

# **Section 42A Report**

## **RCP031 Ohoka Plan Change**

prepared for the

# **Hearings**

on the

# **Operative**

# **Waimakariri District Plan**

**3 August 2023**



**WAIMAKARIRI**  
DISTRICT COUNCIL

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## LIST OF ABBREVIATIONS

<b>RCP031</b>	The Proposed Private Plan Change at Ohoka
<b>RIDL</b>	Rolleston Industrial Developments Limited – The Plan Change Proponent
<b>Council</b>	Waimakariri District Council
<b>WMK</b>	Waimakariri District Council – as a submitter
<b>CCC</b>	Christchurch District Council
<b>DDS</b>	Waimakariri District Development Strategy ‘Our District, Our Future – Waimakariri 2048’
<b>ECan</b>	Environment Canterbury / Canterbury Regional Council
<b>NPS-UD</b>	National Policy Statement for Urban Development
<b>NPS-HPL</b>	National Policy Statement for Highly Productive Land 2022
<b>Ohoka ODP</b>	Ohoka Outline Development Plan
<b>PDP</b>	Proposed Waimakariri District Plan
<b>RMA</b>	Resource Management Act 1991
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>ODP</b>	Operative Waimakariri District Plan
<b>S32</b>	Section 32 RMA Report
<b>S42A</b>	Section 42A RMA Report
<b>VKT</b>	Vehicle Kilometres Travelled
<b>GHG</b>	Greenhouse Gas Emissions
<b>OOCB</b>	Oxford / Ohoka Community Board

## 1. INTRODUCTION

- 1.1 My name is Andrew Willis. I am a director of Planning Matters Limited; a planning and resource management consulting company based in Christchurch. I have been engaged by the council as an independent planning consultant to prepare a s42A report on RCP031.
- 1.2 I hold the qualifications of Bachelor of Science (in Ecology and Zoology) from the University of Canterbury (1993) and a Masters of Science in Resource Management with honours (Lincoln University 1996). I am a full member of the New Zealand Planning Institute (NZPI) and former Deputy Chair of the NZPI national board. I am an accredited resource management hearings commissioner and have acted in that capacity for the Selwyn and Mackenzie District Plan reviews.
- 1.3 I have over 25 years' experience in planning as a district and regional council planner and in the private sector, including over 10 years as an independent planning consultant. The majority of my experience has been in policy projects, including preparing plan changes and drafting s32 reports. Of relevance to RCP031, I supported the District Council to prepare the Waimakariri District Development Strategy 'Our District, Our Future – Waimakariri 2048' (DDS). I also led the review of the Canterbury Regional Policy Statement 2013 (CRPS) when employed by Environment Canterbury (others did so before and after me), drafting a number of its chapters, and helped draft the Land Use Recovery Plan and associated Chapter 6 of the CRPS (as a consultant for The Canterbury Earthquake Recover Authority) which covers the recovery and rebuilding of Greater Christchurch.
- 1.4 Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence. Other than when I state that I am relying on the advice or evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## 2 SCOPE AND PURPOSE OF REPORT

- 2.1 This report has been prepared in accordance with Section 42A of the RMA to assist the Hearing Panel in considering the issues or subjects raised by submissions and further submissions on RCP031. It makes recommendations on RCP031 and submissions and further submissions received on it. It also provides submitters and further submitters with an opportunity to see how their submissions and further submissions have been evaluated and the recommendations being made by the reporting officer, prior to the Hearing.
- 2.2 Recommended decisions on submissions and further submissions are shown in Appendix 2 to this report. The points made and decisions sought in submissions and further submissions can be grouped according to the issues or subjects raised and have been considered on that basis.
- 2.3 Any conclusions and recommendations made in this report are my own and are not binding upon the Hearing Panel in any way. The Hearing Panel are required to consider all submissions and evidence presented at the Hearing. It should not be assumed that the Hearing Panel will

reach the same conclusions as I have when they have heard and considered all of the submissions and evidence presented.

2.4 In preparing this report I have:

- Visited the site and the wider Ohoka area;
- Reviewed the original RCP031 request, the further information request and the updated RCP031 documentation that was notified, including the supporting technical reports;
- Read and considered all the submissions received on the plan change;
- Considered the statutory framework / relevant planning documents;
- Considered and where necessary, relied on the following additional technical reports that were engaged to assist with the reporting on RCP031:
  - Productivity assessment (Mr Ford from the AgriBusiness Group) – Appendix 3;
  - Economic review (Mr Yeoman from Formative) – Appendix 4;
  - Natural hazards (Mr Bacon – Council) – Appendix 5;
  - Three waters servicing (Mr Roxburgh – Council) – Appendix 6;
  - Transport (Mr Binder – Council) – Appendix 7;
  - Urban design and landscape (Mr Nicholson from UrbanShift) – Appendix 8.

2.5 I confirm I have based my opinion on the sources of information identified in this report.

2.6 I note that the Section 32 RMA report (s32)<sup>1</sup> for RCP031 provides a detailed record of the relevant statutory considerations. It covers the relationship between relevant sections of the RMA, “higher order” documents (such as NPS’, NES’ and the RPS), and other relevant legislation, documents, plans and strategies. Where I have agreed with this assessment I have stated this in my report and not repeated that detail here. However, I have referenced or restated provisions if necessary to more fully explain my recommendations or where I reach a different opinion to that within the s32.

### 3 PROCEDURAL MATTERS

3.1 In late 2021, Rolleston Industrial Developments Limited (RIDL) lodged a private plan change request with the Council to amend the Operative District Plan (ODP). Following a Council request for further information and receipt of an updated plan change request (June 2022), RCP031 was accepted for public notification by the Council (without modification) and formally notified on 9<sup>th</sup> July 2022.

3.2 Under RMA s25, the Council may either accept or adopt the request in part (clause 25(2)), deal with the request as if it were an application for a resource consent (clause 25(3)), or reject the request in whole or in part (clause 25(4)). A request may only be rejected if one of five grounds exist (clause 25(4)(a) to (e)), including that the substance of the request has been considered in the last two years, the plan has been operative for less than two years, or that the request does not constitute ‘sound resource management practice’.

3.3 I note the Waimakariri District Council made a submission objecting to RCP031. I understand that this submission was prepared by an external lawyer, relying on external technical infrastructure input and external planning advice. I understand that there was no input into

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<sup>1</sup> Attachment 5: Section 32 Evaluation, Request for Change to the Waimakariri District Plan, June 2022

this submission from Council staff. As such, it is my understanding that the Council's engineers are able to provide specialist technical reports to support this s42A report.

- 3.4 The Council has attempted to procure local market demand evidence to identify the likely demand for housing in Ohoka. Unfortunately, to date this has not been able to be obtained.
- 3.5 There have been no pre-hearing conferences, clause 8AA (First Schedule, Part 1) meetings or expert witness conferencing in relation to submissions on this topic.
- 3.6 I have no conflicts of interest to declare. However, I wish to identify that I provided advice to Council staff on RMA clause 25 matters as part of the Council's consideration of whether to notify RCP031. I recommended that the Council accept RCP031 for notification, having carefully considered the identified tests that applied. Overall, I considered the hearing process was the appropriate way to test the merits of the proposal, including whether it constituted 'sound resource management practice'. I did not provide an opinion as to the merits of the proposal, rather, my comments were limited to the tests in s25. As such, I do not consider my involvement at that stage to be a conflict of interest.
- 3.7 It is important to note at the outset that I have not provided an opinion on whether the NPS-HPL applies to the subject site for the reasons provided in section 7.3. I have also not provided an opinion on the relationship between the responsive NPS-UD provisions and the directive CRPS provisions, also for the reasons provided in section 7.3.
- 3.8 In my opinion, given the significance of these matters, insufficient evidence has been provided in the s32 on both matters to enable me to form an opinion. I anticipate further evidence and legal submissions will be provided to the Hearing Panel on these topics. I therefore anticipate being able to provide an opinion on these matters after relevant evidence has been presented. I note that the Hearing Panel may wish to seek legal advice on these matters and, depending on evidence presented, may request the experts to conference on these topics.

## 4 STATUTORY CONSIDERATIONS

- 4.1 The process for making a plan change request and how this is to be processed is set out in Schedule 1 of the Resource Management Act 1991 (RMA). Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1 (Part 5 of Schedule 1 relates to the use of the 'streamlined planning process' and is not relevant to this plan change).
- 4.2 Clause 22 of Part 2 of Schedule 1 requires that the plan change request:
  - Explain the purpose of, and reasons for, the proposed change;
  - Contain an evaluation report prepared in accordance with section 32 of the RMA; and
  - Where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.
- 4.3 In this case, the tests to be applied to the consideration of RCP031 under Schedule 1 Part 2 of the RMA are summarised below and include whether:
  - a. It accords with and assists the Council to carry out its functions (s74(1)(a) and s31);
  - b. It accords with Part 2 of the Act (s74(1)(b));

- c. It accords with a national policy statement, a national planning standard and any regulation (s74(1)(ea) and (f));
- d. It will give effect to any national policy statement, national planning standard or operative regional policy statement (s75(3)(a)(ba) and (c));
- e. The objectives of the request (in this case, being the stated purpose of the request) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- f. The provisions in the plan change are the most appropriate way to achieve the objectives of the District Plan and the purpose of the request (s32(1)(b)).

4.4 In evaluating the appropriateness of RCP031, the Council must also:

- a. Have particular regard to an evaluation report prepared in accordance with s32 (s74(1)(d) and (e));
- b. Have regard to any proposed regional policy statement, and management plans and strategies prepared under any other Acts and consistency with the plans or proposed plans of adjacent territorial authorities (s74(2));
- c. Take into account any relevant planning document recognised by an iwi authority (s74(2A));
- d. Not have regard to trade competition or the effects of trade competition (s74(3));
- e. Not be inconsistent with a water conservation order or regional plan (s75(4));
- f. Have regard to actual and potential effects on the environment, including, in particular, any adverse effect in respect to making a rule (s76(3)).

4.5 The plan change request considers the actual and potential effects of the plan change on the environment, and where necessary, I have made further comment and assessment of these in this report. Similarly, an assessment of RCP031 against the various statutory documents it is required to have regard to is set out in this report.

4.6 I also note that the Council has notified a Proposed District Plan (the PDP). At the time of writing this report, the submission and further submission periods on the PDP has closed, and hearings have begun. My understanding of the statutory context is that there is no specific requirement to consider RCP031 against the PDP. However, in my opinion the PDP is useful in understanding the current issues in the District and proposals for Ohoka in terms of the Council's obligations under s74(1) of the RMA and the PDP's approach to growth management. Weight can be given to this document as it has been developed to give effect to the most recent higher order documents (other than the NPS-HPL) so its policy direction is more current than the ODP. However, I note that there have been submissions seeking rural residential and urban rezonings outside of the PDP's identified growth areas so its approach to urban re-zoning is not settled.

4.7 I understand that RIDL also submitted on the PDP, seeking essentially the same outcome as requested through RCP031. Given this, there will be two hearings on the same proposal / site – one for RCP031 on the ODP, and one for the submissions on the PDP. Should the Hearing Panel accept RCP031, then the submissions on the PDP provides the scope to amend that plan accordingly. Should the Hearing Panel decline RCP031, then RIDL can still progress its argument through the PDP hearings. Appeal rights exist for both processes and I note that RIDL can withdraw the RCP031 request any time up until public notice of a decision (RMA schedule 1, clause 28).

- 4.8 The Enabling Housing Supply Amendment Act 2021 (the Amendment Act) states it does not apply to large lot residential, settlement or rural zones as created under the National Planning Standards. Under the ODP the subject site is zoned rural, while the Ohoka settlement area is zoned Residential 3 (Small Settlement) Zone, with the rural residential area zoned Residential 4A / B. Under the PDP these sites are proposed to be zoned rural (for the subject site), Settlement Zone for the Ohoka settlement and large lot residential for the rural residential areas. As set out in the s32 for Variation 1 to the PDP (section 3.1), it appears that the Amendment Act does not apply to the subject site as the existing and proposed zones are not 'relevant residential zones' to which the Amendment Act applies, nor does the proposed Business 4 Zone meet the tests in s77F). However, I note that the Applicant has submitted on Variation 1 to the PDP seeking that the MDRS apply to the site. Because of this, the relevant technical evidence has also considered what effect this higher density (potentially a threefold density increase) might have on their conclusions regarding the development proposed in RCP031. This assessment is for information purposes only as it is not certain if the MDRS provisions will apply, as these need to go through the PDP hearing process.

## 5 SITE DESCRIPTION AND PLAN CHANGE PROPOSAL

The plan change proposal, site and surrounds description and proposed ODP changes are set out in detail in the RCP031 documentation and as such do not need repeating in detail here. The sections below describe the main features.

### 5.1 Site description and surrounding environment

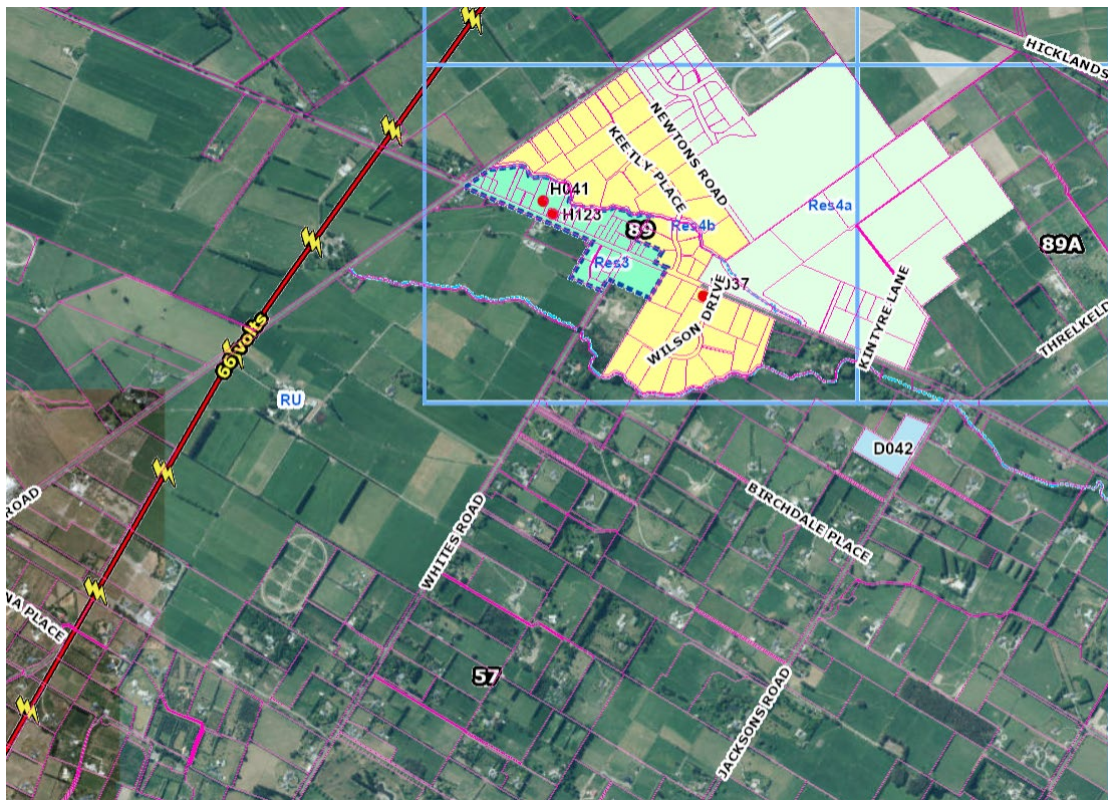
- 5.1.1 The plan change site adjoins the Ohoka settlement, which is centred on areas of Residential 3 and 4B zoned land, with a notional centre near the intersection of Mills Road and Whites Road. The denser residential centre is surrounded by rural residential and rural zoned areas. Mandeville is located to the south west. The subject site is shown in its wider setting in Figure 1. The current Operative District Plan zoning is shown in Figure 2.

***Figure 1 - Aerial photograph indicating the subject land in its wider setting (Source: RCP031 S32)***





**Figure 2 – Current Operative District Plan zoning of the site and surrounding area**



5.1.2 As set out in the RCP031 s32 (paragraph 27), commercial activities currently located in Ohoka include the following:

- The Ohoka GAS service station providing day-to-day type goods and services for the local population with automotive servicing and attached dairy which is located on the corner of Mill Road and Whites Road opposite the Domain;
- Millwood Weddings, which offers wedding services including its onsite chapel as a wedding venue;
- WaterForce (irrigation, filtration, plumbing);
- Litho Print Graphics;
- The Waimakariri Dental Centre; and
- The Baby Kulture Handkits baby clothing store.

5.1.3 The s32 also notes the Ohoka Domain (with the Ohoka Farmers Market, tennis courts, playground, etc), the Ohoka Hall across Mill Road, local recreational facilities and Ohoka School (paragraphs 23, 24 and 25).

