on the ODP are considered to be sufficient. The request is consistent with the outcomes sought in the relevant statutory documents, is consistent with the West Rangiora Structure Plan, provides an appropriate urban design and location for comprehensive residential development, and generally provides appropriate connections to existing road networks.	N/A
113.1	Andrew Stevens	Delete 5m wide local purpose reserve from frontage of that part of 100 Oxford Road not identified for local road or stormwater management area and encroachment on buildings, parking, landscaping.		Accept in part	The submission point has been met by the proposed amendments to the ODP.	Amend ODP to remove reserve along Oxford Road from the point of the intersection of the main access road to Oxford Road and replace with a reserve following the main access road to the western cul-de-sac.
115.1	Waimakariri District Council	Approve the application subject to inclusion of permitted activity and non-complying activity rules 32.1.1.85 (finish ground level) and 32.4.10 (activity not complying with Rule 32.1.1.85) (non-complying)		Reject	The proposed Rule requiring that all residential allotments shall have a finished ground level that avoids inundation in a 0.5% Annual Exceedance Probability flood event is not appropriate. The modification to Rule 27.1.1.24 requiring that floor levels of buildings be 350mm above the 0.5% AEP flood level is the most appropriate.	N/A
116.1	Westpark Rangiora Limited	Delete proposed amendments to Rules 31.1.1.11, 31.1.1.19, 31.3.2, and 32.1.1.8 and delete proposed new Rules 31.1.1.10, 31.5.6 and 32.1.1.9		Accept	The District Plan now contains a number of provisions relating to requirements for comprehensive residential development which are applicable in the Residential 1, 2 and 6 Zones. These provisions provide a detailed framework for CRD which is considered to provide for a better and more consistent outcome than the proposed provisions.	<p>Amend Policy 17.1.1.4 as follows:</p> <p>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.</p> <p>Amend Rule 27.1.1.24 as follows:</p> <p>Within the Oxford Road, = West Rangiora and Lehmans Road – West Rangiora Outline Development Plans area shown on District Plan Maps 168 and 183, any dwellinghouse shall have a minimum floor level of 350mm above the 0.5% Annual Exceedance Probability flood event.</p> <p>Amend Rule 31.1.1.9 as follows</p> <p>Within the Oxford Road, = West Rangiora and Lehmans Road – West Rangiora Outline Development Plans area shown on District Plan Maps 168 and 183, any dwellinghouse on a site greater than 1,200m² in area shall be contained within its own delineated area, where that delineated area:</p> <ol style="list-style-type: none"> complies with the area and dimensions set out in Table 32.1 (Subdivision – Rules) as though the site was an allotment; and <p>is of an area and dimension, and located in such a position, that does not frustrate compliance with Rule 32.1.1.10.</p> <p>Add new Rule 31.1.1.44 (under screening and Landscaping) as follows:</p> <p><u>Within the Lehmans Road – West Rangiora Outline Development Plan shown on District Plan Map 183, all fencing, where located within 2 metres of the boundary of a pedestrian/cycleway linkage, shall be 50% visually permeable above 1.2 metres in height, and shall not exceed 1.8 metres in height.</u></p> <p>Amend Rule 31.5.4 as follows</p> <p>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 Plans area) is a non-complying activity.</p> <p>Amend Rule 32.1.1.10 as follows:</p> <p>Within the Oxford Road, = West Rangiora and Lehmans Road – West Rangiora Outline Development Plans area shown on District Plan Maps 168 and 183, subdivision shall achieve a minimum net density of 10</p>

