

**Before the Hearings Panel  
At Waimakariri District Council**

**Under**                      Schedule 1 of the Resource Management Act 1991

**In the matter of**        the Proposed Waimakariri District Plan

**Between**                **Rolleston Industrial Developments Limited**

**Submitters**

**And**                      **Waimakariri District Council**

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**Supplementary Statement of evidence of Andrew Willis on behalf of the  
Waimakariri District Council in Response to Minute 4**

**Date: 23<sup>rd</sup> August 2023**

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## **Introduction**

1. My full name is Andrew Peter Willis. I am a director of Planning Matters Limited – a planning consultancy based in Christchurch. I hold the qualifications and have the experience set out in my s42A report.
2. In Minute 4 dated 11th August 2023, the RCP031 Hearings Panel (the Panel) issued several instructions for conferencing amongst experts in order to produce joint witness statements (a 'JWS') on outstanding matters. Paragraph 6(f) directed that I was to file a brief supplementary report updating the hearings panel on my recommendations following the receipt of the JWSs, Mr Yeoman's supplementary statement (if requested), and Mr Walsh's response to Transpower's proposed amendments by 3pm Wednesday 23 August.
3. This report sets out my response to that direction.

## **Planning Constraints**

4. A planning constraints JWS, dated 17<sup>th</sup> August, was provided by the relevant planning experts (Mr Walsh for the Applicant, Ms Mitten for ECan, Mr Boyes for the Council as a submitter, and myself for the Council). There is good agreement amongst the planning witness on the policy basis for most of the constraints provided in the evidence of Mr Walsh. All experts agree that there is no express policy reference for tsunami management (JWS page 17).
5. Disagreement remains on the relevance of the remodelled 2023 airport noise contour in terms of whether and how it becomes operative, with Ms Mitten and myself being clear that a Schedule 1 change process is required to adopt the new contours, while Mr Walsh is 'less certain' of this requirement (JWS page 5). There is also disagreement on whether the airport noise contour is a planning constraint for Kaiapoi, with Ms Mitten, Mr Boyes and myself considering Kaiapoi and the Kaiapoi Future Development Area (FUDA) is expressly excluded from the application of the contours, whereas Mr Walsh is uncertain as to whether it applies to Kaiapoi in totality, particularly the FUDA (JWS page 5). There is also disagreement on whether the Kainga Nohanga zone in the PDP is a constraint, with myself and Ms Mitten considering the zone's purpose is to facilitate development for Kamps Deed descendants in what would otherwise be a Rural Lifestyle Zone, and with Mr Walsh remaining of the view it is a constraint for the reasons provided in his evidence (JWS page 24).

6. As set out at the beginning of the JWS (page 4), the experts did not discuss the weighting or significance of the constraints (e.g. the significance of flooding in Kaiapoi), only that they existed or didn't exist as a constraint due to a policy basis. Opinions on weighting is provided in the evidence of Mr Walsh (Evidence in Chief) and myself (Summary Statement of Evidence).
7. Having now undertaken the constraints JWS exercise, I remain of the view (as stated in my Summary Evidence) that none of the identified constraints would require the Council or the Greater Christchurch Partnership to reconsider the proposed urban growth approach around existing main towns and instead look further inland, such as to Mandeville and Ohoka. I remain of the opinion that, even for the likely most significant and costly constraint (flooding in the Kaiapoi FUDA), there are successful examples in the immediate vicinity of the FUDA of large-scale earthworks for flood management purposes (as set out in the evidence of Mr Bacon) and I note large scale earthworks would also likely be required for flood and stormwater management purposes for the development of RCP031 if approved.

#### **Traffic Safety and Network Effects**

8. A transport infrastructure JWS dated 22<sup>nd</sup> August was provided by the relevant transport experts (Mr Fuller for the Applicant, Mr Binder for the Council and Mr Methereil for the Council as a submitter).
9. The JWS is limited to intersection safety and capacity, with two paragraphs on Tram Road upgrades. I note that disagreement remains amongst the experts in relation to the matters identified below and that on this basis, Mr Methereil and Mr Binder record that any agreement they express in the JWS with regards to motor vehicle transport infrastructure provision does not indicate they have changed their opinion on these matters (JWS paragraphs 3 and 4).

#### *Matters where disagreement remains:*

- a) Vehicle-kilometres travelled.
- b) Greenhouse gas emissions.
- c) Viability/provision of non-private car travel.
- d) Upgrades to the SH1 / Tram Road interchange.
- e) Upgrades to surrounding road connections to the roading network (e.g. upgrades to carriageways).

- f) Higher-speed peri-urban roading environment within the proposed development.

