

**BEFORE THE HEARINGS PANEL
FOR PROPOSED PRIVATE PLAN CHANGE 31 TO THE WAIMAKARIRI
DISTRICT PLAN**

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of an Application by Rolleston Industrial Developments Limited for a private plan change to the Waimakariri District Plan pursuant to Part 2 of Schedule 1 of the Resource Management Act 1991

**LEGAL SUBMISSIONS ON BEHALF OF THE CANTERBURY REGIONAL
COUNCIL**

8 AUGUST 2023

Canterbury Regional Council's Solicitor
PO Box 4341 CHRISTCHURCH 8140
DX WX11179
Tel +64 3 379 7622
Fax +64 379 2467

Solicitor: I F Edwards
(imogen.edwards@wynnwilliams.co.nz)

WYNN WILLIAMS

MAY IT PLEASE THE PANEL

Introduction

- 1 Proposed Plan Change 31 to the Waimakariri District Council (**PC31**) involves the rezoning of approximately 156 hectares of rural land near Ohoka to a mix of residential and business zoning.
- 2 The Canterbury Regional Council (**Regional Council**) lodged a submission on PC31 in opposition, on the basis that it does not give effect to the Canterbury Regional Policy Statement (**CRPS**).
- 3 A number of other issues were raised in the Regional Council's submission with respect to the National Policy Statement on Urban Development 2020 (**NPS-UD**), highly productive land considerations, potential contamination of the land, transport and public transport implications of PC31, and the impact of PC31 on waterbodies and freshwater ecosystems, groundwater, and flood hazard issues.
- 4 The land is not currently identified as a Greenfield Priority Area (**GPA**), nor is the land identified as a Future Development Area (**FDA**) and as such, the land is not identified in the CRPS for urban development.
- 5 The Regional Council filed evidence from the following experts:
 - a. Statement of Evidence of Dr Greg Burrell dated 13 July 2023 regarding ecology;
 - b. Statement of Evidence of Mr Ben Wilkins dated 21 July 2023 regarding groundwater and stormwater management matters;
 - c. Statement of Evidence of Mr Callum Margetts dated 21 July 2023 regarding natural hazards, in particular flood hazard;
 - d. Statement of Evidence of Mr Leonard Fleete dated 21 July 2023 regarding public transport; and
 - e. Statement of Evidence of Ms Joanne Mitten dated 21 July 2023 regarding planning matters.
- 6 Each of the experts are here today in support of the Regional Council's submission and to assist the Panel by answering any questions you may have.
- 7 Further, these legal submissions address:

- a. Preliminary issues arising from the Applicant's opening;
- b. The legal framework that applies to the consideration of PC31;
- c. The relevant planning documents that apply to the consideration of PC31; and
- d. Other matters raised in the Regional Council's submission on PC31.

Preliminary issues

Further evidence

- 8 A Statement of Evidence of Bas Veendrick dated 3 August 2023 was tabled by the Applicant at the hearing.
- 9 This evidence purports to respond "primarily ... to submitter evidence from Dr Burrell". However, much of the evidence goes beyond this response and deals with matters of substance with respect to the groundwater levels across the PC31 site. This was addressed in detail in Mr Wilkins' evidence for the Regional Council, prepared in response to the Applicant's original evidence on this issue.
- 10 Mr Wilkins will endeavour to respond orally to the matters raised in Mr Veendrick's evidence, however, in order to best assist the Panel, supplementary evidence on the matter may be required. Regrettably, it has not been possible in the time available to prepare a fulsome written response, particularly as Mr Wilkins has had other hearing commitments last week.
- 11 Ms Appleyard in her submissions acknowledged that the legal issue associated with intercepting groundwater is complex, but suggested that on the evidence, there was no need to consider this issue further.
- 12 In relation to this issue, the Hearing Panel will therefore need to be satisfied that stormwater detention basins could be constructed above the ground in areas where groundwater levels are near the surface to avoid intercepting that groundwater. The Panel will also need to be satisfied that constructing the stormwater detention basins above ground will ensure that flood hazard issues are appropriately addressed and mitigated.