5.1.4 As set out in the RCP031 s32 (paragraph 20), for the most part, the current land use of the plan change site is a dairy farm and cattle breeding, with the farmhouse and farm buildings in a cluster towards the western corner and an additional cluster of farm buildings near the boundary of 531 Mill Road. Open paddocks predominate, but the site comprises a variety of mature trees and shelterbelts. A high-water table extends over the site and several waterways, including Ohoka Stream and the Ohoka South Branch, flow in an easterly direction. Roughly 350 metres from the farmhouse is another more recent dwelling situated next to a pond mostly surrounded by mature vegetation. The pond is fed by one spring, while another spring nearer to Bradleys Road drains through a channel within the plan change area. Another notable feature of the site is the 66kV electricity transmission lines that run through the western part of plan change area.

## 5.2 The Proposal

5.2.1 The proposal seeks to rezone approximately 156 hectares of rural zoned land on Mill Road and Bradleys Road adjacent to Ohoka to Residential 3 (700 residential lots), Residential 4A (100 residential lots), Residential 8 (a school, a retirement village or 45 residential lots) and Business 4 commercial land (as shown on Figure 3 later in this report).

5.2.2 I understand that the Ohoka township currently has around 111 dwellings (section 4.1.4 in the Formative Report attached as **Appendix 4**). An additional 845 dwellings in the township would therefore grow the township 7-fold. I understand the average Waimakariri household population is 2.6 people per dwelling (Statistics NZ figures). The population is therefore likely to grow from 288 to over 2,485. By comparison, I understand that the population of Oxford is 2,200, while Pegasus is approximately 3,300 (Statistics NZ figures). The proposal is therefore very significant for Ohoka and the District.

5.2.3 As set out in the s32, the proposed Residential 3 and 8 zones occupy roughly two thirds of the plan change area. The Residential 3 Zone will provide for variable lot sizes with the minimum allotment size being 500m<sup>2</sup>. In general, the smaller properties will be located closer to the two proposed Business 4 zones (Mill Road and Whites Road) and the density will decrease towards the Residential 4A Zone area. A network of open space corridors along waterways are proposed in these residential zones, significantly reducing the developable land area (refer to Attachment 4: Proposed Outline Development Plan of the application).

5.2.4 The s32 states (in paragraph 31) that the larger of the two Business 4 zones has frontage to Whites Road and immediately adjoins the existing Residential 3 zoned land to the northeast. This is intended to be the location of an expanded village centre for Ohoka. The s42A report states that this modestly sized local centre of approximately 5,700m<sup>2</sup> to 6,900m<sup>2</sup> of commercial floorspace is envisaged to serve the local community with day-to-day goods and services. After roads, stormwater management, pedestrian links, car parking and a small village square are subtracted from the Business 4 area, roughly a quarter of the zone will be left to accommodate commercial activities. Car parking within the Business 4 Zone will be of a high amenity standard, with generous tree planting, and integrated into the village square. The car parking will provide additional hard surface area when required for community events, including for the Ohoka Farmers Market.

5.2.5 Urban design attributes are identified as stated in the s32, based on a supplied urban design assessment. I note that the proposal relies on subsequent design guidance and an independent design approval process. Paragraph 37 of the s32 states:

*“To ensure development enabled by the proposed plan change is of the quality and character required to achieve a rural village aesthetic, it will be necessary to establish design guidance and an independent design approval process (as has been successful in other locations such as Jacks Point in Queenstown and Kirimoko in Wanaka). This detail can be developed at subdivision consent stage in collaboration with Council.”*

5.2.6 Transport attributes are described and supported by a supplied integrated transport assessment. The s32 notes (paragraph 44) that the concept road designs are unlikely to comply with existing Council standards and that RIDL will work with Council to develop appropriate standards for the plan change area. The proposal also identifies the need for road widening of the roads identified below and that the Applicant will work with the Council to develop a fair and equitable cost sharing arrangement for this. The s32 states that roads requiring road widening are:

- Tram Road, regardless of the proposed plan change;
- Bradleys Road, regardless of the proposed plan change;
- Whites Road, where some widening is required regardless of the proposed plan change with further widening required because of the additional traffic associated with the plan change; and
- Mill Road, where as above, some widening is required now, and additional widening is required to accommodate the traffic associated with the plan change request.

5.2.7 Servicing is addressed in detail in the Applicant-supplied infrastructure assessment. The s32 summarises the servicing options (beginning at para 46) as follows:

#### **Wastewater**

5.2.8 Effluent will be reticulated to the Rangiora Wastewater Treatment Plant either via gravity reticulation or a low-pressure sewer system. RIDL’s civil engineering consultants prefer a low-pressure system given it provides a superior level of resilience during periods of high rainfall.

#### **Water**

5.2.9 Potable water will either be supplied via the existing Ohoka Water supply scheme or from a community drinking water scheme by transferring existing water take consents, or a combination of the two. Existing reticulation and well capacity does not provide sufficient

firefighting water flows. An upgrade to the headworks will be required along with additional supply to comply with the relevant firefighting standards.

### **Stormwater**

5.2.10 Stormwater management areas are proposed within the plan change area to provide for treatment and attenuation. As set out in the infrastructure report the Stormwater management areas will consist of:

- a first flush basin to capture and remove total suspended solids in the runoff generated by the first 20mm of rainfall on the catchment (primary treatment);
- constructed stormwater wetland areas for secondary treatment to provide water quality polishing in rainfall events up to the first flush volume and provide live storage in large rainfall events exceeding the 20% AEP (1 in 5 year) event; and
- a detention basin to provide water quantity attenuation in large rainfall events greater than the first flush event, but up to the 2% AEP.

### **Electricity and Telecommunication**

5.2.11 The s32 states that sufficient power for the development is available from the existing electricity network bordering the site and telecommunications can be provided underground to future allotments from an existing fibre network in Mill Road.

5.2.12 In addition to the above identified supporting technical reports, RCP031 provides the following additional technical reports:

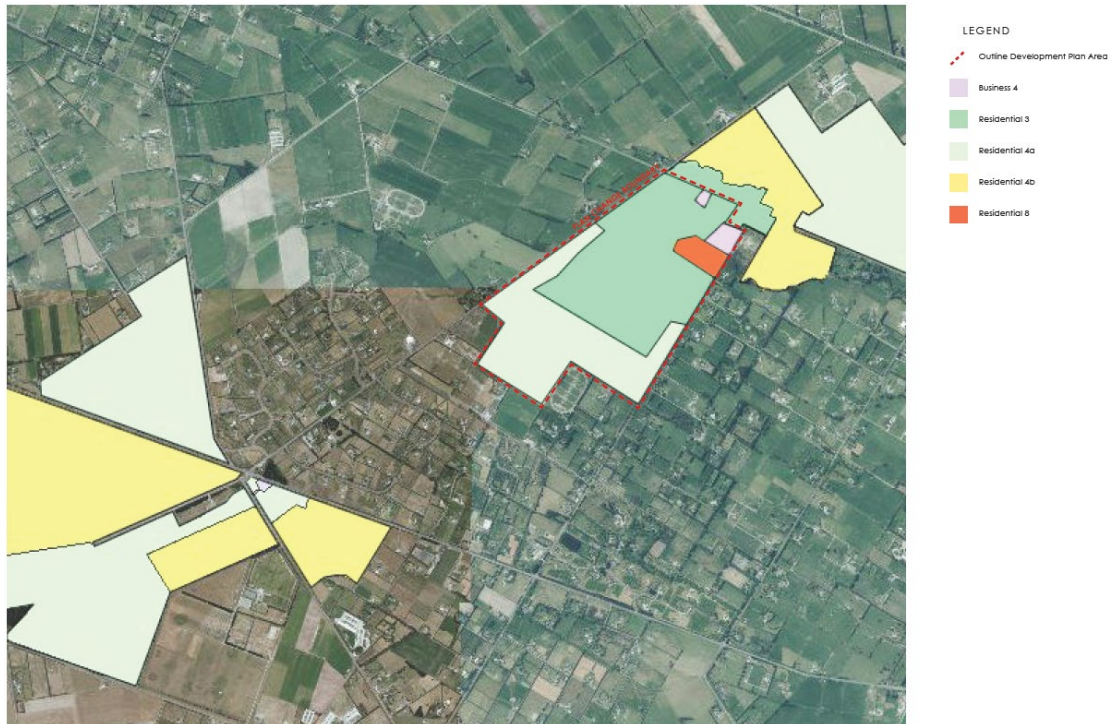
- Potential loss of productive land;
- Geotechnical assessment;
- Preliminary site investigation report;
- Ecology assessment;
- Landscape assessment; and
- Economic assessment.

## **5.3 Proposed changes to the District Plan**

5.3.1 As set out in the s32, RCP031 adopts three current zones from the ODP, being Residential 3 & 4A and Business 4. The plan change also creates a new zone, the Residential 8 Zone, to provide for a possible school or retirement village, or residential activities commensurate with the Residential 3 Zone if neither a school nor a retirement village is developed. The proposed zoning pattern, together with the ODP's zoning for other parts of Ohoka and Mandeville, is shown below in **Figure 3**.

*Figure 3 – Proposed District Planning Map for RCP031*





5.3.2 The s32 states that the principal ODP change is to the planning maps and the insertion of an outline development plan, and that the further amendments to provisions are proposed to enable the proposed expansion of Ohoka in a manner appropriate for its rural setting. These further amendments include:

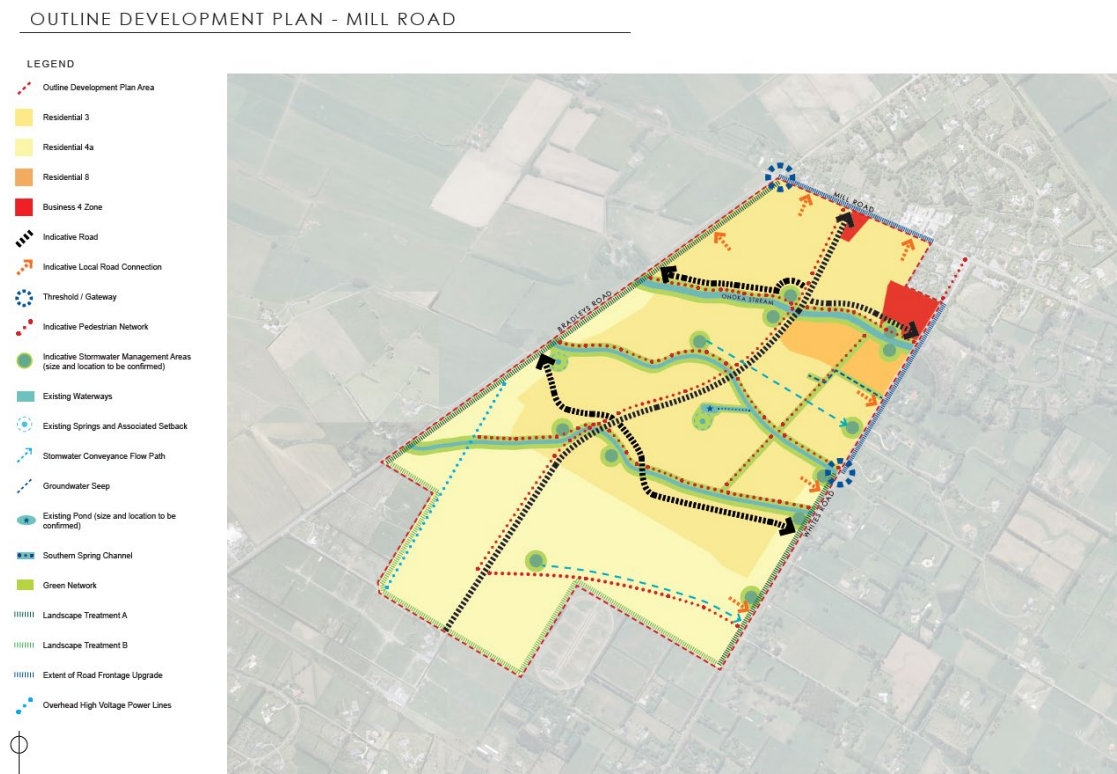
- A new definition of educational facilities;
- A new policy covering retail and business activities in the Ohoka Business 4 zone;
- Minor amendments to the explanation to Policy 18.1.1.9 to match the size of allotments proposed;
- Amendments to the utilities and traffic management section to exclude the proposed roads from needing to comply with the minimum road requirements;
- Inclusion of specific structure coverage, structure setback, height and screening and landscape rules for the Ohoka development;
- A new controlled activity rule for a retirement village and education facilities in the proposed Residential 8 zone;
- Specific subdivision rules for the Residential 3 and Residential 8 zones on the subject site; and
- Various minor consequential changes to reference proposed district Planning Map 185 (the ODP) and the proposed new Residential 8 zone.

5.3.3 The proposed Ohoka ODP is included as **Figure 4** below. Accompanying the Ohoka ODP is a narrative setting out:

- A description of the anticipated land uses, including minimum residential density;
- A statement on the proposed movement network, including indicative road cross-sections;
- A statement on the proposed water and wastewater network;
- A statement on the proposed open space, recreation and stormwater management;
- A statement on character and amenity through landscape and design;

- A statement on waterbodies and freshwater ecosystems; and
- A cultural statement.

Figure 4 - Proposed Outline Development Plan for RCP031



## 6 ANALYSIS AND EVALUATION

### 6.1 Overview of Submissions and Further Submissions

- 6.1.1 RCP031 was publicly notified for written submissions on 6 July 2022 and the opportunity to lodge submissions closed on 12 August 2022. A total of 25 working days were allowed for written submissions.
- 6.1.2 A summary of the decisions requested in submissions was publicly notified on 18<sup>th</sup> February 2023 and closed on 3<sup>rd</sup> March 2023. A total of ten working days were allowed for written further submissions.
- 6.1.3 A total of 844 primary submission points were received on RCP031. There are also 55 further submission points (in support or opposition). Unfortunately it is not always clear if a submission supports or opposes RCP031 as this may not be stated in the submission, or support or opposition is conditional on requested changes. Based on an assessment of the submissions it has been determined that there are 32 primary submission points in support of the proposal, 790 in opposition and 23 neutral.
- 6.1.4 A summary of the submissions is available at Appendix 2.
- 6.1.5 Seven original submissions were received after the submission period closed. Of these, five were received on the 13th August (one day late), one on the 14th (2 days late) and one on the

15th August (3 days late). The Council chose to accept these late submissions and they were included in the public notice calling for further submissions.

## 6.2 Summary of Issues/Subjects Raised in Submissions

6.2.1 The points made and decisions sought in submissions and further submissions can be grouped according to the issues or subjects raised as set out below, and are considered in that order in my report:

- (a) Land suitability, e.g. use of highly productive land, land contamination, geotechnical, natural hazards;
- (b) Three waters infrastructure servicing (potable water, wastewater and stormwater);
- (c) Other non-transport infrastructure (e.g. power and telecommunications);
- (d) Transportation;
- (e) Effects on Ohoka village character, amenity and landscape matters;
- (f) Aquatic and terrestrial ecology;
- (g) Commercial distribution; and
- (h) Other matters.

## 6.3 Recommendations

6.3.1 A full list of submissions and further submissions on RCP031 and recommended decisions on those is contained in **Appendix 2**. Recommended amendments to the provisions as a result of the submissions and further submissions can be found in **Appendix 1**.

## 6.4 Analysis of Submissions and Further Submissions

6.4.1 Given the significant number of submitters and the various issues raised within each, the approach to the reporting below is topic based rather than submission based. Individual submissions are for the most part not referenced; however, I have included many submissions that address the topic covered. On this point, I reviewed the submissions in the order they were coded and have generally referenced those submissions coded earlier in the process when assessing a topic (i.e. submissions with a lower submitter number). Whether a submission is referenced or not is not a reflection on the quality of the submission or the comments made – it is simply a reflection of the number of submissions that raised the same points. I confirm that I have read and am familiar with the content of every submission/further submission lodged, even if these are not referenced in the body of my report. The topics below are arranged in accordance with the summary of issues raised above.

## 6.5 Land Suitability

### **Loss of productive farmland**

6.5.1 The s32 identifies the loss of productive farmland as an issue (paragraphs 67 to 70) and includes a report by Mr Mthamo from Reeftide Environmental and Projects Ltd (contained in the s32 as Appendix A). The s32 acknowledges that the proposed plan change will result in land that, for the most part, is used for dairy farming being developed for residential and

associated activities at urban and peri-urban densities. The s32 highlights Mr Mthamo's conclusions that only 0.64 hectares of the plan change area contains versatile soils and the factors that affect productive intensification of the site or mitigate loss of productive land.

- 6.5.2 The s32 refers to the economic assessment prepared by Mike Copeland of Brown, Copeland & Co (contained in the s32 as Appendix I) to understand the costs associated with lost agricultural production, stating that:

*"...any lost agricultural production is not an external cost of using the site for residential development. The productive value of the land in alternative uses (such as agricultural and other use) has been internalised into the cost structure of the development – in other words RIDL in agreeing to purchase the land has agreed a price reflective of future net returns from alternative uses for the land. Such costs are not costs to be borne by the wider community."*

- 6.5.3 The s32 concludes that while the plan change proposal will result in the loss of agricultural production, the associated adverse effects will be minor.

- 6.5.4 A large number of submitters raised the issue of the loss of productive farmland and the need to protect this, for example, G Power (5), N Chaston (7), S Stewart (20), M Donnelly, R Fraser (51), H Parish (55), J McIndoe (56), K Fraser (58), A Tily (61), S Malzard (62), M & A Smith (71), J Harvey (72), D Taylor (76), R Pegler (502) and WDC (216).