10. With regard to the intersection safety and capacity I note the following:

- a) **Bradleys Road / Tram Road Intersection:** The experts agree that there should be a development threshold of no more than 450 Lots being developed ahead of a roundabout upgrade to the Bradleys Road / Tram Road intersection and a rule/mechanism to this effect should be prepared by the planners;
- b) **Tram Road / Whites Road Intersection:** The experts agree that the planners should prepare a rule/mechanism requiring safety and capacity matters to be assessed and resolved prior to the development of any more than 250 lots;
- c) **Mill Road / Ohoka Road Intersection & Flaxton Road / Threlkelds Road Intersection:** Safety improvements are identified. The experts agree that the required upgrades would need to be provided before occupation of dwellings and/or commercial buildings at the Plan Change site, and a rule/mechanism to this effect should be prepared by the planners, with the JWS identifying two approaches for the rule.

11. With regard to Tram Road Upgrades, Mr Metherell and Mr Binder are of the opinion that consideration needs to be given to the programmed safety works to the Tram Road corridor (beyond those intersections discussed previously) and whether these remain adequate in the context of the proposed Plan Change, with Mr Fuller stating this is readily addressable via Development Contributions.

12. Given the above, it appears that there is general alignment amongst the experts on the need for intersection improvements and how these could be tagged to the proposed development (by the use of rule thresholds). The agreement suggests three additional rules, i.e. in addition to proposed Rule 31.2.12 (included in the evidence of Mr Walsh) which was targeted to the Tram Road / State Highway 1 interchange only.

13. I accept the conclusions of the transport experts and I anticipate that the proposed new rules could be drafted and successfully applied to the proposal and I therefore consider intersection issues can be resolved.<sup>1</sup> However, I note that these proposed rules reduce the certainty of achieving the 850 households proposed in RCP031 and could affect the timing of

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<sup>1</sup> I consider these rules (and the already proposed Tram Road / SH1 interchange rule) are best located in the Subdivision Chapter of the Operative District Plan.

section delivery.<sup>2</sup> I consider that the need for such rules is a direct consequence of providing for a development that is not currently planned for in the Council's strategic planning documents.

14. While I note the intersection improvement agreements in the JWS, I also note the continued disagreement on the matters listed in paragraph 9 above. My concerns regarding these matters remain as set out in my s42A report (s6.8).

#### **Public Transport Joint Witness Statement**

15. A public transport (PT) JWS dated 18th August was provided by the relevant transport experts (Mr Milner for the Applicant, Mr Fleete for ECan, Mr Binder for the Council and Mr Metherell for the Council as a submitter). I note that it is agreed amongst the experts that the likely patronage for a fixed route bus service connecting to Rangiora and Kaiapoi is very unlikely to warrant prioritisation of a service (without an additional funding source) connecting Ohoka compared to other growth areas nearer to Key Activity Centres in Waimakariri District (JWS paragraph 7). I accept this conclusion.
16. The experts considered the option of a fixed route service as an extension of Route 92, linking to Kaiapoi in the morning commuter peak, and from Kaiapoi in the afternoon commuter peak. Issues were identified with this option (JWS paragraph 9), specifically, that it only provides for some peak period commuter trips, is subject to issues of uncertainty around funding availability, is very unlikely to also provide a direct link to Rangiora (which is where many of the submitters, upon questioning, said they did their shopping and accessed other services) and is very unlikely to lead to any notable change in private vehicle travel from RCP031 across the whole day. I accept these conclusions.
17. Finally, the experts discussed an on demand service and contingent matters such as geographic coverage, cost and funding, degree of certainty, and other matters related to service design but could not come to agreement on these matters (JWS paragraph 11). I note that the experts cannot agree on whether an on-demand service is a viable alternative to a fixed route bus service (JWS paragraph 11).

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<sup>2</sup> I (and Mr Binder in his evidence) previously commented on the uncertainty of achieving 850 lots resulting from proposed Rule 31.2.12 which requires upgrades to Waka Kotaki's Tram Road / State Highway 1 interchange after the provision of 250 households.

18. Based on the JWS, I remain of the view that it has not been demonstrated that the RCP031 site has good accessibility or is well serviced by existing or planned PT to access jobs and community services and therefore the proposal does not achieve the accessibility requirements set out in the NPS-UD (Objective 3(b) and Policy 1(c)).<sup>3</sup> I do not consider that a limited trial on-demand option provides sufficient certainty to justify supporting RCP031 given the PT and well-functioning urban environment requirements in the NPS-UD, the significance of the proposal and the identified transport issues.

### **Three Waters Management**

19. It appears that the majority of the outstanding issues are now agreed or there is sufficient confidence that these can be resolved at subdivision stage. Importantly, it now appears that all relevant experts agree that there is an adequate solution to provide potable water via a deep onsite groundwater bore. In addition, all relevant experts agree that both onsite and off-site flood risk (including groundwater flow (resurgence)) can be adequately managed, including through the subdivision consenting phase. I accept these conclusions.