- 13 Mr Wilkins and Mr Margetts will address the difficulties of assessing the effectiveness of this approach based on the information provided to date.
- 14 The issue associated with intercepting groundwater in an over-allocated catchment was addressed in Ms Mitten's evidence. That evidence confirmed that following the Court of Appeal's decision in *Aotearoa Water Action v Canterbury Regional Council*, the Regional Council's approach is that all applications to "take and use" water have to be processed together and, accordingly, there is no consent pathway to obtain "new" water in the Eyre groundwater allocation zone, including to take and use water where the water is being intercepted in stormwater infrastructure.¹
- 15 In my submission, to the extent that there remains uncertainty regarding the ability to service the PC31 site, this goes to the appropriateness of rezoning the land, in terms of whether the proposed zoning is the most efficient and effective use of the land.

Expert conferencing

- 16 Counsel for the Applicant made a number of comments during the hearing on 3 August 2023, regarding the utility of expert witness conferencing and expressing disappointment that the Applicant's requests for conferencing had been ignored.
- 17 For completeness, I note that no such requests had been received prior to the hearing by the Regional Council.
- 18 This morning, we received a Minute from the Panel directing conferencing on certain public transport and planning matters.
- 19 It may also be appropriate for the relevant technical experts to participate in expert witness conferencing on the issue of groundwater levels across the PC31 site and in respect of the mitigations proposed in Mr Veendrick's evidence.

¹ Statement of Evidence of Joanne Mitten for the Canterbury Regional Council dated 21 July 2023 at [160].

- 20 The Regional Council reiterates its willingness for its experts to conference in relation to any of the matters which it has called expert evidence on, if that would be of assistance to the Panel.

Legal Framework

- 21 A brief overview of the legal framework relevant to the consideration of district plan changes (including private plan changes such as PC31) under the Resource Management Act 1991 (**RMA**) is set out below.
- 22 The purpose of the RMA under section 5 is to promote the sustainable management² of natural and physical resources. Identified matters of national importance in section 6 of the RMA must be recognised and provided for, including the management of significant risks from natural hazards,³ and particular regard is to be had to the “other matters” listed in section 7 of the RMA, which include the efficient use and development of natural and physical resources,⁴ and the intrinsic values of ecosystems.⁵ Further, under section 8 of the RMA, the principles of the Treaty of Waitangi are to be taken into account.
- 23 Section 31 of the RMA sets out the functions of territorial authorities, which include, relevantly:
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
 - (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - (i) the avoidance or mitigation of natural hazards; and

² **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

³ RMA, s 6(h).

⁴ RMA, s 7(b).

⁵ RMA, s 7(d).

...

(iii) the maintenance of indigenous biological diversity:

- 24 Under section 32 of the RMA, an evaluation report must examine whether the purpose of the plan change is the most appropriate way to achieve the purpose of the RMA, and whether the provisions are the most appropriate way of achieving that purpose. This requires identifying reasonably practicable options, and assessing the efficiency and effectiveness of the provisions through identifying the benefits and costs of the environmental, economic, social and cultural effects, including opportunities for economic growth and employment.
- 25 The purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.⁶ When preparing and changing district plans, territorial authorities must do so in accordance with their functions under section 31,⁷ but also any national policy statements⁸ and any regulations.⁹
- 26 Although PC31 is a private plan change request, ultimately as a change to the Waimakariri District Plan accepted by the Waimakariri District Council pursuant to clause 25(2)(b) of Schedule 1 to the RMA, PC31 must still meet the requirements of the RMA in respect of district plans.
- 27 In addition, territorial authorities must have regard to any management plans and strategies prepared under other Acts to the extent that their content has a bearing on resource management issues of the district.¹⁰
- 28 To have regard to a document is a lesser standard than that of giving effect to a document, requiring only a decision-maker to “give genuine attention and thought to the matter”.¹¹ Having regard to a document may ultimately result in it being rejected, or only accepted in part.
- 29 Finally, district plans must give effect to any national policy statements and any regional policy statement, in accordance with section 75(3) of the RMA. To “give effect to” a document means to implement it – it is a

⁶ RMA, s 72.