- 6.5.5 CCC (548) considers productive land in the Canterbury region holds substantial value as it contributes to the sustainability of the region through providing land on which locally grown and sourced produce can be farmed appropriately. This then reduces the transport costs associated with the distribution of food to Christchurch City and provides for a variety of land uses in the surrounding region. CCC considers there are more appropriate alternative locations to meet housing needs that do not impact on highly productive land and better achieve higher order documents and which will be determined through spatial planning at a Greater Christchurch level.

- 6.5.6 A number of other submissions also included detail about their experience with farming in the area or included technical matters, including:

- R Luisetti (67) noted cropping yields are declining due to climate change and this proposal will result in the loss forever of good productive land capable of growing 70 tonne of potatoes per hectare or indeed any manner of cereal or horticultural crops ad infinitum, and it can't be assumed the site will be used for dairy forever;
- M Hopkinson (196) has farmed sheep and cattle at 211 and 215 Bradleys Road for 41 years and it is highly productive land, slow drainage (which is beneficial in warmer months for grass growth);
- L McConchie (289) has also farmed sheep and cattle opposite the proposed subdivision and considers the area is amazing farm land and highly productive;
- D B Leslie (382) stated his family has farmed 80ha of the subject site for over 25 years with a top producing dairy herd through till the early 90's and considers it highly productive, healthy land, noting they produced an average of over 600 kgms when even now with improvement in genetics and farming techniques the national average is only 385 kgms.



- L Rau (395) notes that the proposal reports that the milking herd produces 663.3kg milk solids / cow in 2020. This is almost 50% higher than the average yield for the Canterbury region of 469kg milk solids / cow in the same period (Dairy NZ - Latest DairyBase benchmarks retrieved from [www.dairynz.co.nz](http://www.dairynz.co.nz)).

6.5.7 The Council engaged Mr Ford to review Mr Mthamo's assessment. His evidence is attached as **Appendix 3** to this report. Mr Ford identifies a number of shortcomings in Mr Mthamo's assessment, stating in his summary in section 2.2 that Mr Mthamo:

*"...fails to convince us of the veracity of the constraints that he has identified because:*

- *In my view an assessment of the productivity of land should be carried out on its highest and best use which may not necessarily be its current use;*
- *The majority of the constraints he has identified are theoretical and he hasn't proven the connection between his theoretical constructs and what is possible on the site;*
- *The LUC classification is based on a 1 to 50,000 scale map which is too coarse for a property of this size;*
- *For the majority of his constraints, he has presented a worst possible example rather than an average situation;*
- *He has not stated what the properties Baseline GMP loss rate is and the example that he has included is not helpful in determining what it is."*

6.5.8 In Mr Ford's opinion, the highest and best use of the land as a primary productive land use is for dairy farming (section 3.1.3). Mr Ford considers that the land is commercially viable from a production perspective (section 3.1.4). He agrees with the submitters as he has considered that the land is able to be used for a wide range of potential land uses and his findings supports their opposition to the proposal. In regards to the NPS-HPL, Mr Ford notes that should it apply to the site, he considers that this site does not meet the clause 3.10 exemption requirements, i.e. it cannot be shown that there are permanent or long term constraints on the land that mean the use of the highly productive land or land-based primary production is not able to be economically viable for at least 30 years.

6.5.9 Mr Yeoman has also considered the impacts of the proposal on agricultural production in his evidence (section 4.3.1). His evidence is attached as **Appendix 4** to this report. He states that the loss of rural land may be comparably small given the size of the subject site in the context of total agricultural land in Waimakariri and Canterbury. However, at 156ha, the subject site represents a not insignificant land area to remove from productive supply, and that potential removal is a matter that should be considered when assessing the overall merits of RCP031. Mr Yeoman considers the proposal will result in the loss of six jobs within the economy. He agrees with the s32's assessment that the existing agricultural activity generated on the subject site, both in terms of employment and GDP, would be small compared to the farming sector or the entire economy in Waimakariri district (i.e. less than 1% of activity). Also, he acknowledges that the development of this land may avoid the need for other alternative rural land to be subdivided.

6.5.10 However, Mr Yeoman considers that the irreversibility of urbanisation, the finite soil resource, and the need for rural productive land to ensure food security for future generations means that the subdivision of rural land can cause a sustained long-term loss which cumulates through time. The short-term decision by the farmer and developer to subdivide a rural lot will consider market conditions today, but not the wider long-term impacts. Therefore, he

considers that this is a matter that should be considered in assessing the overall merits of RCP031.

- 6.5.11 Based on Mr Ford's and Mr Yeoman's evidence I consider that the current use of the site is viable for rural primary production activity, consistent with the many submitters who have stated this and that there will be a financial impact from the loss of the productive farm. However, as set out later in this report under my statutory assessment, I consider that it is not clear whether the NPS-HPL applies to the site and therefore this is a matter to be considered under the CRPS and the ODP. I have assessed the CRPS and the ODP in the statutory assessment section of my report. In that assessment I identify that ODP Objective 14.1.1 seeks to maintain and enhance both rural production and the rural character of the Rural Zones and that RCP031 will not maintain rural production in the rural zone, contrary to this objective.

#### **Land contamination**

- 6.5.12 The s32 states (in paragraphs 75 to 77) that a Preliminary Site Investigation (provided as Appendix C to the s32) has also been undertaken and that while the investigation found the presence of HAIL activities on the site, the report concludes that:

*"Due to the likely presence of HAIL activities on the site, the NESCS regulations are considered to apply to the site. Subdividing or changing land use is a permitted activity under section 8(4)(b) of the NESCS if the report on the site states that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land.*

*The potential of contamination to soil associated with the identified potential sources of contamination are considered low to high ... depending on the activity identified. However, it is considered unlikely that there will be a risk to human health with the proposed subdivision providing that the potential contaminant source areas ... are assessed and associated risks to human health and/or the environment are mitigated."*

- 6.5.13 The s32 states that a Detailed Site Investigation will be carried out at subdivision consent stage and this will identify what (if any) remediation is required to satisfy the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The s32 states that, based on the relevant assessments discussed above, any potential adverse effects associated with natural hazards and/or contaminated land can be adequately avoided or mitigated.
- 6.5.14 In its submission identifying relevant CRPS matters, ECan (507) identified the need to ensure contamination was properly managed. WDC (216) also identifies contamination issues (paragraph 104). As indicated in my CRPS assessment later in this report, I consider that contamination can be adequately managed at the time of subdivision.
- 6.5.15 I accept the s32 assessment on land contamination and consider that this can be adequately addressed subsequent to the hearing at subdivision stage. I consider that there are no contamination issues that would obstruct the plan change.

#### **Geotechnical matters**

- 6.5.16 The s32 included a geotechnical assessment (provided as Appendix B in the s32). The report stated that the site investigations and preliminary liquefaction assessment indicates that the site is TC1-like and other geotechnical hazards (erosion, slippage and inundation) are considered low to very low risk with appropriate future engineering design. The geotechnical

assessment considered the items required by Section 106 of the RMA and in the author's opinion the site is considered geotechnically suitable for Plan Change and future subdivision.

- 6.5.17 The Council chose not to peer review RCP031's geotechnical report as it appears that the site is suitable for the intended purposes and any geotechnical matters can be adequately managed subsequent to the plan change, at subdivision and building consent stage. I consider that there are no known geotechnical issues that would obstruct the plan change.

#### **Natural hazards - flooding**

- 6.5.18 The s32 assessment includes evidence on stormwater and flooding from Inovo and Pattle Delamore Partners in its Appendix G. The Inovo Infrastructure Report provides a brief flood assessment summary at section 4, whilst the Pattle Delamore Partners Flood Effects Report sets out a more detailed analysis based on modelling of the flood effects of the proposed development.

- 6.5.19 The Inovo report summarises the Pattle Delamore Partners modelling as demonstrating for the post-development event, flood depths within the plan change site being displaced by the developed areas but constrained to the proposed drainage and road corridors within the plan change site, and flood depths greater than 1m are constrained to the existing natural waterways.

- 6.5.20 I note that the Pattle Delamore Partners report concludes (section 6) that:

*"The predicted increase in flood level for habitable dwellings is no greater than 45 mm for average flood depth and no more than 39 mm for peak flood elevations. This demonstrates that there is a feasible solution for the development of this land which will ensure the effects of development are less than minor."*

- 6.5.21 The Inovo report recognises that further work during the detailed design stage, including more detailed flood modelling of the proposed terrain, stormwater storage and conveyance channels is required, and expected to eliminate predicted increases in flood levels at Bradleys Road / Mill Road intersection and to the south-east of Whites Road.

- 6.5.22 Many submitters raised concerns over flooding in the area, stating the site was not suitable for new housing due to poor drainage / drains being at capacity now, existing flood risk and being concerned over the proposal worsening flooding on neighbouring properties from displacement, and reduction in the floodplain. These include: R Hill (12), T S Davison (31), P Trumic (34), R Macpherson (42), A Webb (43), A Gibbs (50), A McAllister (53), J Stapley (60), C Hall (64), N Wilkinson (65), S Stewart (66), L Hurley & C Stephen (73), M & J Williams (75), N Holland (77), M White (80), M Harvey (26), M Jongens (83), OOCB (370), E Low (377), Wilson Drive Residents (204). R Lynn (134) also states that comprehensive floodwater plans are required prior to any plan change approval, rather than at subdivision stage.

- 6.5.23 ODP Policy 8.2.1.4 seeks to avoid, remedy, or mitigate the adverse effects of activities that impede or redirect the movement of floodwater on a site, and/or exacerbate flood risk. The explanation states that activities, particularly earthworks or flood gating, undertaken in the course of subdivision and/or land development have the potential to influence flood hazard either on-site or elsewhere in the District by altering the storage or movement of floodwater and that this policy requires that those undertaking activities that may have an adverse effect avoid such activities, or alternatively, adverse effects shall be remedied or mitigated to ensure that flood risk is not increased, especially elsewhere in the District. I also note that ODP Policy

18.1.1.1(c) requires growth and development proposals to show they will avoid or mitigate natural hazards.

- 6.5.24 In his evidence Mr Bacon considers flood risk resulting from the proposal (his evidence is attached as **Appendix 5** to this report). He considers that the Applicant has appropriately considered the potential increase in flooding within the site, however, has not proposed rules to mitigate against flood risk within the development site (e.g. freeboard requirements; earthworks to raise building platforms). I understand this is required given the absence of this requirement in rules within the ODP.
- 6.5.25 Mr Bacon considers that the Applicant has appropriately considered the potential increase in offsite flooding and has identified an increase in flooding at several dwellings offsite. In particular, he notes that the modelling shows some existing dwellings have an increase in flood depth in the 0.5% event of 45mm and that the report does not state whether or not this effect is reasonable; at this stage it has simply identified the problem. Mr Bacon considers that the increase in flood depth needs to be further assessed to demonstrate there are no adverse off-site effects, and all effects of the development in the 0.5% AEP event can be fully mitigated, and any remaining effects demonstrated to be less than minor to ensure existing dwellings are not adversely impacted by the development. He considers that there is a risk there is no practical mitigation able to be identified at resource consent stage which can be implemented to protect the affected properties and that it would be helpful to understand the types of mitigation measure the Applicant could put forward to manage increased flood effects on offsite dwellings.
- 6.5.26 Based on the evidence presented and Mr Bacon's opinion, I consider that the proposal does not adequately demonstrate that off-site flood risk can be appropriately managed. Ideally evidence on mitigation measures will be provided as part of the Applicant's evidence to the Hearing Panel.

## 6.6 Three Waters Infrastructure

- 6.6.1 The s32 covers three waters servicing in paragraphs 46 to 50 and concludes (based on supporting infrastructure reports) that the site can be fully serviced.
- 6.6.2 A large number of submitters commented on such matters as: the ability of the proposal to be serviced; that the existing services are already stretched; the need for three waters infrastructure upgrades; and querying who will bear the cost of these. Many of the stormwater comments were also related to flooding issues discussed earlier. Submitters on this topic include: A Marks (10), R Hill (12), C Warne (16), A Nelson (21), B McGirr (13), S Van Der Leu (22), J Hugo (23), S Davison (31), R Fraser (51), J Stapley (60), J Harvey (72), M White (80), M Armstrong (83), M Jongens (83), M Emms (172), G Wells (604), and T Lawry (25).
- 6.6.3 Some submitters such as N Jones (288) and The Residents of Birchdale Place (518) are concerned over impacts on their bores and the availability of water and note no testing is proposed until subdivision consent stage. B Davey (130) has concerns with stormwater and water supply and also notes site specific pumping tests and an assessment of environmental effects will be required to support the resource consent application. Based on advice from Stantec, WDC (216) is also concerned that necessary additional testing on proposed bores will not be carried out until the resource consent stage and that ultimately, this means that there is not a clear understanding of the capacity of the bores, the potability of the water, or the likelihood of interference effects on neighbouring takes (paragraph 50). WDC also notes that

whether the proposal to transfer the existing takes with a change of use from irrigation to community supply is allowable under the LWRP rules following the recent Aotearoa Water 12 decision by the Court of Appeal is another question that would need to be answered (paragraph 51). For stormwater management, WDC (216) noted that this required further investigations and design to confirm it can be appropriately managed and considers that this does not provide sufficient detail or certainty for RCP031 (paragraphs 56 and 57). WDC made similar comments for wastewater (paragraphs 61 and 62).

- 6.6.4 The Council's assessment of the Applicant's three waters servicing proposal is contained in **Appendix 6** to this report. For potable water, Mr Roxburgh states (paragraph 19) that as a general theme throughout the Pattle Delamore Partners report, it is concluded that it is feasible that a water supply with adequate capacity can be provided, but that the bores will need to be drilled and tested to confirm this. He notes this is different to saying that there is adequate information to conclude that an adequate supply will be able to be developed with a degree of certainty. He considers that any project such as this relying on certain aquifer parameters being achieved, carries with it a degree of uncertainty. He considers that the information provided by Pattle Delamore Partners does not thoroughly explore this uncertainty, or comment on the implications if the aquifer parameters differ from those assumed. He considers there is presumably a scenario in which the required yield cannot be achieved without unacceptable levels of drawdown, and it is unclear how this scenario would be addressed.
- 6.6.5 I note that Mr Roxburgh states (paragraph 14) that under current Environment Canterbury (ECan) rules, the Ohoka groundwater zone is overallocated and that following Plan Change 7 and the recent Aotearoa Water 12 Court of Appeal decision, any further take and use of groundwater in an overallocated zone is a prohibited activity. He notes that a transfer of an existing use (irrigation) to another (drinking water) is also potentially affected by the decision. Mr Roxburgh states that the ability to obtain an ECan consent is outside the scope of his report and is an issue the Applicant will need to address with ECan directly in due course. However, he notes that at this time, the transfer has not been applied for and no new ECan consents have been granted and the ability to transfer the existing consents, or obtain new ones, is therefore uncertain. I note ECan (507) raised this matter in their submission.
- 6.6.6 Mr Roxburgh concludes (paragraph 20) that overall, the Infrastructure Report and supporting Pattle Delamore Partners investigations demonstrate a water supply could be provided for the proposed plan change area, providing that the assumptions around aquifer parameters are valid. However, if the assumptions around the aquifer are found not to be valid once a bore is drilled and tested, there is not a viable option for water supply for the development. He states that for this reason, the application cannot be supported until test bore(s) are drilled confirming quantity and quality of water is available that does not have unacceptable levels of drawdown.
- 6.6.7 For wastewater, Mr Roxburgh states (paragraph 36) that the Infrastructure Report demonstrates there are viable options for wastewater servicing. He notes that Council policy requires gravity systems to be installed where possible, due to the lower ongoing maintenance and servicing costs. He considers ground conditions in the area will be a major challenge to the installation of infrastructure, but that the details of the network configuration can be worked through at a later stage. Ultimately, he concludes that it may be an expensive system to design and install, but it is not impossible to provide wastewater services to support RCP031.

- 6.6.8 With regard to stormwater, Mr Roxburgh notes (paragraph 46) that the Inovo and PDP reports put forward technically viable stormwater treatment options, which meet District Plan requirements and that the design of the stormwater reticulation and attenuation needs to be developed, but at a concept level Inovo and Pattle Delamore Partners have calculated a land area required for attenuation, and details of the reticulation network can be progressed later. However, Mr Bacon notes that due to current consenting challenges with ECan which, as at the date of writing remain unresolved, it is not clear if ECan consents can be obtained for the stormwater management solutions proposed. He notes that under PC7 to the Land and Water Regional Plan the take and use of groundwater in an overallocated zone is a prohibited activity, and therefore under current rules cannot be consented. He notes that the “consentability” of the proposed stormwater solutions is a greater hurdle to overcome than the technical feasibility of the stormwater management approaches put forward.
- 6.6.9 Based on Mr Roxburgh’s advice it is not currently certain that potable water can be provided to supply the proposal, nor is it certain that the proposal can be adequately serviced for wastewater infrastructure.
- 6.6.10 I note that Policy 18.1.1.1(l) of the ODP requires growth and development proposals to show they will “...ensure the efficient and effective integration of any new infrastructure into the existing network”. Additionally, Policy 11.1.1.3 states that “...subdivision and development should not proceed within areas that do not have access to appropriate utilities, or where the utilities are operating at full capacity...”. While the s32 states that the plan change area can be fully serviced (paragraph 46), the Council’s expert considers this is not yet certain.
- 6.6.11 In my opinion, given the significant uncertainty that exists over providing three waters infrastructure, the ODP provisions identified above and the scale of the proposal, it is not acceptable to leave this matter to the subdivision stage. If the site cannot be demonstrated to be adequately serviced or likely to be adequately serviced it should not be rezoned for urban density development (in coming to this conclusion, I also note my assessment under the NPS-UD for infrastructure provision in the statutory assessment section of this report).
- 6.6.12 I note that the Applicant may provide additional evidence on these matters at the hearing to demonstrate that the site can be adequately serviced.