						<p>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.</p> <p>Amend Rule 32.1.1.25 as follows:</p> <p>Subdivision within the following areas shall generally comply with the Outline Development Plan for that area...</p> <p>ad. The Residential 2 Zone Lehmans Road - West Rangiora identified on District Plan Map 183.</p> <p>Amend Rule 32.1.3 Matters Over Which Control is Exercised by amending the Rule as follows:</p> <p>ii Allotment Area and Dimensions</p> <ul style="list-style-type: none"> - in the case of subdivision within the Oxford Road – West Rangiora and Lehmans Road – West Rangiora Outline Development Plans shown on District Plan Maps 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. <p>Amend District Plan Maps 34, 110A and 112A to give effect to the rezoning of 198 Lehmans Road and 100 Oxford Road from Rural to Residential 2.</p> <p>Add District Plan Map 183 (Lehmans Road, West Rangiora Outline Development Plan)</p> <p>Make consequential amendments as required.</p>
116.2	Westpark Rangiora Limited	Amend District Plan Map 183 to remove identification of "comprehensive residential development areas"		Accept	Removal of the CRD areas from the ODP and amendment of the key is required to adopt the existing District Plan CRD provisions.	Amend ODP as sought.
118.1	R & B Zahner	Accept Plan Change for proposed stormwater management scheme is adequate to cope with flooding		Accept in part	The stormwater management areas shown in the final ODP are sized adequately to ensure post development stormwater discharge peaks do not exceed pre-development discharge peaks, and that required water quality is achieved.	N/A
120.1	Transpower New Zealand Ltd	Either extend boundary of local purpose reserve area by some 4m either side of centre line so that it locates in an area that is at least 12m from either side of the centre line, or include a restriction in ODP preventing building in large structures from locating within 12 m to give effect to policies 10 and 11 of NPSET		Reject	The provisions of the District Plan in combination with the ODP are sufficient to meet the requirements of the NPSET.	N/A
120.2	Transpower New Zealand Ltd	Amend provisions to clearly state that all structures, earthworks and other activities must comply with the requirements in NZECP 34:2001 regardless of rules in the WDP and amend ODP to clearly show the location of the national grid lines		Accept in part	Showing the transmission lines on the ODP will assist with acknowledging their location and providing for the required separation distances from the lines. However, it is not necessary to provide provisions for separation distances for structures because the District Plan already contains these (Table 31.1). Restrictions for earthworks are also already provided (23.1.1.10).	Amend Outline Development Plan to show transmission lines.
122.1	Bruce & Stella Duff	Decline application and take a conservation view when considering applications for new development into farm land	Oppose	Reject	The request area is adopted as a greenfield priority area for growth of Rangiora. The proposal includes measures to ensure adverse effects to amenity and character are avoided or mitigated.	N/A

APPENDIX 3

District Planning Maps

1. **Amend** District Planning Maps No. 34, 110A and 112A as set out in Appendix 4.

Outline Development Plan

2. **Insert** a new District Planning Map 183 "Outline Development Plan – Lehmans Road, West Rangiora" as set out in Appendix 5.

Amend ODP as requested to include the following:

- Provide for an overland stormwater flow path and pedestrian linkage from the northern reserve beside the transmission lines to the corner of the main road;
- Provide for an overland stormwater flow path from the south-eastern cul-de-sac head to the main stormwater swale;
- Show transmission lines; and
- Remove comprehensive residential areas.

Objectives, Policies, Rules and Methods

Policy 17.1.1.4

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.

Rules

Chapter 27: Natural Hazards

Amend Rule 27.1.1.24 as follows:

Within the Oxford Road, West Rangiora and Lehmans Road - West Rangiora Outline Development Plans shown on District Plan Maps 168 and 183, any dwellinghouse shall have a minimum floor level 350mm above the 0.5% Annual Exceedance Probability flood event.

Chapter 31: Health Safety and Wellbeing

Amend Rule 31.1.1.9 as follows

Within the Oxford Road, West Rangiora and Lehmans Road - West Rangiora Outline Development Plans shown on District Plan Maps 168 and 183, any dwellinghouse on a site greater than 1,200m² 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.

Add new Rule 31.1.1.47 (under screening and Landscaping) as follows:

Within the Lehmans Road - West Rangiora Outline Development Plan shown on District Plan Map 183, all fencing, where located within 2 metres of the boundary of a pedestrian/cycleway access linkage, shall be 50% visually permeable above 1.2 metres in height, and shall not exceed 1.8 metres in height.

Amend Rule 31.3.1 as follows:

Except as provided for by Rules 31.1.2, 31.2 or 31.4 any land use which does not comply with one or more of Rules 31.1.1.10 to 31.1.1.58 is a discretionary activity.

In considering any application etc....

Amend Rule 31.4.4 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 areas) is a non-complying activity.

Chapter 32: Subdivision

Amend Rule 32.1.1.10 as follows:

Within the Oxford Road, West Rangiora and Lehmans Road - West Rangiora Outline Development Plans area shown on District Plan Maps 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.

Amend Rule 32.1.1.25 as follows:

Subdivision within the following areas shall generally comply with the Outline Development Plan for that area...

- ah. The Residential 2 Zone Lehmans Road, West Rangiora identified on District Plan Map 183.

Amend Rule 32.1.3 ii point 4 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 Plans shown on District Plan Maps 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.

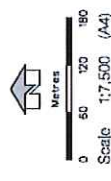
Apply any consequential renumbering or amendments throughout the District Plan as necessary.

APPENDIX 4





NOTE:
Disclaimer - refer to map legend sheet



34	110A	110
94	112A	112
95	116	116

Rangiora
112A

APPENDIX 5