⁷ RMA, s 74(1)(a).

⁸ RMA, s 74(1)(ea).

⁹ RMA, s 74(1)(f).

¹⁰ RMA, s 74(2)(b)(i).

¹¹ *Unison Networks Ltd v Hastings District Council* [2011] NZRMA 394 (HC) at [70].

strong directive, creating a firm obligation on the part of those subject to it.¹²

Planning Framework

- 30 Ms Mitten's planning evidence for the Regional Council identifies the relevant higher order planning documents that need to be considered when evaluating PC31.¹³
- 31 These submissions focus on the following planning documents:
- a. The CRPS;
 - b. The NPS-UD; and
 - c. The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**).
- 32 I address each of these in turn, below.

NPS-UD

- 33 The question of whether or not the NPS-UD applies to the consideration of PC31 is dependent on whether or not the PC31 site is considered to be an "urban environment". The term is defined broadly under the NPS-UD:
- Urban environment** means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:
- (a) is, or is intended to be, predominantly urban in character; and
 - (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people
- 34 This question was addressed extensively in the legal submissions for the Applicant, and Ms Mitten has approached her planning assessment on the basis that the PC31 site does form part of the urban environment. That is consistent with the approach undertaken by the Greater Christchurch Partnership, with membership including the Regional Council, Christchurch City Council, Selwyn District Council and Waimakariri District Council, which adopted the Greater Christchurch area as the urban environment for the purposes of implementing the

¹² *Environmental Defence Society Inc v New Zealand King Salmon Company* [2014] 1 NZLR 593 (SC) at [77].

¹³ Statement of Evidence of Joanne Mitten dated 21 July 2023 at [16(b)].

National Policy Statement for Urban Development Capacity (which preceded the NPS-UD).

- 35 Objective 1 of the NPS-UD seeks to ensure that NZ has well-functioning urban environments, that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- 36 What is considered to be a well-functioning urban environment is elaborated on in Policy 1 of the NPS-UD which requires that planning decisions¹⁴ must contribute to well-functioning urban environments, which are urban environments that, as a minimum:
- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
 - (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
 - (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
 - (e) support reductions in greenhouse gas emissions; and
 - (f) are resilient to the likely current and future effects of climate change.
- 37 Policy 1 is not an exhaustive list as to what is considered to be a well-functioning urban environment. Rather, it sets out the *minimum* requirements of a well-functioning urban environment.
- 38 Objective 6 of the NPS-UD provides that local authority decisions on urban development that affect urban environments must be:
- a. Integrated with infrastructure planning and funding decisions; and
 - b. Strategic over the medium term and long term; and
 - c. Responsive, particularly in relation to proposals that would supply significant development capacity.

¹⁴

Defined as including a decision on a district plan.

- 39 The Regional Council's submission and evidence highlights the issues with the PC31 site from the perspective of integration with infrastructure planning and funding decisions.
- 40 Much emphasis has been placed by the Applicant on the suggestion that PC31 will add significant development capacity. The Regional Council does not accept that there is a shortfall in development capacity, such that the responsiveness policy in the NPS-UD is triggered (and I address this policy further below).
- 41 However, even if there was a shortfall in development capacity, any decision regarding urban development that affects urban environments must still be integrated with infrastructure planning and funding decisions *and* strategic over the medium term and long term.
- 42 The approach of identifying FDAs adjacent to existing GPAs and settlements ensures that any future development achieves this integration. The PC31 site is not connected to any existing GPA or FDA. It is somewhat of an outlier in this respect, and as Mr Fleete's evidence highlights, the PC31 site is not integrated with infrastructure planning and funding decisions with respect to public transport.
- 43 Further, the existing strategic growth planning exercise that has been carried out by the Greater Christchurch Partnership has been conducted recently, and given effect to through Change 1 to Chapter 6 of the CRPS (in July 2021).
- 44 The Greater Christchurch Partnership has also completed its Housing Capacity Assessment in accordance with the requirements of the NPS-UD, in July 2021. This capacity assessment identified that with the inclusion of the FDAs identified in Our Space (and subsequently reflected in Map A of the CRPS) there is sufficient development capacity within Waimakariri to meet expected housing demand over the medium term.¹⁵
- 45 Policy 2 of the NPS-UD requires that Tier 1 local authorities (which includes the Waimakariri District Council insofar as Greater Christchurch is identified as Tier 1) provide "at least" sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. As noted above, capacity