20. For stormwater attenuation, all experts agree that 126ha can be managed for stormwater treatment and detention. However, all experts agree that approximately 26ha cannot drain to an attenuation basin. Importantly, all experts agree that the subdivision stage is appropriate for demonstrating detailed stormwater management treatment and attenuation solutions, including a reduction in development capacity if required (I note that a reduction of 26h, or some other figure, upon subdivision stage will reduce the overall development yield). I accept these conclusions and consider there would be value in updating the Outline Development Plan to cover this 26ha area and the expectation that further information is required at subdivision stage.

21. Based on my assessment of the JWS, the only remaining issue the experts are not in agreement with, including whether it can be left to a later stage to resolve, is in relation to the interception of groundwater (which I understand ECan considers is a prohibited activity under the LWRP due to the water take involved in a fully allocated catchment). All experts agree that the mitigation proposed in the ODP will reduce the risk. However, the Council's experts do not believe that there is sufficient certainty that all risks (e.g from wastewater and stormwater pipe trenches, swales, rain gardens / bioscapes, road subbase and

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<sup>3</sup> As set out in my s42a report, including my related assessment of a well-functioning environment, infrastructure integration and medium and long term strategic assessment (paragraphs 7.3.22 to 7.3.28 and 7.3.43 to 7.3.49 and 7.3.51 to 7.3.63).

downstream stormwater basins) are adequately mitigated. They also note that the success of the mitigations will not be verified until after construction, after which time the negative impacts may be difficult to address or reverse (see the statement of evidence of Mr Roxburgh on this matter). Importantly, all experts agree that if a consenting pathway under the LWRP was an option, then subsoil drainage would provide greater certainty as to the effectiveness of the mitigations. Therefore, this matter is only an outstanding issue because of the current interpretation of the application of the LWRP.

22. Unfortunately, the JWS does not elaborate on the potential significance of this groundwater interception risk, nor potential costs to resolve this and what this means for the proposal.<sup>4</sup> Based on the JWS and Mr Roxburgh's evidence, I am of the opinion that the interception of groundwater by infrastructure remains a valid risk, I also remain of the opinion that, given the current prohibited status of a groundwater take (via interception), it is not acceptable to leave this issue to subdivision stage, or after construction, to resolve – there is no consenting pathway available should a water take be required. I therefore consider that it has not been satisfactorily demonstrated upfront that the site can be successfully serviced for stormwater. I do note that alternatives to swales such as kerb and channelling are identified in the JWS, however this identified solution is clearly not consistent with the Applicant's stated design approach to maintain rural village character, which is a key development outcome and one that has been contested through the hearing process by numerous submitters.
23. As I remain of the view that interception of groundwater by infrastructure remains a risk and consequently that RCP031 cannot currently demonstrate adequate servicing for stormwater, I remain of the view that RCP031 has not adequately demonstrated that the site contributes significantly to development capacity (under the NPS-UD Policy 8 as set out in my s42a report).
24. I consider my conclusions on this matter are finely balanced and note that others may draw a different conclusion based on the JWS. I consider it unfortunate that the JWS does not provide more detail on the interception risk, confidence levels and mitigation costs, but note that this matter and possible mitigation options were covered in evidence before the Panel. I also wish to note that I am particularly conscious of the Council engineers' comments (from

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<sup>4</sup> I note however that the JWS does state that infiltration of groundwater into [presumably existing] wastewater and stormwater networks is endemic to all networks and is not something [currently] managed by ECan as a water take requiring consent.

Mr Roxburgh and Mr Bacon) given their detailed experience with existing development infrastructure in the District and the consequences of infrastructure failure.

**Mr Yeoman's Response to Questions**

25. Minute 5 (dated 15<sup>th</sup> August 2023) set out the Panel's questions of Mr Yeoman (based on questions provided by the Applicant's counsel). Mr Yeoman responded to the Panel's questions in a statement submitted on 18<sup>th</sup> August 2023. Having reviewed Mr Yeoman's responses to the questions (in addition to his statement of evidence), I remain of the opinion that there is sufficient development capacity in the medium and long term for the District to provide for its housing needs without RCP031. As such, I remain of the opinion that there is not a demonstrated capacity shortfall argument to support approving RCP031 under the NPS-UD Policy 8 pathway.

**Mr Walsh's response to Transpower's proposed amendments**

26. I have not seen a statement on this matter from Mr Walsh. I have however liaised with Mr Walsh and understand that the Applicant has agreed to the majority of the relief sought in Ms McLeod's evidence that she spoke to before the Panel. I understand that Mr Walsh will include an updated set of proposed amendments in the Applicant's closing right of reply that has been agreed with Ms McLeod. While I have not seen the updated proposed amendments, I consider that the changes sought by Transpower in relation to additional subdivision, land use and landscaping restrictions in the vicinity of the National Grid and consultation requirements for subdivision consent can be incorporated into the Operative Plan should the Panel be minded to approve RCP031. In my opinion the changes sought by Ms McLeod are relatively minor and are not relevant to my overall conclusions on the merits of RCP031.

**Date:** 23/08/2023



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