## 6.7 Other Non-Transport Infrastructure

- 6.7.1 Paragraph 51 of the s32 states that sufficient power for the development is available from the existing electricity network bordering the site and telecommunications can be provided underground to future allotments from an existing fibre network in Mill Road.
- 6.7.2 A number of submitters raised concerns over such things as power, internet, refuse collection and telecommunications, including:
- the OOCB (370) identified that ‘brown-outs’ occur and questions if there are any planned upgrades;
  - WDC (216) also identifies ‘brown outs’ and considers questions remain as to the ability under current circumstances to service both existing households and businesses at Ohoka and the development proposed by PC31 with adequate power supplies (paragraph 103);
  - R Hill (12) identifies poor internet and lack of capacity to recycle refuse;

- A Quinn (6) and C Warne (16) state telecommunications / broadband coverage is already poor;
- R Macpherson (42) notes they have one to two power outages a month and Mainpower have no plans to upgrade the infrastructure, internet can also be a problem; and
- A Gibb (50) considers the power grid in Ohoka cannot cope.

6.7.3 I note that Vodafone (352) submitted in opposition to the proposal on the basis that it will erode Vodafone's rights to upgrade the facility as a permitted activity, under both the National Environmental Standards for Telecommunication Facilities 2016 (NESTF) and the network utility rules for the rural zone under the Operative Waimakariri District Plan (The District Plan). The proposed change of the underlying zoning from rural to residential will result in the need for Vodafone to obtain resource consent approvals for future customer upgrades. I consider this may well be a consequence of the proposed zone change but it does not necessarily follow that Vodafone's telecommunications services will not be able to be upgraded in response to increased demand.

6.7.4 Transpower (191) also submitted in opposition to the proposal, seeking that the Rural Zone be retained over that part of the plan change site that is traversed by the National Grid. Transpower considers that the proposed residential zone over land traversed by the National Grid gives rise to a misleading, unreasonable and inappropriate expectation that this part of the plan change site may be available for residential development or other urban activities and buildings. Transpower sought changes to the proposal. Consistent with my conclusion for Vodafone, I do not consider that the proposal will result in additional infrastructure not being available to service the proposal.

6.7.5 I am not aware of any specific reason why these services could not be provided to service the development, noting there were no infrastructure provider submissions stating this, and as such I am comfortable with the s32's assertions on this infrastructure.

## 6.8 Transportation

6.8.1 The s32 identifies the proposal's transport attributes in paragraphs 38 to 45 and transport adverse effects in paragraphs 111 to 116. Based on expert advice the s32 concludes that the proposal does not give rise to undue road network safety and efficiency effects and that subject to the identified recommendations (e.g. road widening) the traffic effects are considered to be acceptable. The s32 states that the potential adverse traffic effects of the proposal can be adequately avoided or mitigated.

6.8.2 There were many submission identifying transport issues arising from the proposal. These include:

- increased traffic and traffic congestion;
- the need for intersection upgrades;
- increased accident risk;
- costs of road upgrading and maintenance;
- reduced speed limits;
- reduction in walking, cycling and horse riding safety on nearby roads.

- 6.8.3 Submitters raising these types of concerns include: G Power (5), A Quinn (6), M Winter (9), C Warne (16), A Marks (10), M Donnelly (11), J Reeves (18), K Schaeper (28), R Hill (12), B Williamson (14), A Nelson (21), S Vab Der Leu (22), M Harvey (26), L Donnelly (32), P Trumic (34), M Rietveld (36), J Stapleton (37), T Clarke (47) and T Agnew (38), M Waghorn (41), A Webb (43), DP Harper (44), B Brian (48), M Parry (51), R Fraser (51), A McAllister (53), D Trayner (54), H Parish (55), L Fraser (57), K Fraser (58), J Stapley (60), A Tily (61), I & T MacDonald & Whiteford (63), C Hall (64), H Barrett (69), K Cook (70), L Hurley & C Stephen (73), D Taylor (76), A Hatton (79), M White (80), and WDC (216).
- 6.8.4 The Ohoka School Board (131) are concerned with student safety and identify traffic and parking issues on Jacksons Road [west of the application site] due to additional children attending the school, and the need for a pedestrian crossing on Whites Road and changes to the Mill / Whites Road intersection. J Girvan (88) and Jarvis (123) request that the proposed bespoke roads are designed to comply with existing Councils standards. FENZ (154) requests the development includes roads that their fire appliances can easily manoeuvre along.
- 6.8.5 Many submitters also raised concerns about lack of active and public transport options and increased carbon emissions, for example, S Davison (31), K Williamson (49), A Gibbs (50), WDC (216), S Malzard (62) and J Harvey (72). E Liddell (215) notes that some proposed cycleways and walkways have no guarantee of happening as they pass through private land and approval from the landowner has not yet been obtained. R Sedcole (371) states that if New Zealand is to take its carbon cost seriously, we have to avoid activities that are profligate with carbon - like long commutes. EVs may be an answer, but widely distributed housing with its associated roading again costs carbon. T Dudley (336) considered that while losing one dairy farm may cut local emissions, losing acreage of native carbon sequestration will in the long run increase carbon emissions to the local area.
- 6.8.6 In its submission ECan (507) states (paragraph 33) that Ohoka is not directly served by regular PT and the nearest service is some kilometres away in Kaiapoi. ECan considers that the limited nature of the commuter park and ride at the Kaiapoi service will not provide a realistic, attractive, or viable transport choice for most potential residents at the plan change site. ECan notes that the area is also not rated for PT services as it is beyond the current urban Public Transport rating district. ECan is concerned that with the increasing costs of fuel and no bus service, the residents may ask for public transport services, requiring additional resource requirements that are unplanned and not funded in any future programmes.
- 6.8.7 Waka Kotahi (141) considers the provision for multi-modal transport, particularly walking and cycling is of increasing importance at a national level (paragraph 16). It notes the s32's statement that Rangiora is only a 10-minute cycle ride away and that this is a comfortable distance (10.5 km) to access other services not located at Ohoka. Waka Kotahi notes that there are currently no adequate cycle facilities to Rangiora and that residents will routinely need to travel by private car to access other services. Waka Kotahi notes that the services at the Mandeville commercial centre will likely be the same as those likely to establish within the proposed Business 4 Zone at Ohoka and as such these services 2km away do not replace the need to travel to Rangiora. Waka Kotahi also identifies the 2050 net zero carbon target as mandated by the Climate Change Response Act 2002 and that this is relevant to the NPS-UD Objective 8 and Policy 1 well-functioning environments. MfE's Emissions Reduction Plan 2022 sets out four transport targets including reducing total light fleet kilometres travelled by 20% through improved urban form and providing better travel options. Waka Kotahi considers that the proposal will likely further contribute to transport associated carbon emissions and



will not help achieve a VKT reduction due to reliance on private vehicle use to access employment.

6.8.8 Based on advice from Stantec, WDC (216) also identified shortcomings in RCP031's supporting transport evidence, stating (in paragraph 71):

- the assessment was a local level assessment that does not provide a District Wide or Regional context to transport integration;
- the site has rural road connections to most trip origin and destinations which can be sensitive to large changes in traffic, including from road safety, and efficiency perspectives;
- the assessment has minimal discussion of future public transport and cycling networks, and how the development could integrate with those networks and achieve sustainable transport outcomes; and
- for those reasons, and others given in the review, the assessment is considered inadequate.

6.8.9 I assess the proposal's transport components below following the subheadings in Mr Binder's evidence on this matter for the Council (contained in **Appendix 7** to this report).

#### **Internal road layout**

6.8.10 I note that the road design requirements are excluded from applying to the site by virtue of the proposed changes to Rules 30.1.1.9 and 30.6.1.1 which exclude the Residential 3, 4A and 8 Zones and Business 4 Zone in Ohoka shown on Planning Map 185 (page 6 of the s32). These changes are proposed to enable the construction of bespoke roads. The s32 states (paragraph 44) that bespoke roads are required to maintain the rural village character of Ohoka and these designs are unlikely to comply with existing Council standards. The s32 states that the ODP establishes a mechanism for developing appropriate road standards to the satisfaction of the Council prior to approval of any subsequent subdivision consent application.

6.8.11 I have reviewed the ODP narrative and the only reference I can find to establishing a mechanism for developing appropriate road standards to Council satisfaction is the statement that "a road network and classification for the ODP site shall be developed" (first paragraph under 'Movement Network' heading). While I do not disagree that bespoke roads may be suitable for the development, I do not consider this ODP reference is sufficient to drive the development of developer / Council agreed road designs. I am open to the mechanism for this to occur and anticipate the Applicant will provide greater detail on this matter at the hearing.

6.8.12 In his evidence Mr Binder considers that from a transport perspective, the transport network proposed on-site within the ODP would appear to be generally appropriate to enable internal circulation however he does not support a deviation from the ODP road design standards without substantive justification and further analysis of the impacts of a different standard of roadway (paragraphs 50 and 52).

6.8.13 Mr Nicholson has also assessed the connectivity within the ODP in section 7 of his evidence (contained in **Appendix 8** to this report). He notes that no indicative cycle routes are shown on the ODP, but the indicative pedestrian routes would be shared cycle / pedestrian paths. He recommends changes to Bradleys and Whites Road frontages to include provision for shared cycle / pedestrian paths and safe pedestrian / cycle crossing facilities should be

provided adjacent to the two proposed commercial areas, and at the eastern end of the stream to connect across to Ohoka Bush [south-west of the Ohoka Domain]. Mr Nicholson considers that, with the recommended changes to the ODP, RCP031 would have a low-moderate level of connectivity. This rating reflects that while the level of internal connectivity shown on the ODP would be high and there are roads on three sides of the ODP, the network of roads which connects the site to the wider district are narrow high-speed rural roads with no pedestrian or cycle facilities. I accept Mr Nicholson's advice on this matter.

### **Transport network effects**

- 6.8.14 In his evidence Mr Binder considers the data presented in the transport assessment to be fit for purpose for the assessment (paragraph 61). Mr Binder considers that the rural roads in the vicinity of the proposed development generally have sufficient capacity to accommodate new vehicular traffic with limited impacts (paragraph 62). However, he considers that the two adjacent Tram Road intersections (Bradleys Road and Whites Road) and Tram Road carriageway east to Jacksons Road will require upgrades to mitigate localised effects. He also recommends the evaluation of effects from new vehicular traffic on two downstream intersections (Mill Road / Ohoka Road and Tram Road / SH1 motorway interchange) with existing capacity constraints (paragraph 62).
- 6.8.15 In his roading safety evaluation Mr Binder assesses crash safety risk and concludes that there is elevated traffic safety risks on the two primary corridors used to facilitate the bulk of the anticipated vehicular trips (paragraph 40). He considers it inappropriate to site the proposed development so that it would substantially increase vehicular trips on these two corridors (Tram Road and Mill Road).

### **Vehicle kilometres travelled and emissions reduction**

- 6.8.16 Mr Binder notes that the s32 only briefly alludes to the effects of greenhouse gas emissions (GHG) and in a qualitative manner only (paragraph 20). Further, the transport assessment does not include any discussion of vehicle-kilometres travelled (VKT). Mr Binder notes that a reduction of private VKT plays a critical role in transport-related emissions but also relates directly to safety, congestion, and accessibility effects. Private light vehicle usage, regardless of engine type (e.g., internal combustion or battery/hybrid electric), contributes to network congestion and crash risk (paragraph 20).
- 6.8.17 With regard to the s32's statement on the increasing uptake of electric vehicles to reduce GHG, Mr Binder notes that as of May 2023, electric vehicles make up 1.7% of the fleet, which has increased from 0.15% over the past five years (paragraph 21). He does not consider the trend of uptake of electric vehicles to be at a rate that they could be considered an effective mitigation for transport emissions within the foreseeable future. He further notes that any potential uptake of electric vehicles will not impact VKT and the resulting impacts on safety, health, accessibility, and congestion outlined in his evidence.
- 6.8.18 Mr Binder identifies the Emissions Reduction Plan that commits local councils to reduce VKT by light vehicles by 2035 and the likely sub-regional VKT reduction target for the Waimakariri District of 24% (paragraph 22). He notes that the Council identified Development Areas within the PDP have deliberately been co-located with Rangiora and Kaiapoi and are, at the furthest, about 3.0 km as the crow flies from established key activity centres (which include existing retail, employment, health, and education destinations). In contrast, the furthest point of the proposed development is almost 4.0 km from the nearest retail (the Mandeville

neighbourhood centre) and 8.0 km or more from the nearest key activity centre. He concludes that the subject site is not well-located to existing urban areas and that travel distances to key facilities are likely to be higher than those from identified Development Areas (which by definition increases VKT and likely GHG emissions).

- 6.8.19 Mr Binder states (paragraph 20) that given the reliance chiefly on private motor vehicles to cover this distance, and the overall composition of the New Zealand vehicle fleet, it is possible that GHG emissions will increase with the proposed development. However, he notes the transport assessment does not provide sufficient detail to quantify the baseline or proposed GHG emissions, increased VKT, or the effects on Council's mandate to reduce VKT. He considers these effects need to be assessed in more detail in light of the requirements the Council will face shortly to reduce this travel.
- 6.8.20 I accept Mr Binder's advice on this matter and consider that the location of the site will result in increases in VKT and GHG transport emissions contrary to the Emissions Reduction Plan and agree that even with the use of electric vehicles, the impacts on safety, health, accessibility, and congestion will still increase.

#### **Non-motorised transport network**

- 6.8.21 Mr Binder notes that the transport assessment includes no description of the existing non-motorised transport network, which at present is limited to a shared-use path from Ohoka Village along Mill Road to Jacksons Road, providing access to the Ohoka Domain and Ohoka School (paragraph 24). Mr Binder considers that large-scale urban development (such as the proposal) is required to provide a safe and appropriate roading network that accommodates all users (not just single-occupant vehicle motorists) and encourages other transport modes for "day-to-day" activities, and if approved the proposal needs to provide these. However, he also notes (paragraph 30) that provision of safe connections does not mitigate the substantial distance between the proposed Plan Change site and most "day-to-day" activities in the key activity centres (e.g., Rangiora, Kaiapoi, and Christchurch). Based on Mr Binder's advice it appears that even if provided, these non-motorised facilities may not generate measurable non-motorised mode share nor achieve the regional and national policy mandates to reduce private motor vehicle travel because of its relatively remote location.
- 6.8.22 Mr Nicholson also considered accessibility in his evidence (section 8), which relates to providing access to public services and facilities particularly within easily walkable or cyclable distances. He states that the New Zealand Household Travel Survey (NZHTS) found that the average walking trip was 1.0km, and the average cycle trip distance was 4.0km. Mr Nicholson concluded that given the limited shopping, educational and employment opportunities in Ohoka, the distance from larger centres, and the lack of alternative transport options, the potential residents of the plan change area would be largely dependent on private cars on a daily basis. In his opinion the proposal would have a low level of accessibility and would be largely reliant on vehicles to meet the travel requirements of future residents (paragraph 8.6). I accept the advice of Mr Nicholson and Mr Binder on this matter and consider the site has a low level of accessibility.

#### **Passenger transport evaluation**

- 6.8.23 In his evidence, Mr Binder agrees with the s32 transport assessment that ECan does not provide public transport services in the Ohoka area and no service extensions are presently under consideration and notes that Ohoka is located sufficiently far from existing public

transport service that any provision of service to the proposed Plan Change site would have to be a dedicated service and that deviation of an existing service or extension to another terminus beyond Ohoka are not feasible options (paragraph 41).