¹⁵

Statement of Evidence of Joanne Mitten dated 21 July 2023 at [76].

assessments have been undertaken and updated recently by the Greater Christchurch Partnership, and Mr Foy's evidence for the Waimakariri District Council assesses the development capacity and concludes that in the medium term, there is capacity for just over 5,930 new dwellings, and in the long term, there is capacity of just under 14,450, which again is sufficient to meet the demand.¹⁶

- 46 When making planning decisions that affect urban environments, Policy 6 of the NPS-UD provides that decision-makers must have particular regard to:
- a. the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS-UD (and in this case, that includes the CRPS given that Change 1 to the CRPS was promulgated to give effect to the NPS-UD);
 - b. that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - ii. are not, of themselves, an adverse effect;
 - c. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1);
 - d. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity;
 - e. the likely current and future effects of climate change.
- 47 Policy 8 of the NPS-UD introduces a "responsive planning framework" to enable development out-of-sequence with existing areas identified for development, where certain criteria are met. The Policy provides that:

¹⁶

Economic Review and Support prepared for Waimakariri District Council dated 15 June 2023 at pages 18-19.

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

- 48 As noted above, it is not sufficient for a proposal to trigger this policy simply because that proposal would add significantly to development capacity (something that the Regional Council does not consider to be the case here). Rather, a proposal must add significantly to development capacity *and* contribute to well-functioning urban environments.
- 49 The evidence of Mr Fleete indicates that this is not the case with respect to public transport considerations, given the absence of a service to Ohoka.
- 50 In my submission, the objectives and policies of the NPS-UD need to be read as a whole, as opposed to focusing on those aspects of the NPS-UD that require responsiveness where significant development capacity would be added. The issue of development capacity is just one component of the NPS-UD, and it is important not to overlook the requirement for a well-functioning urban environment.

NPS-HPL

- 51 It is accepted that as a result of the timing of the gazettal of the NPS-HPL and the notification of the proposed Waimakariri District Plan, the provisions of the NPS-HPL do not apply to the PC31 site, given the land is subject to a proposed plan review and has been identified as “rural lifestyle” zone.
- 52 I acknowledge Ms Appleyard’s submission that the provisions of the NPS-HPL and the carve out for the “rural lifestyle” zone were intended to ensure that Councils mid-process could continue. This is a possible interpretation of the intention behind the drafting.
- 53 That said, it is also possible that the potential implications of the drafting were not fully realised, given the use of the “rural lifestyle” zone is consistent with the National Planning Standards but at the time the proposed Waimakariri District Plan was notified, the NPS-HPL had not been gazetted.

- 54 If it is determined through the proposed Waimakariri District Plan process that the “rural lifestyle” zone is not the most appropriate zone for the PC31 site, and the land is zoned rural instead, there is a policy gap as a result of the NPS-HPL until such time as the Regional Council carries out its mapping exercise in accordance with the requirements of clause 3.4 of the NPS-HPL.

CRPS

- 55 Turning now to address the CRPS. A key concern raised in the Regional Council’s submission was the inconsistency between PC31 and the provisions of the CRPS, noting that PC31 must give effect to the CRPS, in accordance with section 75(3) of the RMA.
- 56 The relevant CRPS provisions to the matters at issue in this case are largely contained within Chapters 5 and 6 (with the exception of Policies 11.3.1, 11.3.2 and 15.3.1) and they are addressed in Ms Mitten’s evidence.¹⁷ I do not propose to traverse the interpretation of those provisions in these submissions, but do note the relevance of Change 1 to Chapter 6 of the CRPS.
- 57 Map A in Chapter 6 of the CRPS identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery in Greater Christchurch. Urban development outside of these areas is to be avoided, unless expressly provided for in the CRPS.
- 58 Change 1 to the CRPS was promulgated to give effect to the NPS-UD and identified areas for future housing development in Rolleston, Rangiora and Kaiapoi on Map A, along with the inclusion of associated policies. The outcomes of Change 1 were described in the section 32 report as being to:
- a. Implement direction in the NPS-UD to ensure at least sufficient development capacity to meet expected demand for housing and for business land over the short (three years), medium (ten years) and long term (thirty years) is enabled;
 - b. Implement the settlement pattern and outcomes of Our Space, being the Future Development Strategy for Environment

¹⁷

Statement of Evidence of Joanne Mitten dated 21 July 2023 at [5(b)].

Canterbury, Christchurch City Council, Selwyn District Council and Waimakariri District Council;

- c. Respond to existing direction in the CRPS to ensure an available supply of residential and business land over the short and long term to meet the objectives and policies of the CRPS, Chapter 6.

- 59 Accordingly, Change 1 amended Map A to identify the FDAs in Rolleston, Rangiora, and Kaiapoi, and inserted a new policy, Policy 6.3.12, to enable the land within these FDAs to be rezoned by the Selwyn and Waimakariri District Councils if that land was required to meet their medium term (ten year) housing needs, and made certain consequential changes to objectives, policies, text and definitions within Chapter 6 to ensure consistency.
- 60 It is acknowledged that the Regional Council has yet to insert criteria into the CRPS for determining what plan changes would be considered as adding significantly to development capacity. However, as set out in Ms Mitten's evidence, the work that is currently underway with respect to the Greater Christchurch Spatial Plan will ultimately inform the review of the CRPS, currently scheduled to be notified in 2024.¹⁸
- 61 To conclude, I reiterate that an attempt must be made to reconcile the policies of the NPS-UD and the CRPS, and interpret them in such a way that the policies do not conflict.¹⁹

Other matters raised in the Regional Council's submission

- 62 In addition to the issues raised by the Regional Council with respect to the CRPS and the NPS-UD, the Regional Council also highlighted issues regarding the potential contamination of the land, transport and public transport implications of PC31, and the impact of PC31 on waterbodies and freshwater ecosystems, groundwater, and flood hazard issues.

Contaminated land

- 63 As noted in Ms Mitten's evidence, issues regarding the potential contamination of land have been addressed by the Applicant and should

¹⁸ Statement of Evidence of Joanne Mitten dated 21 July 2023 at [78]-[79].

¹⁹ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [131].

be adequately managed at the consenting and subdivision stage, with Ms Mitten considering that PC31 is consistent with the relevant CRPS policy direction in this respect.²⁰

Transport and public transport implications

- 64 The Panel has directed conferencing between the relevant experts regarding:
- a. Whether a connector service between Ōhoka and Kaiapoi or Rangiora is realisable within the short, medium and longer term identifying the degree of uncertainty and/or contingent matters.
 - b. Whether an on-demand service, like that available in Timaru, is realisable in the short, medium or long term, identifying the degree of uncertainty and/or contingent matters.
- 65 At the time of writing these submissions, I do not yet know what the output of that conferencing may be. Accordingly, these submissions focus on the issues raised in Mr Fleete's evidence.
- 66 Mr Fleete's evidence highlights the difficulty of servicing the PC31 site from a public transport perspective, due to it being an isolated, stand-alone residential development. In Mr Fleete's opinion, public transport is part of the strategic transport network and provides accessibility to opportunities through transport choice.²¹
- 67 In my submission, public transport and its use in the wider strategic transport network is a key component of a well-functioning urban environment, both by ensuring good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and by supporting a reduction in greenhouse gas emissions.
- 68 As Mr Fleete has identified, however, there is currently no public transport service provision to the Ohoka area.²² Further, in Mr Fleete's opinion it is highly unlikely that any form of service extension or provision could be contemplated, given that a development of 850 households would generate around \$21,000 per annum in rates, therefore requiring

²⁰ Statement of Evidence of Joanne Mitten dated 21 July 2023 at [142]-[143].