- 6.8.24 Mr Binder assesses the suitability of the Kaiapoi park and ride facilities referred to in the s32, considering the frequency of the service, its catchments (walking, cycling and driving) and the availability of parking at the destination. He concludes that the 9km distance between the Plan Change site and the nearest park and ride facility would suggest that walking and cycling is not a reasonable mode to connect to public transport (paragraph 47). He also identifies that Christchurch CBD, which is the largest destination noted in the ITA traffic distribution in the s32's Appendix 7, likely has an oversupply of carparks, noting Waka Kotahi's research report that park and ride facility use correlated best with a "shortage of reasonably priced central area parking" (paragraph 48).
- 6.8.25 He concludes that given the relative distance from the subject site to the existing Metro bus service and Council park and ride facilities, single-occupant vehicle travel is necessitated for almost all "day-to-day" trips for employment, education, and shopping. He further considers that most single-occupant vehicle trips generated by the proposed development will continue to the Christchurch CBD (or Rangiora and Kaiapoi town centres) where there is plentiful parking supply, rather than being used as a "first-and last-km" connection to public transport (paragraph 49). I note ECan (507) also considers that the limited nature of the commuter park and ride at the Kaiapoi service will not provide a realistic, attractive, or viable transport choice for most potential residents at the plan change site.
- 6.8.26 Overall in relation to transport matters, I accept Mr Binder's evidence that there is currently no existing or planned PT service, that future residents would likely drive to the Kaiapoi Park and Ride facility, and in any case, would be unlikely to use this facility. I also accept that given the site's location and lack of active transport facilities, RCP031 has a low level of accessibility. Given this level of accessibility, I accept Mr Binder's evidence that VKT and GHG will likely increase. I also accept Mr Binder's advice that the proposal will elevate traffic safety risks on the two primary corridors used to facilitate the bulk of the anticipated vehicular trips (Tram Road and Mill Road). Noting my conclusions in relation to the NPS-UD and CRPS in the statutory assessment section of my report, it is my opinion that the proposal will not contribute to a well-functioning environment for these transport matters.

## 6.9 Character, Amenity and Landscape Matters

- 6.9.1 The s32 assesses landscape / visual effects and amenity values in paragraphs 85 to 93. Based on its supporting technical evidence the s32 concludes that potential adverse visual and landscape effects of the proposal can be adequately mitigated and that the effects in terms of broader amenity values are minor. The s32 notes that the character of the plan change site will clearly change with the introduction of dwellings at urban and peri-urban densities, roads, a local commercial centre, and possibly a school or retirement village, however it states that the village will maintain a rural-like aesthetic with appropriate tree planting, minimal hard surfaces, and an absence of typical suburban features such as 1.8 metre solid fencing and concrete kerb and channel. Further, landscape treatments (A and B as shown on the Ohoka ODP) along Bradleys Road and Whites Road will mitigate visual amenity effects from vantage points outside the site. The s32 states that the change will increase those amenity values associated with markedly improved local convenience, improved ecology and amenity of waterways, and additional recreational opportunities by way of new public open spaces.

- 6.9.2 This topic area received the most comments from submitters. Submitters expressed concerns that the proposal is not in keeping with the existing Ohoka character and will ruin its quiet lifestyle / semi-rural nature / rural outlook, its historic rural village character / atmosphere / fabric, its peace and tranquillity, charm and close community spirit. Submitters making these comments included: G Power (5), A Quinn (6), M Winters (9), A Marks (10), M Donnelly (11), R Hill (12), C Warne (16), T O'Callahan (17), S Stewart (20), J Hugo (23), B Barker (19), M Harvey (26), M Donnelly (33), J Stapleton (37), T Agnew (38), T Baker (39), Phillipa Trumic (40), M Waghorn (41), A Fraser (45), T Clarke (47), B Brian (48), A Gibb (50), A Parry (51), R Fraser (51), A McAllister (53), D Trayner (54), H Parish (55), L Fraser (57), U Van Nek (59), J Stapley (60), A Tily (61), C Hall (64), N Wilkinson (65), L Wright (68), J Harvey (72), L Hurley & C Stephen (73), M & J Williams (75), D Taylor (76), N Holland (77), R Rowberry (78), A Hatton (79), M White (80), A Wells (82), M Jongens (84), A Brantley (161), OOCB (370), P Trumic (34), C Bishop (35), K Fraser (58), T Jongens (106) and R Foy (166).
- 6.9.3 Many submitters specifically sought larger section sizes that are more in keeping with the existing Ohoka development pattern, ranging from 4000m<sup>2</sup> to 10ha, or referenced a preference for a Residential 4A zone, e.g. J McCracken (198), K Fraser (58), A & B Warren (95), C Charlton (138), R Lucy (140), A Svoboda (290), R Jenkins (323) and T Fulton (147).
- 6.9.4 Residents of Birchdale Place Ohoka (518) query how landscaping and the provision of trees will maintain rural character, noting that the required number of trees is actually not high (1 tree for every 15m of road frontage and one for every 400m<sup>2</sup> of site area). M Doocey (502) states it is difficult to imagine how rural village character could possibly be retained with the ratio of new homes to existing homes and notes that the proposal states that the proposed density of development is not rural (page 71). Jackson & Breen (591) describe Ohoka as “...a small village settlement surrounded by larger lifestyle blocks and farms. While the settlement has existing pockets of Residential 4a zoning, it is surrounded by rural outlook creating its semi-rural feel. The rural character is predominately created by the low density of houses, views of paddocks rather than houses, views to the Alps and a general sense of space.” They consider the volume of houses, the small lot sizes, associated roading footpaths and curbing will drastically alter the rural character to a suburb feel and that 15m spacing of trees will not adequately mitigate the loss of green spaces, paddocks and so on. They consider that the proposal would significantly alter this character and overwhelm the existing village. They note Policy 18.1.1.3 and consider a suburb and a commercial hub in the village will impact not only the enjoyment of the historic village but also the lifestyle blocks over the road and adjacent to the subject area.
- 6.9.5 WDC (216) considers Ohoka is more a rural than obviously urban settlement, incorporating rural road standards, softly landscape edges and margins, along with open-style fencing and vegetated boundary demarcation (paragraph 85) and that the proposal does not represent growth that maintains this rural village character and results in a loss of rural character in the area. WDC refer to recent case law that demonstrates the courts reluctance to rezone land in the District from rural to urban zones primarily due to it being contrary to the District Plan and reducing the rural character of settlements (paragraph 89). E Pegler (502) considers it is not possible to add 850+ small lot properties into the heart of an established and thriving semi-rural community while still remaining in keeping with the character of the village. J Cower (427) considers there is no part of the existing local community that has the density of housing proposed in RCP031, so it is clear that any such change would make a dramatic alteration to the demographic nature of the area. S Jones (194) states that the 31 existing properties in the

Res 3 area range from 998m<sup>2</sup> to 7411m<sup>2</sup> with an average of 2731m<sup>2</sup>, so the proposed 500m<sup>2</sup> minimum site size is not in keeping with the existing development.

- 6.9.6 Conversely, D Cowley (353) considers it is feasible and appropriate to provide for the expansion of Ohoka settlement whilst still maintaining the rural village character of Ohoka and contributing to a well-functioning environment. Their support is related to their submission on the PDP seeking rezoning of their property from rural to large lot residential zoning at Ohoka to provide for an additional 80 lots. W Smith (29) considers the area needs more homes and the area would be enhanced with well-designed subdivision with community facilities. L Smith (30) supports the subdivision if well designed with a country village feel.
- 6.9.7 In his evidence Mr Nicholson (contained in **Appendix 8** to this report) assesses the proposal's impact on the character of Ohoka (section 9). He considers that over the last three decades Ohoka has transformed from a small rural service town to a semi-rural (rural / lifestyle) settlement (section 5). He considers that the proposal's additional 845 households equates to 2200 people and a 700% increase of the existing Ohoka population. He considers this growth corresponds to a village growing into a small rural town (comparable to Oxford and Pegasus) with associated physical, economic, social and environmental changes (paragraph 9.2). Mr Nicholson also notes RCP031's proposed Residential 3 development average density of 12hh/ha, considering this is equivalent to a typical suburban density in Christchurch (and generally requires some medium density housing to meet this target) and that this would be in contrast to the existing housing stock in Ohoka which is characterised by generous setbacks, large gardens and large houses. In addition to the residential component, Mr Nicholson considers the scale and density of a retirement home (potentially up to 12m in height) will also significantly change the village character of Ohoka (paragraph 9.5).
- 6.9.8 With reference to the ODP and DDS direction to 'maintain' or 'retain' the village character of small townships such as Ohoka, Mr Nicholson considers it is not possible to increase the population of Ohoka by more than 700% and retain the existing village character (paragraph 9.3). This is not to say that the new character would necessarily be 'bad', however he considers the character of a village with 300 residents is inherently different from the character of a town with 2,500 residents. He therefore considers the proposal would fail to 'maintain' or 'retain' the rural village character of Ohoka, citing the increased size and population of the settlement, the increased 'suburban' densities, and the potential scale of the retirement home / educational facility (paragraph 9.6).
- 6.9.9 I accept Mr Nicholson's opinion. I have assessed the character impact of the proposal against the ODP policies later in the statutory section of my report. Based on Mr Nicholson's evidence I conclude that the proposal is not fully consistent with their stated intent of maintaining the village character of Ohoka. I also note that with this proposal, Ohoka will essentially stretch southwards to join up with Mandeville, undermining the existing separate identities of both areas. I am also concerned that much of the character mitigation identified in the s32 is to occur in the future, and that after the subdivision is complete, there are no proposed District Plan design rules or guidance (as opposed to landscaping and bulk and location provisions) that link the development to the stated outcomes in the ODP which would help to achieve and maintain the stated rural village character.
- 6.9.10 In terms of landscape and visual matters, Mr Nicholson agrees with Mr Compton-Moen's description of the existing site character and values (in paragraph 3.1 of Mr Compton-Moen's report). Mr Nicholson considers the effects of the proposed plan change on the landscape

character from an open rural character to a residential subdivision would have a moderate-high impact reflecting the change from an open rural landscape with long views and a small number of built elements, to a suburban landscape with shorter views, enclosed spaces and a greater number of built elements (paragraph 11.4).

- 6.9.11 In terms of visual impact, Mr Nicholson considers the visual impact from the viewpoints on Whites, Mill and Bradley Roads would be high and that in forming this opinion he notes that there are generally open views over extensive farmland along three sides, and the density of the Residential 3 and 8 zones, together with the scale of the retirement village / educational facility would be significantly greater than the surrounding areas. He notes that Mr Compton-Moen considers that the visual impact of the plan change from specified viewpoints would be minor or less than minor.
- 6.9.12 Mr Nicholson considers that while the proposed mitigation measures MM1, MM2 and MM3 and MM5 proposed as part of RCP031 may be positive features of the proposal, they do not provide landscape or visual mitigation. With the proposed mitigation measures, Mr Nicholson considers the impact on the landscape character would remain moderate-high and the visual impact would be reduced to moderate-high (paragraph 11.8).
- 6.9.13 In my opinion, landscape and visual character is a matter that is going to change when a site is rezoned from a rural to an urban zone. While it can be mitigated, such as through the measures proposed in RCP031's supporting material and ODP, it is not possible to completely maintain rural landscape features and vistas in an urban setting. Adverse character, landscape and visual effects are a consequence of accommodating urban growth and the Council has to provide for urban growth under the NPS-UD and CRPS. The key matter for consideration is whether these adverse effects in this location are more significant or contrary to planning provisions than might occur in another rural area that is also proposed to be rezoned to urban. I note that the site is not identified as having special landscape values, however, as assessed later in the statutory assessment of my report, Ohoka has identified rural village character that the ODP and DDS seek to retain, and based on the evidence of Mr Nicholson, RCP031 does not achieve this.

## 6.10 Terrestrial and Aquatic Impacts

- 6.10.1 The s32 assesses the ecology effects in paragraphs 79 to 85. The s32 cites Mr Taylor's aquatic ecology assessment conclusion that "*...the proposed plan change will maintain and/or improve the current aquatic ecological values provided the waterway realignment and setback recommendations are implemented.*" The s32 states that given these recommendations have been incorporated into the Ohoka ODP, it is considered that the potential adverse aquatic ecological effects of the proposal can be adequately avoided or mitigated.
- 6.10.2 Regarding terrestrial ecology, the s32 states that a detailed terrestrial assessment has not been completed at this stage, largely due to the nature of the site (agricultural land use). It states that a detailed terrestrial assessment, which identifies existing vegetation on site that could be retained and advises on future planting and enhancement strategies, will be completed at the subdivision consent stage.
- 6.10.3 Many submissions raised concerns over adverse terrestrial and aquatic effects. Concerns raised included:
- Loss of valuable and sensitive habitat;

- Loss of native birds;
- The streams are important for wildlife and mahinga kai;
- The introduction of more cats, dogs, vehicles and people generally will negatively affect wildlife especially the regenerating Ohoka Bush;
- Increased risk of contaminants entering water;
- Wildlife in the area was identified in submissions as including fantails, bellbirds, finches, harrier owl, heron, geckos, skinks, frogs and shortfin eel.

6.10.4 Submitters raising these concerns included: R Hill (12), S Davison (31), T Walmsley (27), S Donnelly (32), Phillipa Trumic (40), A Gibbs (50), R Fraser (51), K Fraser (58), A Tily (61), S Malzard (62), L Hurley & C Stephen (73), D Taylor (76), N Holland (77), M White (80), M Taylor (94), M Vermaat (151), and T Walmsley (27) and WDC (216). FG Edge (606) considers the internal roads are too close to the natural water courses in full flood and that the 10m setbacks and naturalisation space is inadequate.

6.10.5 DoC (171) states that at risk-declining tuna/longfinned eel and kōura/freshwater crayfish are present in the area and the waterways would be considered significant habitat of indigenous species under Canterbury Regional Policy Statement. They also state that the effects in freshwater ecosystems can manifest downstream of the initial impact area. DoC supports the proposed boundary setbacks for Northern Spring, Southern Spring including the channel, but seeks a 15-20m setback for Ohoka Stream Tributary, South Ohoka Branch and Groundwater Steep as they consider 10m is insufficient for these.

6.10.6 The Council did not commission a peer review of the Applicant's ecology assessment, noting the report's findings, the current use of the subject site and the submission by DoC. I am comfortable accepting the s32's findings on this matter, noting that Mr Taylor's recommendations have been included in the ODP. My acceptance of the s32's findings does not diminish the submitters concerns over potential loss of wildlife, which often accompanies land use change. However, if the Hearing Panel was minded to approve RCP031 then based on DoC's comments I recommend that a 15-20m setback is applied for Ohoka Stream Tributary, South Ohoka Branch and Groundwater Steep.

## 6.11 Commercial Distribution

6.11.1 The s32 states that the larger of the two Business 4 zones is intended to be the location of an expanded village centre for Ohoka, which is envisaged to serve the local community with day-to-day goods and services (paragraph 31). It is described as moderately sized with approximately 5,700m<sup>2</sup> to 6,900m<sup>2</sup> of commercial floorspace. Retail effects are considered in the s32 (at paragraphs 121 and 122), where it states it is not of a scale where it could undermine the function, viability and vibrancy of the key activity centres in the District. It further states it is more likely that the increased resident population will strengthen the function of the key activity centres and increase their viability and vibrancy. It also states that the District Plan ensures appropriate scrutiny of larger scale retail activities, identifying a vehicle movement threshold (Rule 31.25.3) that requires activities generating more than 250 motorised vehicle movements per day to obtain a restricted discretionary resource consent, with Council discretion to consider effects on urban form and function (among other things). I note that retail effects are not covered in any detail in the s32's supporting economic assessment.



- 6.11.2 The s32 also considers distributional impacts on the Key Activity Centres in response to Chapter 16 of the ODP (page 33) where it states that:

*“The location, size and intended function of the proposed Business 4 Zone within the plan change area is consistent with this objective [Objective 16.1.1 in the ODP]. Supporting policies are concerned that establishment of new business activities do not adversely impact the viability of the Key Activity Centres. As discussed previously, the proposed commercial area within the plan change site will provide for local convenience goods and services but is not of a scale that could diminish the viability or vibrancy of the Key Activity Centres in the District.”*

- 6.11.3 A number of submitters queried the commercial components of RCP031. S Wells (562) considers the Mandeville centre is sufficient and the proposed new centre would compete with Mandeville and Ohoka Gas. B Davey (130) does not consider the commercial area will work as there is too little through traffic. Mandeville Village Partnership (551) submits that the existing Mandeville North Business 4 Zone (MNB4Z) remains the key local centre for commercial activity within the wider area, and it is important to preserve the hierarchy of commercial areas sought under the PDP and to preserve the primacy of Town Centres as the key commercial hubs throughout the district. The submitter cites the s32's statements anticipating limited business activities to provide for day-to-day convenience needs of the local community as support for its position and that the proposed commercial area is best described as a neighbourhood centre. The submitter notes the absence of a retail impact assessment to assess the effects the proposed 5,700m<sup>2</sup> to 6,900m<sup>2</sup> of commercial floor space would have on the continued viability of the existing Mandeville village Centre, nor the intended role of town centres. The submitter seeks to limit the commercial area of the proposal to commercial areas consistent with the scale otherwise permitted within Neighbourhood Centre zones under the proposed (notified) Waimakariri District Plan (i.e. a range of Centre sizes that generally comprise up to 450m<sup>2</sup> total floor space and up to five shops with a maximum retail tenancy of 350m<sup>2</sup> GFA).
- 6.11.4 I note that the ODP provisions are generally concerned with impacts on Key Activity centres and town centres, rather than all centres, however as set out in my assessment under the CRPS, the CRPS includes consideration of impacts on neighbourhood centres, such as the Mandeville centre.
- 6.11.5 In his evidence Mr Yeoman (**Appendix 4**) also notes that no assessment has been provided in the application to provide an evidential basis to support the proposed size of the two centres, nor an assessment of the potential impact of the two centres on other centres in the District (section 4.2). Absent any such assessment, he considers it is not possible to conclude that the zone change requested is an appropriate change to the District Plan. Mr Yeoman then goes on to undertake this assessment considering the proposed size of the Business 4 areas and their distance to existing centres.
- 6.11.6 Mr Yeoman considers that, with the proposed commercial floor space area, it is a not insignificant centre in the Waimakariri context, given the second largest centre in the District (Kaiapoi) now has around 15,000m<sup>2</sup> of retail and services floorspace. Mr Yeoman considers that, based on his assumptions, a centre of around 900m<sup>2</sup> GFA (600m<sup>2</sup> of retail and hospitality and nearly 300m<sup>2</sup> of services GFA) is currently sustainable in the Ohoka catchment. He considers that by 2043, once RCP031 (if approved) is fully developed, total sustainable space in that centre will be around 2,700m<sup>2</sup>. Mr Yeoman considers a commercial area of this size would still enable the Mandeville centre to increase in size, given projected population growth

in its catchment, by allowing for growth in the Mandeville catchment to be directed to the Mandeville centre, rather than being needed to support a large centre at Ohoka.