²¹ Statement of Evidence of Leonard Fleete dated 21 July 2023 at [29].

²² Statement of Evidence of Leonard Fleete dated 21 July 2023 at [33].

significant subsidies in order to offer a public transport service level that would make residents consider forgoing the use of their private vehicles.²³

Waterbodies and freshwater ecosystems

69 Dr Burrell's evidence highlights two principal ecology issues associated with PC31:

- a. The first being the management of waterway setbacks through the Outline Development Plan; and
- b. The second being the potential impact on the hydrology of waterbodies, including threatened ecosystems.

70 I understand that Dr Burrell's concerns regarding the management of waterway setbacks through the Outline Development Plan may now have been addressed through changes proposed by the Applicant during the hearing.

71 The potential hydrology impacts on ecology remain of concern to Dr Burrell. Dr Burrell will address you further on these matters.

Groundwater

72 Mr Wilkins' evidence describes the groundwater conditions across the PC31 site and the Regional Council's monitoring in the area. His evidence concludes that groundwater levels are often close to the surface across the PC31 site.²⁴

73 Further, Mr Wilkins has identified the existing resource consents that authorise the take and use of groundwater from shallow bores across the PC31 site, concluding that these shallow bores may be lowering groundwater levels in the PC31 area during the irrigation season.²⁵ If the site is rezoned for residential development and the resource consents are no longer exercised, groundwater levels may rise further.

74 As noted earlier in these submissions, to the extent that there remains uncertainty regarding the ability to service the PC31 site, this goes to the

²³ Statement of Evidence of Leonard Fleete dated 21 July 2023 at [42]-[44].

²⁴ Statement of Evidence of Benjamin Wilkins dated 21 July 2023 at [25].

²⁵ Statement of Evidence of Benjamin Wilkins dated 21 July 2023 at [49].

appropriateness of rezoning the land, in terms of whether the proposed zoning is the most efficient and effective use of the land.

Flood hazard

- 75 Finally, I note that the Regional Council also called evidence from Mr Margetts regarding natural hazards, in particular flood hazard, associated with development of the PC31 site given the significant increase in impervious areas resulting from the development.
- 76 There is a degree of consensus between the experts for the Regional Council and the Waimakariri District Council regarding the management of flood hazard. In Mr Margetts' opinion, to the extent that any development enabled by PC31 would cause increases to flood levels of surrounding properties, this would need to be addressed through detailed stormwater and earthworks design.²⁶
- 77 However, I note that in the light of the summary statements of evidence prepared by Mr Throssell, Mr O'Neill, and Mr Walsh for the Applicant, Mr Margetts is concerned that Mr Throssell and Mr O'Neill may be describing two different stormwater solutions, which in turn has an impact on the modelling used by Mr Throssell. Mr Wilkins will address you further on this issue, but I simply note that there is considered to be insufficient information available to fully understand and assess the effects of PC31 on flood hazard as a result of the approaches undertaken by Mr Throssell and Mr O'Neill.

Conclusion

- 78 To conclude, the position of the Regional Council remains that PC31 be declined because:
- a. PC31 will not give effect to the NPS-UD or the CRPS; and
 - b. There remain uncertainties with respect to the ability to service the PC31 site, not only in relation to public transport, but potentially also in relation to stormwater, such that the rezoning of the PC31 site will not result in the efficient and effective use of the land.

²⁶

Statement of Evidence of Callum Margetts dated 21 July 2023 at [29].

Dated this 8th day of August 2023



I F Edwards

Counsel for the Canterbury Regional Council