- 6.11.7 I note RCP031 proposes a new ODP Policy 16.1.1.12 which seeks limited business activity but does not seek to manage potential impacts on Mandeville or Kaiapoi. Rather, scale appears to be limited by the zone size, the requirement to maintain the characteristics of the Ohoka settlement, and the requirement to serve day-to-day convenience needs. Proposed Policy 16.1.1.12 states:

*Provide for retail and business activities in the Ohoka Business 4 Zone, in a way that:*

- a. maintains the characteristics of the Ohoka settlement as set out in Policy 18.1.1.9; and*
- b. provides for limited business activities to provide for day-to-day convenience needs of the local community, is designed to achieve high quality urban design principles and a high standard of visual character and amenity.*

- 6.11.8 Overall Mr Yeoman agrees that an appropriately sized local centre should be supported by its local community, and not be reliant on an inflow of custom to make its businesses viable. In the case of the RCP031 request, Mr Yeoman considers that the Mandeville centre is the centre most likely to be affected by retail distribution impacts (section 4.2.9). He has not quantified the scale of those potential impacts, however given the maximum permitted GFA in the Mandeville centre of 2,700m<sup>2</sup> (proposed under PDP rule LCZ-R4), he considers that the 3,000m<sup>2</sup> of GFA oversupply in the proposed larger Ohoka centre would have the potential to generate material adverse retail distribution effects on the Mandeville centre.

- 6.11.9 In the absence of s32 expert evidence on this matter I accept Mr Yeoman's advice. I consider that the proposal's reliance on a transport rule to manage commercial distribution impacts is inadequate as commercial impact considerations are not targeted to the rule being triggered. While ODP Rule 31.25.3(viii) does enable consideration of "effects on the form and function of the urban environment", this is very broad and therefore challenging to apply to retail distribution impacts on specific centres. A specific rule would be preferable.

- 6.11.10 I agree that a commercial centre is required for RCP031 to support the proposed community. However, given the absence of information in RCP031 on commercial distribution matters and the evidence of Mr Yeoman, I consider that there is insufficient evidence provided to support the extent of two proposed commercial areas. Assuming Mr Yeoman's assumptions are correct, I consider there should be a retail cap included in RCP031 of 2700m<sup>2</sup>, triggering an assessment of impacts on adjacent centres where this is breached. I also consider that proposed Policy 16.1.1.2 should refer to not undermining the Mandeville and Kaiapoi centres. I am however not confident about these conclusions given the absence of relevant detail in RCP031 on this matter.

## 6.12 Other Matters

- 6.12.1 Many other matters were raised by submitters in response to RCP031 that do not fit comfortably into the topic areas I examined earlier, or in response to the statutory considerations later. As I am recommending that RCP031 is declined I have not assessed these specific concerns. Rather, I have listed examples of comments raised below.

### **Other amenity concerns**

- M Harvey (26), Phillipa Trumic (40) & C Hall (64), M White (80) consider the proposal will increase light pollution in the area and reduce star gazing opportunities.
- Phillipa Trumic (40) and S Malzard (62) are concerned about the significant disruption from years of construction which will destroy people's peace and could trigger former mental health illnesses.
- N Holland (77) is concerned about noise and air pollution.
- WDC (207) is concerned about noise and construction impacts (paragraphs 105 – 107).
- R Hill (12) and T O'Callahan (17) & S Van Der Leu (22) M White (80), P Munn (169) consider approving RCP031 will create precedent effect and open the area to more development.
- The Residents of Birchdale Place (518) are concerned that the proposal includes connections through private property.
- S Davison (31) states there will be a major increase in refuse production and there is no capacity to recycle what we already produce.

#### **Cost implications**

- J Girvan (88) requests the Council to seek full costs of road widening (as opposed to cost sharing).
- R Luisetti (96) is concerned that should this development go ahead the new citizens will request additional Council facilities but these have already been provided in Kaiapoi and Rangiora for the planned growth.
- R Magee (325) considers the proposal represents an unreasonable risk to ratepayers.
- J McCracken (198) seeks that a condition be put on the development that the developer guarantee remediation of consequential damage to stakeholders and a retention be held by the Council for a timeframe of at least 5 years from finished groundworks and stormwater systems.

6.12.2 There were also other requested changes / responses to the proposal as set out below. Should the Hearing Panel be minded to approve RCP031 it will be necessary to consider the issues and suggested changes where these are warranted. However, I note that most of the suggestions are not within the responsibility of the Applicant to action.

- K Williamson (49) seeks a destination playground with a splash pad.
- A Warren (24) comments on the southern boundary drain and seeks it to be redirected or works are undertaken to create swales and planting.
- S Bailey (281) considers if the development was to go ahead it would need half of the land area allocated to stormwater storage.
- R Jenkins (323) seeks an additional bridge over the Cust Main Drain at Bradleys Road to limit traffic through Ohoka Village and south Rangiora.
- N Hoogevin (438) seeks to ensure all walkways connect in a wider context; the Council to undertake wider masterplanning; re-zoning of surrounding land; the Council to lead a design exercise of envisaged character and masterplanning for Ohoka).
- R Ising (605) considers there is not enough allowance for parks, playgrounds and recreation reserves and considers retirement villages need supporting services (e.g. healthcare, shops cafes) that are accessible by walking or mobility scooters and these are not in Ohoka.

## 7 Statutory Assessment

### 7.1 Sections 74 and 75 of the Act

7.1.1 Section 74 of the Act prescribes that the Council must prepare and change a district plan in accordance with its functions under s31 and the provisions of Part 2. Council must also have regard to an evaluation report prepared in accordance with s32. Section 74(2) requires Council to also have regard to proposed regional plans, management plans, the Historic Places Register, regulations or the Plans of adjoining territorial authorities to the extent that these may be relevant. Section 74(2A) requires Council to take into account relevant planning documents recognised by an iwi authority, to the extent that its content has a bearing on resource management issues.

7.1.2 The above matters are assessed in the sections below.

### 7.2 Section 31 – Functions of Council

7.2.1 Any plan change must assist Council to carry out its functions so as to achieve the purpose of the Act. The functions of a territorial authority are set out in s31 of the Act and include:

- establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the effects of the use and development of land; and
- controlling actual or potential effects of the use and development of land.

7.2.2 The s32 states that the plan change request accords with these stated functions (paragraph 159). I agree that the proposal enables the Council to undertake these functions.

### 7.3 Statutory Documents

7.3.1 The s32 states that RMA s75 requires District Plans to not be inconsistent with Regional Plans and to give effect to any National Policy Statement, the New Zealand Coastal Policy Statement and the Regional Policy Statement (paragraph 162). It states that The New Zealand Coastal Policy Statement is not relevant to the site, given the site is not located in or near the coastal environment.

#### **NPS for Renewable Electricity Generation 2011 & NPS for Electricity Transmission 2008**

7.3.2 With regard to the NPS for Renewable Electricity Generation 2011, the s32 states that the proposal does not involve nor is it located in the proximity of a renewable electricity generation activity. The plan change site is traversed in the western corner by 66kV electricity transmission lines, meaning the NPS for Electricity Transmission 2008 is relevant. The s32 states that any development will comply with required setbacks and restrictions relating to works and activities near the transmission lines (I have addressed Transpower's submission (191) in the other non transport infrastructure section). The s32 concludes that the proposal is consistent with the NPS for Electricity Transmission 2008. I accept the s32 conclusion on these documents.

#### **NPS for Freshwater Management**

7.3.3 The s32 also considered the NPS for Freshwater Management, stating that stormwater and wastewater discharges will be dealt with at subdivision and concluding that no practices or effects are anticipated that would be inconsistent with the NPS for Freshwater Management

2020. The s32 states this is supported by the ecology assessment (Appendix D). I accept the s32 conclusion on this matter.

### **National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health**

- 7.3.4 As this is a request for a zone change, and not to determine the actual detailed subdivision and use of the site, the National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health (NESCS) does not strictly apply. As the s32 states, the requirements of the NESCS will be addressed at any subsequent subdivision or building consent stage. As identified earlier under land suitability, I consider that any contamination risk of developing the land for urban purposes can be effectively managed under the NESCS at the subdivision consent stage of the process.

### **National Policy Statement for Urban Development 2020 (NPS-UD)**

- 7.3.5 The s32 states that the NPS-UD, which took effect on 20 August 2020 is of principal relevance to this plan change (paragraph 168). The s32 sets out the most relevant parts of the NPS-UD in paragraph 169 and provides an assessment against these provisions in paragraphs 170 to 182.
- 7.3.6 Given the significance of the NPS-UD to the proposal I have assessed its provisions in detail below under subheadings. I note that a number of submitters have referred to it or its concepts, for example R Low (452) who states that RCP031 relies heavily on the provisions of the NPS-UD, however the s32 can only state that the proposal “is generally consistent with the NPS-UD”. R Low considers that critical conditions of the NPS-UD are not being met and hence this should disqualify the plan change from being judged against its policies.

### **Does the NPS-UD apply and is Ohoka part of the ‘urban environment’?**

- 7.3.7 The s32 states that Ohoka is part of the Greater Christchurch urban area and therefore part of the urban environment. It also notes that in the ODP Urban Environment chapter Ohoka is listed as forming part of the urban environment of the Waimakariri District (paragraph 172). However, many submitters, for example R Pegler (502) question whether Ohoka and the subject site is urban, or within the ‘urban environment’ as defined in the NPS-UD. R Kimber (525) considers Ohoka is not intended to be urban in character but rather is a rural settlement of less than 10,000. WDC (216) considers the s32’s propositions may be arguable if one examines the context of Ohoka (paragraph 17).

- 7.3.8 The NPS-UD defines an urban environment as:

*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*

- 7.3.9 In my opinion insufficient evidence has been provided in the s32 assessing the application of the NPS-UD definition of ‘urban environment’ to Ohoka. Certainly, it appears that clause a) of the NPS-UD ‘urban environment’ definition would be satisfied by the proposed Residential 3 Zoned component of the proposal. However, it is less clear to me that the large lot residential component (Residential 4A Zone) will also be predominantly urban in character

given the large lots and boundary treatment proposed. I note that paragraph 35 of the s32 states that the character of the development will be a 'rural village'. Based on my assessment against the ODP, PDP and DDS (see the Statutory Assessment section later in my report), it is clear to me that Ohoka is not intended to be urban in character in those documents or by the Council. In commenting on the ODP, Mr Nicholson also considers it is questionable whether Ohoka village is, or was ever intended to be, predominantly urban in character, and whether the NPS-UD should apply (paragraph 9.1).

- 7.3.10 Regarding clause b), there is no information included within the s32 on whether Ohoka is, or is intended to be, part of a housing and labour market of at least 10,000 people. I note that the Greater Christchurch Urban Area is identified in the Land Use Recovery Plan (2015) and Chapter 6 to the CRPS (as amended by the LURP), which evolved from Proposed Change 1 to the CRPS, which in turn sought to implement the 2007 Urban Development Strategy (UDS), where the area was initially identified. The Greater Christchurch Urban Area was created for a specific purpose and included areas anticipated for urban development and areas where it was anticipated that urban development would be excluded - it was not created for the purposes of the NPS-UD. I also note that since 2007 there has been significant urban expansion in Christchurch, Waimakariri and Selwyn districts, together with significant roading changes (e.g. the southern and northern corridors).
- 7.3.11 Given that the UDS, LURP and CRPS-mapped Greater Christchurch Urban Area predates the NPS-UD by many years, was developed for a different purpose, and the level of changes since 2007, it cannot simply be assumed that the area mapped in these documents is the 'urban environment' under the NPS-UD and whether Ohoka is within it.
- 7.3.12 With regard to the s32 assertion that the ODP lists Ohoka as forming part of the urban environment, the ODP states that the urban environment covers all the District's settlements and that this includes Rangiora, Kaiapoi, Oxford and Woodend – Ravenswood, the beach settlements, the new town of Pegasus and small towns of Ashley, Sefton, Cust, Ohoka and Tuahiwi (as stated in the explanatory material associated with Objective 15.1.1 and Policy 15.1.1.1 in the Urban Environment section of the Plan). I note that the ODP does not specifically state that the identified town extents also include the rural zoned areas adjacent to them. In addition, all the District's settlements have been included, irrespective of location and size because the ODP either considers areas as 'urban' or 'rural' (with rural residential an exception). I note that Oxford, Cust, Sefton and Ashley are included as being 'urban' in the ODP, however these areas are not located within the mapped Greater Christchurch Urban Area and are therefore simultaneously 'urban' and not 'urban environment' when applying the s32's arguments. Given this and that the 2005 ODP predates the NPS-UD by many years I consider this justification for Ohoka being with the 'urban environment' is not determinative. I note WDC (216) states that it is difficult to align the defined meaning of urban in the NPS-UD with the use of the term in the ODP, which cannot have anticipated the potential implication when it became operative in 2005.
- 7.3.13 In my opinion the application of the NPS-UD is a critical component of the planning framework for this proposal. Given the interpretive and evidential requirements of the NPS-UD 'urban environment' definition, I consider a judgement is required to be made based on evidence presented. I note that in his evidence Mr Yeoman considers that on balance Ohoka and Mandeville, and by extension the PC31 area, are not currently part of the Greater Christchurch 'urban environment' (section 4.3.4, page 37). I also note that this matter has been queried by submitters. I therefore consider Applicant evidence should be provided on the extent to which

Ohoka and the subject site meet the urban environment definition. Despite the absence of evidence from the Applicant on this matter I consider it likely that Ohoka is within the 'urban environment' and on the assumption that the Applicant will provide evidence demonstrating this, I have assessed the proposal as if it is.

**Objective 1 and Policy 1- does the proposal contribute to a well-functioning urban environment?**

7.3.14 Many submitters have made submissions covering well-functioning environment topics; including the following:

- a. CCC (548) state the proposal does not give effect to Policy 1(a)(i) (variety of homes), Policy 1(c) (good accessibility) and Policy 1(e) (GHG emissions) in the NPS-UD. CCC considers there has been no quantification of how the plan change sets out to achieve this important outcome sought by the NPS-UD;
- b. R Kimber (525) considers the development does not have good accessibility between housing and jobs and community services, is not near a centre zone, is not well serviced by public transport (PT) and will not support a reduction in greenhouse gas emissions and the urbanisation of Ohoka will not contribute to a well-functioning urban environment;
- c. P Trumic (34) considers the encouragement of satellite subdivision is a negative planning approach noting it is sprawl connected by roads and it will catalyse social problems in time;
- d. G Power (5) and B McGirr (13) want established towns (e.g. of Rangiora, Kaiapoi and Woodend and Oxford) to grow instead;
- e. R Hill (12) considers the proposal does not support financially struggling town centres as it creates a decentralised population;
- f. S Davison (31) considers the proposal is contrary to planning which aims to limit greenfield / protect farmland and concentrate it in and around brownfield sites, considering the development is isolated from existing physical and social infrastructure and does not support town and city centres;
- g. The Ohoka Residents Association (431) considers RCP031 does not give effect to the NPS-UD as it does not contribute to a well-functioning environment and is not the type of development that the NPSUD seeks to promote;
- h. WDC (216) considers RCP031 has not demonstrated that the proposal will result in a well-functioning environment (paragraph 23), noting that the proposal is connected to a residential settlement that is not a KAC or has the existing infrastructure to service a development of this size.

7.3.15 Contrary to these submitters, A Clark (8) supports subdivision in this location in close proximity to the motorway, sports fields, schools and shopping.

7.3.16 The need to contribute to a well-functioning urban environment is specified in Objective 1 and Policy 1 (together with Policies 6(c) and 8) of the NPS-UD. Policy 1 sets out what constitutes (as a minimum) a well-functioning urban environment, and requires that planning decisions contribute to such environments. A well-functioning urban environment must meet all of the

clauses in the policy. These provisions are set out below and each of the clauses in Policy 1 are then examined in turn.

**Objective 1:** *New Zealand 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.*

**Policy 1:** *Planning decisions 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.*

#### **Clause (a) – a variety of homes**

- 7.3.17 The s32 states that the proposal will provide a variety of homes across the combination of Residential 3 and 4A zones and by possibly providing for a retirement village in the Residential 8 Zone (accepting that it may not be developed). The s32 states this provides for variety and choice through the supply of approximately 850 to 900 households. Based on the Runanga consultation report it appears that there are no concerns in relation to enabling Māori to express their cultural traditions and norms.
- 7.3.18 I note that three different residential zones are provided which will provide for some housing choice. Given the stage the proposal is at, the RCP031 application documents do not include a subdivision pattern or a description of the types of dwellings that are intended to be developed on the site. I note that there are no areas identified for higher density housing. In his evidence (section 4.1.6) Mr Yeoman calculates that based on the information available the lots in the Residential 3 part of the Site would average just over 800m<sup>2</sup> per lot at a density of 12 lots per hectare, which is consistent with the density suggested in the a32. The Residential 8 Zone may have a slightly smaller lot size at around 700m<sup>2</sup>.
- 7.3.19 CCC (548) note that RCP031 is intending a final urban form of 12 households per hectare over the Residential 3 zoned land. However, CCC notes this does not take into account the land proposed by RCP031 to be rezoned Residential 4A (maximum average density of 3300m<sup>2</sup>), which is also urban and therefore the density needs to be calculated over the entire plan change area (excluding the proposed business zone and any areas excluded from net density calculations as set out in the CRPS). CCC considers this will result in a lower density for development than set out in the s32, and it is not clear whether the requirement for an average of 10 households per hectare required by the CRPS will be achieved. CCC seeks a minimum net density requirement of 15 households/hectare across the residential components of the plan change area.



- 7.3.20 As set out in his evidence (section 4.1.6), Mr Yeoman considers the proposal will likely generally provide for larger, more expensive homes. I note that there is not really a range of housing options (and at different price points) provided within the proposal, but it could be argued that it contributes to a range of housing options across the wider Waimakariri District, when considered along with the growth options already identified by the Council in Rangiora, Kaiapoi and North Woodend. On that basis I accept that the proposal could contribute to a variety of homes.

**Clause (b) – a variety of business sector sites**

- 7.3.21 The s32 states that appropriately sized commercial areas are proposed within the plan change area to provide for local convenience goods and services (paragraph 174). I consider that it is not possible to fully achieve clause b)'s requirement in a single development. I accept the s32's assessment and consider that the proposal will adequately support achieving this requirement over the wider Waimakariri District and Christchurch urban environment.

**Clause (c) – good accessibility**

- 7.3.22 The s32 anticipates that most of the future working age residents of the plan change area will be employed in Kaiapoi or Rangiora, or most likely in Christchurch (paragraph 175). As such, good accessibility to these areas is critical to support a well-functioning environment.
- 7.3.23 The s32 does not identify any current or future PT services for the subject site. It does however state that residents can travel to Christchurch by bus using the park and ride facilities in nearby Kaiapoi (s32 paragraph 176) and considers it possible to cycle to Kaiapoi.
- 7.3.24 As stated in the transportation section, in its submission ECan (507) states that Ohoka is not directly served by regular PT, that the nearest service is some kilometres away in Kaiapoi and that the Kaiapoi park and ride facility does not provide a realistic, attractive, or viable transport choice for most potential residents at the plan change site (paragraph 33). ECan notes that the area is not rated for PT services and is concerned that with the increasing costs of fuel and no bus service, the residents may ask for public transport services, requiring additional resource requirements that are unplanned and not funded in any future programmes. Waka Kotahi (141) also consider PT to be unplanned and consider the 8km cycle to Kaiapoi to use the Park and Ride scheme is in excess of what is considered an acceptable distance for commuting purposes.
- 7.3.25 CCC (548) states that reducing private motor vehicle dependency is important for improving sustainability by reducing emissions and the significant adverse effects of downstream traffic within Christchurch City. The Greater Christchurch Partnership have adopted the Regional Mode Shift Plan to support this. New urban growth areas and development should be of a form which enables viable PT services. The appropriate urban form, and provision for PT in new urban growth areas and development, is critical in achieving those outcomes. CCC seeks a provision be made through the plan change for a form and design of development that enables PT services to serve the area in the future should it be funded and implemented. WDC (216) considers the absence of PT will likely mean more cars and other private transport on the road and this does not create a well-functioning urban environment. WDC considers RCP031 is neither integrated nor self-sufficient but will have to rely on other resources in the district.

- 7.3.26 Regarding active transport the s32 states that active transport is promoted by the compact walkable/cyclable form of the proposed village expansion which will feature local convenience at the centre (paragraph 177). The report states that bicycling to nearby Kaiapoi takes between 20 and 30 minutes along flat roads (15 to 25 minutes to the commercial centre in Silverstream) and considers the distance will be achievable for many future residents, particularly on an E-bike.
- 7.3.27 In his evidence, Mr Binder concludes at a high level, the proposed site is not appropriate for this scale of new development due to the paucity of safe non-motorised connections; distance required to travel to “day-to-day” activities (e.g., employment, retail, education, and health); impractical public transport service; and high risk on roads connecting the proposed site with key centres (paragraph 70).
- 7.3.28 Based on Mr Binder’s advice, and noting the submissions on this matter, I conclude that the proposal will not have good accessibility for all people between housing, jobs and community services, including by way of public or active transport and therefore the proposal does not meet clause c) in Policy 1, and correspondingly does not contribute to a well-functioning environment for accessibility aspects.

**Clause (d) - competitive operation of land and development markets**

- 7.3.29 The economic assessment provided with the proposal (Appendix I of the s32 report) states that RCP031 will help address constraints in the residential land supply markets and that it will increase supply and competition and help address housing affordability within the Waimakariri District and Greater Christchurch (paragraph 4.12). WDC (216) states the proposal does not clarify what the competitive market is that Ohoka will contribute to or compete against, or how, except perhaps to indicate that more houses equals more competition. WDC also notes that the timing of any development in RCP031 is uncertain which muddies further the contribution it would make to competition and affordability. WDC states that Mr Copeland’s evidence suggests development under RCP031 being completed by 2029, but that WDC is unaware of any mechanism in RCP031 that makes this a requirement (paragraph 102). If it were, then conclusions relating to competition and affordability may make greater sense.
- 7.3.30 Mr Yeoman states in his report (section 4.1.7), the addition of a new development within the District can be expected to generate some additional competition, however given the scale of development potential in the rest of the District and the Greater Christchurch area, the change in competition will not be material.
- 7.3.31 I also note Mr Yeoman’s conclusion on supply and demand within the District (section 4.1.7). He states that applying the latest projections and the required competitiveness margin of 20%, it is estimated that there would be a need for at least 4,970 new dwellings over the medium term. On average these projections suggest a need for 497 new dwellings per annum over the 10 year period ending 2033. In the coming long term Mr Yeoman considers that there would be a need for at least 11,700 new dwellings by 2053. Mr Yeoman assesses supply (section 4.1.3), identifying supply as 5,930 dwellings in the medium term and 14,450 in the long term. He states that:
- “The assessment of the capacity that could be ‘Reasonably Expected to be Realised’ and ‘Commercially Feasible’, as prescribed in the NPSUD suggests that there is capacity for just over 5,930 new dwellings in the medium term. In summary the research shows that there*

*would be sufficient supply in Waimakariri to meet the expected demands, and is more than the required NPSUD competitive margin. In the long term there is estimated to be a capacity of just under 14,450, which is sufficient to meet the demand. However, we consider that the Council should continue to monitor the situation and additional development capacity could be identified in the next revision of the Future Development Strategy to ensure long-term adequacy of supply. Where in the District that additional growth should be provided will be more certain beyond the medium term, and so we consider that providing for that future capacity through revision of the FDS is a more appropriate response to providing for future growth needs than approving a private plan change now to provide for uncertain long-term needs.”*

- 7.3.32 Based on Mr Yeoman’s advice, I consider that the proposal will support the competitive operation of land and development markets as required by clause d), however this will not be material and the capacity is not required to satisfy demand in the medium or long term.

**Clause (e) - support reductions in greenhouse gas emissions**

- 7.3.33 A key issue for the NPS-UD, as set out in Policy 1 and Objective 8, is that New Zealand’s urban environments support a reduction in greenhouse gas emissions. The s32 states that the proposed plan change will support reductions in greenhouse gas emissions through its compact walkable/cyclable urban form (including the provision of local convenience goods and services) and the removal of the existing dairy farm from the site (paragraph 179). Unfortunately, this anticipated reduction in GHG is not quantified.

- 7.3.34 I note many submitters commented on this aspect of the proposal as set out below.

- a. R Hill (12) considers the proposal undermines achieving carbon reduction targets by making people travel to work in private cars.
- b. ECan (507) states it is particularly concerned regarding the lack of evidence for supporting a reduction in greenhouse gas emissions, particularly given the lack of public transport, and that other locations can better provide for a consolidated urban form served by public transport routes.
- c. Waka Kotahi (141) considers that the proposed level of development at this location would not contribute to a reduction in GHG due to the anticipated increase in vehicle kilometres travelled (VKT) from the development due to the limited employment opportunities in Ohoka and the limited alternative travel choice to private vehicles. Waka Kotahi considers that at the proposed density it will be difficult to provide viable and sustainable public transport and this is a barrier to meeting the VKT target set out in the Emissions Reduction Plan.
- d. CCC (548) notes there are two key components of urban land use that contribute to greenhouse gas emissions; the impact of private vehicle usage when compared to active transport and public transport, and the construction and operation of housing and consumption of energy. CCC states this is one of the key reasons for locating new development where public transport infrastructure already exists, or is planned to be serviced, and locating development alongside employment opportunities. CCC also notes that there has been no quantification of how the plan change sets out to achieve this important outcome sought by the NPS-UD.

7.3.35 As covered earlier in the transport section, in his evidence Mr Binder considers that the proposal will not support reductions in greenhouse gas emissions and notes that no quantitative evidence has been provided of GHG reductions (paragraphs 20 and 22). I also note that there is no guarantee that the agricultural activities currently occurring on the subject site will not re-establish in another location given that the activity is profitable and there is demand for dairy products. In the absence of more detailed Applicant evidence and given the evidence of Mr Binder, I do not consider that clause (e) is given effect to by RCP031.

#### **Clause (f) – resilience to climate change**

7.3.36 The s32 (paragraph 180) states that the plan change proposal will be resilient to the likely current and future effects of climate change given:

- the distance of the site from coastal and low-lying areas susceptible to sea-level rise and storm surges;
- resilience to heavy rainfall events built into the proposed stormwater management system; and
- the potential for building and landscape design to respond to climatic extremes.

7.3.37 In his evidence Mr Bacon considers that the flood modelling undertaken by PDP is accurate and the proposals to manage onsite flooding are acceptable. I understand the flood modelling includes an allowance for climate change. As such I consider that the proposed onsite development can be resilient to the likely current and future effects of climate change. However, Mr Bacon identifies shortcomings with flood management, particularly the options to reduce the predicted increase in flooding on neighbouring properties. I understand that rainfall intensity is projected to increase with climate change and that therefore the resilience of adjacent properties to climate change remains uncertain. It would be helpful if the Applicant provided mitigation options for off-site flooding at the hearing to confirm whether this matter can be addressed.

#### **Conclusion regarding Objective 1 and Policy 1**

7.3.38 Overall, but with the exception of the partial contribution RCP031 makes to achieving clauses (a) and (b) of Policy 1, I consider that RCP031 either will not contribute to a well-functioning urban environment, or this has not yet been demonstrated due to lack of evidence in the s32. In coming to this conclusion, in addition to the evidence assessed above, I also concur with Mr Nicholson's opinion (paragraphs 10.3 and 10.4) where he states:

*"PC31 would largely infill the rural land between Ohoka and Mandeville giving rise to a sprawling low-density residential conurbation with a combined population in the order of 3,850 people. Ohoka / Mandeville is not on a major transport route, has no significant retail or employment opportunities, limited community services, and no commercial or civic centre. Much of the surrounding land has non-productive rural residential land uses, and extended town is likely to function as a dormitory / lifestyle settlement.*

*In my opinion the Ohoka / Mandeville conurbation would not contribute to a well-functioning urban environment. In particular, I consider that it does not have good access to jobs or community services, or have facilities for active and public transport. Travel would be car dependent and combined with the low-density residential land use the settlement would not support reductions in green house gas emissions."*

## **Objective 2 – Does the proposal improve housing affordability?**

- 7.3.39 Objective 2 seeks that planning decisions improve housing affordability by supporting competitive land and development markets. The s32 states (paragraph 13) that provision for a variety of densities (from 500m<sup>2</sup> up to one hectare plus) within the plan change area is considered appropriate to provide choice and to help address declining housing affordability (among other things).
- 7.3.40 A number of submitters questioned whether the proposal would contribute to affordable housing in the District, including the following:
- a. A Low (416) and OOCB (370) noted the uncertainty of the proposal as to the contribution of any affordable housing;
  - b. L Obrien (188) states that the proposal does not state a price point for the land or house and land package and therefore RCP031 is not demonstrating it is meeting a need for affordable housing;
  - c. Union Specialties NZ Ltd (611) consider it is purely speculative if additional supply of housing will assist in avoiding price rises;
  - d. WDC (216) note that the application does not quantify the extent of affordable housing that will become available or set any benchmark for what affordability should mean.
- 7.3.41 As set out earlier under the Policy 1(d) assessment, Mr Yeoman considers the addition of a new development within the District through the proposal can be expected to generate some additional competition, however given the scale of development potential in the rest of the District and the Greater Christchurch area the change in competition will not be material (section 4.1.7).
- 7.3.42 In his evidence (section 4.1.6), Mr Yeoman has calculated that the average dwelling in the proposed Residential 3 zone could cost more than \$830,000 and the average dwelling in the proposed Residential 4A zone could cost more than \$1,000,000. He notes that the median dwelling within Waimakariri currently sells for \$737,500, and \$699,000 for the Greater Christchurch area and that the estimated dwelling values of \$830,000 and \$1,000,000 would be 15% to 37% more expensive than half of the traded houses in the District and would not be affordable to most households in the District or Greater Christchurch area. He considers that based on distribution of the households and their incomes that the dwellings within the site will only be affordable to high income households. Based on this evidence it cannot be confirmed that the development will improve housing affordability, contrary to Objective 2.

## **Objective 3 - Is the proposed location near a centre zone or area of employment; well serviced by PT; or where there is high demand for housing or business land?**

- 7.3.43 Objective 3 of the NPS-UD seeks that:

Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-serviced by existing or planned public transport

- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

7.3.44 The Ohoka Residents Association (431) considers RCP031 is not consistent with Objective 3 of the NPS-UD which anticipates development can integrate with existing infrastructure. WDC (216) considers the lack of planned bus services to and from Ohoka is inconsistent with Objective 3 of the NPS-UD, stating it is neither integrated nor self-sufficient but will have to rely on other resources in the district.

7.3.45 While the proposal includes small business areas and is not too distant from the Mandeville centre, the commercial employment opportunities provided by these areas are not significant. Certainly there are employment opportunities within the rural environment, however these are unlikely to be any greater for the subject site relative to other parts of the District. I note that the s32 states that *"...in terms of employment, apart from those who work from home and the few who may be employed in Ohoka, most of the future working age residents of the plan change area will be employed in Kaiapoi or Rangiora, or most likely in Christchurch"* (paragraph 175). Mr Yeoman agrees that the area is not close to main commercial or employment opportunities (section 4.3.4). I note Waka Kotahi (141) also considers most residents will commute to Rangiora, Kaiapoi and Christchurch City to access employment. I consider there is nothing particularly special about the employment opportunities in Ohoka as opposed to other parts of the District. A location within Ohoka is not 'in' or particularly 'near' to Kaiapoi, Rangiora or Christchurch, when assessed relative to other development locations attached to those centres. As such, it is my opinion that the proposal does not demonstrate compliance with clause (a) any more than other similarly sited proposals and is likely to less meet this clause when compared to new development sites adjacent to Rangiora, Kaiapoi and Christchurch where the employment opportunities are anticipated in the s32.

7.3.46 Regarding being well-serviced by existing or planned PT, this was assessed earlier under Policy 1 and in the transport section. My conclusion, based on the evidence of Mr Binder, was that the proposal is not well serviced by existing or planned PT and therefore the proposal does not meet clause (b). I note that both ECan (507) and Waka Kotahi (141) also consider the area is not directly serviced by any existing or planned public transport.

7.3.47 Regarding whether there is high demand for housing or business land in this area relative to other areas within the urban environment, I note there is little evidence in the s32 to demonstrate that there is high demand in Ohoka, relative to other parts of the District. In his evidence Mr Yeoman states (in section 4.1.7) that:

*"in the context of the growth in the District there has been a relatively small amount of demand for Ohoka. However, this is because of the nature of the settlement, being small and located further from the main towns in the district. For the most part we would expect that much of the demand that is drawn by PC31 would otherwise have located in the areas around these main towns in the District, or elsewhere in Christchurch. Based on the existing demand (and supply) in Ohoka we consider that PC31 would not be required to meet the (existing) expected needs in the settlement."*

7.3.48 Based on the evidence available, it is my opinion that the proposal does not meet this objective requirement.

- 7.3.49 Overall, based on the evidence provided I consider that the proposal does not give effect to the requirements in Objective 3.

**Objective 4 – changing urban environments**

- 7.3.50 Objective 4 recognises urban environments, including their amenity values, will develop and change over time in response to the diverse and changing needs of people, communities, and future generations and is supported by Policy 6. Ohoka will change with this proposal.

**Objective 6 - Is the proposal integrated with infrastructure; strategic and supply significant development capacity?**

- 7.3.51 Under Objective 6, local authority decisions on urban development affecting urban environments are:

- (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.

- 7.3.52 Clauses (a) and (b) are addressed in turn below, while clause (c) is considered under the Policy 8 assessment further below.

**Clause (a) - Is the development integrated with infrastructure planning and funding Decisions?**

- 7.3.53 The s32 identifies this requirement under Objective 6 but does not go on to address this matter.
- 7.3.54 The supporting Pattle Delamere report on infrastructure identifies the physical requirements to provide the servicing but aside from a brief Long Term Plan assessment for potable water (in section 5.2) it does not address funding and integration with Council's infrastructure planning. The s32 is largely silent on this matter.
- 7.3.55 In his evidence (paragraph 8) Mr Roxburgh notes that the Inovo report (section 5.2) summarises water projects outlined in WDC's Long Term Plan (2021 – 2031) ('LTP'), which are based on current projected growth for the area. He states that the demand growth uses the existing zoning under the Operative District Plan and therefore does not consider the plan change area. He states that for clarity the planned upgrades and extension projects identified in the LTP will not have capacity to service the plan change area and that no Development Contributions are currently included in the Developments Contribution Schedule to fund any infrastructure required to service the plan change area. He considers that any new infrastructure required to service the plan change area will need to be wholly funded by the Applicant. I am not aware of any agreement on funding between the Applicant and the Council on three waters infrastructure.
- 7.3.56 For transport as stated in paragraph 39 of the s32, road widening is required to Tram Road Bradleys Road Whites Road and Mill Road. The s32 states some of this widening is required now, and some is required because of the plan change. The s32 states that RIDL will work with Council to develop a fair and equitable cost sharing arrangement for road widening at the appropriate time. While transport infrastructure costs have been identified, there is

currently no agreement in place with the Council. However, I note that there could be in the future.

- 7.3.57 Based on ECan's submission (507) I understand that public transport services are unplanned and not funded in any future programmes (paragraph 33). In his evidence Mr Binder also notes this (paragraph 41). Waka Kotahi (141) also identify the absence of PT and the planning for improved public transport to the site. Waka Kotahi also comment on the absence of adequate cycle facilities to Rangiora, noting that the proposed cycleway along Flaxton and Fernside Roads is a high confidence pathway and therefore will not be suitable for everyone and the funding and timing for any upgrading is unknown. Waka Kotahi also considers that infrastructure planning and funding does not encompass the development proposed at Ohoka.
- 7.3.58 Given the above and the conclusions below under development capacity, it appears that the proposal is not currently integrated with infrastructure planning and funding and there is no clear advice in the plan change proposal how it will be. I expect this is because this is a matter that is anticipated to occur subsequent to getting plan change approval. However, my assessment is required to be based on the evidence presented and currently the proposal does not demonstrate giving effect to this requirement. I note that ECan (507) also stated the proposal does not give effect to Objective 6(a).

**Clause (b) - Is the proposal strategic over the medium term and long term?**

- 7.3.59 Unfortunately the s32 does not provide a clear and specific statement on whether the proposal is strategic over the medium term and long term. I note that the PDP does not identify Ohoka as an area for urban growth. I also note that the District Development Strategy<sup>2</sup> which guides the District's anticipated residential and business growth out to 2048 also did not identify Ohoka for significant urban density growth, nor is it identified for growth in the CRPS (Map A) or Our Space. I understand that the Council's infrastructure strategy<sup>3</sup> identifies Ohoka as a rural village and does not anticipate development of the level proposed.
- 7.3.60 I consider there is some conflict between being responsive to development that is unanticipated by RMA planning documents, yet at the same time being required to assess if the proposal is strategic over the medium term and long term, as it is Council planning documents that usually demonstrate this (and plan for it). Given the obvious lack of planning for significant urban growth in Ohoka in the Council's strategic planning documents, in my opinion it is necessary for the Applicant to demonstrate why the proposal is considered 'strategic in the medium and long term'.
- 7.3.61 I note the comment by A Low (416) that rezoning land in Ohoka 30 years before it is required is not good resource management as it removes the ability of future generations to decide on the best use of this natural resource for themselves - in 30 year's time, the priority for this 155.9 hectare site may very well be growing and producing food, creating a carbon sink, or even building a motorway. A Low considers that if the urgency for urban housing in Ohoka does not exist, any rezoning decisions should be delayed until a time comes when it is required, enabling the future generation to make assessments of its best use based on their needs. A Low notes that there would be two or three District Plan Reviews and ten Housing

<sup>2</sup> Waimakariri District Development Strategy (DDS) 'Our District, Our Future – Waimakariri 2048

<sup>3</sup> Waimakariri Infrastructure Strategy 2021 - 2051



Development Capacity Assessments during the next 30 years, which would provide plenty of opportunity to consider the need to zone additional land and re-evaluate housing sufficiency.

- 7.3.62 In his evidence Mr Yeoman suggests supply is sufficient for the medium and long term and considers that identifying where in the District that additional growth should be provided will be more certain beyond the medium term, and so providing for that future capacity through revision of the FDS is a more appropriate response to providing for future growth needs than approving a private plan change now to provide for uncertain long-term needs. I agree with these comments and consider they demonstrate that the proposal is not strategic over the medium and long term.
- 7.3.63 Given the above identified matters above, I cannot conclude that the proposal is strategic over the medium and long term. I note that ECan (507) also stated the proposal does not give effect to Objective 6(b). I consider further specific evidence from the Applicant is required to demonstrate compliance with Objective 6(b).

**Policy 8 – Does the proposal provide significant development capacity?**

- 7.3.64 Policy 8 reinforces the requirement for local authorities to be responsive (clause (c) of Objective 6) 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.
- 7.3.65 The NPS-UD sets out three aspects local authorities need to consider when determining if a plan change proposal should be considered under the responsive planning policies (refer to Subpart 2 – Responsive planning, clause 3.8). These are if the proposal:
- (a) would contribute to a well-functioning urban environment; and*
  - (b) is well-connected along transport corridors; and*
  - (c) meets the criteria set under subclause (3).*
- (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*
- 7.3.66 I have assessed whether the proposal contributes to a well-functioning environment (subclause (a)) under my assessment for Policy 1. Regarding subclause (b), I have assessed whether the proposal is well connected along transport routes and has good accessibility under Policy 1 and is well-served by existing or planned public transport under Objective 3. Based on my transport conclusions on Policy 1 and Objective 3, informed by Mr Binder's evidence, I consider that the proposal is not well-connected along transport corridors, principally due to the lack of PT and active transport options.
- 7.3.67 Regarding subclause (c) and clause (3), I note that ECan is yet to include criteria in its CRPS. In the absence of that criteria, I have considered this matter against the relevant objectives and policies of the NPS-UD.
- 7.3.68 Under Policy 8, local authority decisions affecting urban environments are to be responsive to plan changes that would add significantly to development capacity. Therefore, in addition to the criteria in clause 3.8 of the NPS-UD, it is also necessary to confirm whether the proposal

will add significantly to development capacity. The s32 report states (paragraph 171) that the proposed plan change will add significantly to development capacity in the District, citing the economic assessment supplied as part of the proposal documents (Appendix I to the s32), which calculates that residential development capacity of the plan change area represents around 3.4% of the existing dwellings in the District. I note that Mr Yeoman considers that the residential development of this scale would contribute significantly to development capacity (section 4.1.7). In the absence of any guidance in the CRPS on this matter I consider that the 850 to 900 lots anticipated in the proposal is significant and would meet this requirement were these established.

7.3.69 I note that development capacity is defined as:

*“...the capacity of land to be developed for housing or for business use, based on:*

- (a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and*
- (b) the provision of adequate development infrastructure to support the development of land for housing or business use.”*

*Development infrastructure is defined as:*

*“... to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):*

- (a) network infrastructure for water supply, wastewater, or stormwater*
- (b) land transport (as defined in section 5 of the Land Transport Management Act 2003)*

7.3.70 I note it is not sufficient to simply provide for 850 lots. In order to significantly contribute to development capacity the lots also need to be serviced with development infrastructure. If they cannot be serviced then the development capacity identified cannot be provided accordance with Objective 6 and Policy 8.

7.3.71 As stated earlier in the three waters infrastructure section, it is not clear that potable water and stormwater can be adequately provided. In my opinion there is sufficient uncertainty that it cannot currently be argued that the proposal adds significantly to development capacity. I therefore consider that the proposal does not give effect to Objective 6 and Policy 8 of the NPS-UD on this matter. I note that the Applicant may provide additional evidence on these matters at the hearing to demonstrate that the proposal does give effect to Objective 6 and Policy 8.

7.3.72 While different to ‘development infrastructure’ I also note that NPS-UD clause 3.5 requires that local authorities must be satisfied that ‘*additional infrastructure to service the development is likely to be available*’. Clause 1.4 defines ‘Additional infrastructure’ to mean:

- (a) public open space*
- (b) community infrastructure as defined in section 197 of the Local Government Act 2002*
- (c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities*
- (d) social infrastructure, such as schools and healthcare facilities*
- (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)*
- (f) a network operated for the purpose of transmitting or distributing electricity or gas*

- 7.3.73 In my experience these matters are usually able to be provided in response to demand although it may not always be timely and at the level of service that the community would desire. With the exception of schooling (see below), I am not aware of any specific reason why these could not be provided to service the development.
- 7.3.74 I note the many submissions querying the capacity of the Ohoka School and other schools in the area and the impact RCP031 will have on these schools. These submitters include: A & S Kane (111), A Nelson (21), A Webb (43), S Van Der Leu & R Macpherson (42), A Gibbs (50), J Harvey (72), D Trayner and A Hatton (79). I note the Ohoka School Board (131) is also concerned with the impact on the character of the school and the significant upheaval during the required expansion.
- 7.3.75 The Ministry of Education (MoE) made a submission on the proposal stating that the entirety of the plan change area of RCP031 is outside of the Projected Infrastructure Boundary (refer to Map A, Chapter 6 of the CRPS) and consequently is not growth that was anticipated. MoE stated that the unplanned growth and intensification associated with RCP031 may result in adverse effects on Ōhoka School, Kaiapoi High School and Rangiora High School given school aged children likely to attend these schools. The Ministry did not expressly seek the proposal be approved or declined, rather it sought (in addition to other matters) that *“the potential inconsistencies between Policy 8 of the NPS-UD and the CRPS are satisfactorily resolved particularly as it relates to development capacity and well-functioning urban environments”*. Unfortunately, I am not clear how that can be accomplished through this private plan change. I note the capacity issues raised, but I also note that the Ministry did not advise that additional capacity cannot be provided in response to need.
- 7.3.76 In addition to development infrastructure, the ECan submission (507) notes the MfE guidance that, in addition to scale, ‘the extent to which the proposed development provides for identified demand’ and ‘the yield of the proposal relative to identified future needs’ are also factors that should influence an assessment of the significance of a proposal.<sup>4</sup> I note ECan’s conclusion in their submission that:
- “With the inclusion of the FDAs identified through Change 1 to the CRPS, there is sufficient development capacity (including the required competitiveness margin) within Selwyn, Waimakariri and Christchurch City, to meet expected housing demand over the medium term to 2031 (ref. Table 3). We note further, the HCA does not take account of the additional capacity enabled by the MDRS to be introduced into the district plans of Greater Christchurch.”*
- 7.3.77 There is little evidence in the s32 or supporting economic assessment (in its Appendix I) that considers the demand versus supply matter. The economic assessment simply states at paragraph 4.12 that RCP031 will:
- “help address constraints in the residential land supply markets. It will increase supply and competition and help address housing affordability within the Waimakariri District and Greater Christchurch. It is therefore consistent with Objective 2 and other sections of the NPS-UD, which places even greater emphasis on these issues than its predecessor, the NPSUDC.”*
- 7.3.78 I note Mr Yeoman’s evidence on supply and demand (covered earlier under Policy 1), that there is sufficient supply to meet the demand over the medium and long term without RCP031. When considering the provision of additional capacity, I also consider it relevant to

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<sup>4</sup> MfE Understanding and implementing the responsive planning policies, page 6

consider the growth planning undertaken by the Council and the Greater Christchurch Partnership. I note that Our Space is focused on how to best accommodate housing and business land needs. It provides targets for housing for 30 years and outlines how any identified shortfall in capacity to meet these targets will be met, including through the identification of areas for housing growth. This is reflected in additional capacity being directed to Rolleston, Rangiora and Kaiapoi in support of the public transport enhancement opportunities identified in Our Space (page 28). I also understand that a Greater Christchurch Spatial Plan is being prepared, which is intended to build on and replace the UDS and Our Space, integrate with a Mass Rapid Transit Business Case and ultimately inform Long Term Plans, the CRPS, district plans and the Regional Land Transport Plan. I note that the spatial plan will include a Future Development Strategy (FDS) under the NPS-UD.

- 7.3.79 Overall, I consider that it has not been demonstrated that the additional capacity proposed through RCP031 is necessary in the medium or long term, nor if it can be provided given the servicing uncertainties, and based on the above analysis, conclude that the proposal will not add significantly to development capacity.

**Objective 8 – Does the proposal reduce GHGs and provide climate change resilience?**

- 7.3.80 Under Objective 8, New Zealand’s urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

- 7.3.81 These matters were considered earlier under the Policy 1 assessment where I concluded that:

- it has not been demonstrated that RCP031 will support a reduction in greenhouse gas emissions;
- the proposed onsite development can be resilient to the likely current and future effects of climate change however the resilience of adjacent properties remains uncertain.

**National Policy Statement for Highly Productive Land (‘NPS-HPL’)**

- 7.3.82 I note that the majority of the land within RCP031 is identified as LUC Class 3, with a small area on the north western corner of Mill and Bradleys Roads being identified as LUC Class 2. A number of submitters have stated that RCP031 is inconsistent with the NPS-HPL (for example The Ohoka Residents Association (431)). The NPS-HPL came into force on 17 October 2022, being after the time the plan change proposal was received and notified by the Council. As a result, the s32 does not address this policy statement. The s32 does however address the loss of agricultural production in paragraphs 67 to 70. I have considered the loss of agricultural production in section 6 of this report and will not do so here.

- 7.3.83 Clause 3.5(1) specifies that as soon as practicable, and no later than 3 years after the commencement date, every regional council must, using a process in Schedule 1 of the Act, notify in a proposed regional policy statement, by way of maps, all the land in its region that is required by clause 3.4 to be mapped as highly productive land. I note that ECan have not notified a proposed change to the CRPS to give effect to this directive.

- 7.3.84 Subclause (7) states that until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

- (i) zoned general rural or rural production; and
- (ii) LUC 1, 2, or 3 land; but

(b) is not:

- (i) identified for future urban development; or
- (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

7.3.85 In the ODP the site is zoned rural, however, in the PDP the site is zoned rural lifestyle. As such it could be argued that by virtue of the PDP zoning the site Rural Lifestyle, it is subject to a Council initiated change to rezone it from general rural to rural lifestyle and therefore the NPS-HPL does not apply. Alternatively, it could be argued that the PDP is not subject to a plan change, rather it is subject to a district plan review and RCP031 is a plan change to the ODP (as opposed to the PDP), and the ODP is not subject to a Council initiated or adopted plan change. I note that the decision to zone the area Rural Lifestyle in the PDP was made in advance of the NPS-HPL and therefore it was not decision cognisant of the final NPS-HPL.

7.3.86 I consider that the decision on whether the NPS-HPL applies to the site is significant given the site's description as highly productive land. I note that the status of the NPS-HPL in relation to the site has not been assessed in the s32 and the Council has not obtained formal legal advice on this matter. Given this, and ahead of legal submissions and evidence which is likely to be presented at the hearing, I have not formed a view on whether the NPS-HPL applies. Given its significance and coverage in submissions, the Hearing Panel may wish to seek legal advice on this.

7.3.87 I anticipate being able to provide an opinion on the application of the NPS-HPL after hearing the various arguments presented to the Hearing Panel.

#### **Canterbury Regional Policy Statement and Our Space**

7.3.88 A number of submitters consider that RCP031 does not give effect to various provisions with the CRPS (for example ECan (507), CCC (548), WDC (216) and The Ohoka Residents Association (431)). The s32 (paragraph 183) states that the Waimakariri District Plan is required under Section 73(4) of the Act to give effect to the CRPS and that Section 74(2) of the Act also requires territorial authorities to have regard to any proposed regional policy statement when preparing or changing a district plan, noting that there is no proposed regional policy statement or proposed change to the CRPS. CRPS provisions are assessed in paragraphs 184 to 198 of the s32. This includes consideration of objectives 5.2.1, 6.2.1, 6.2.2, and 15.2.1 and, policies 6.3.1, 6.3.2 and 6.3.5. The s32 CRPS assessment accepts that the proposal does not give effect to the urban growth requirements in the CRPS but considers it does not have to, due to the higher order NPS-UD Policy 8 requirements. Except where I have outlined below, I generally agree with the s32's assessment of the CRPS.

7.3.89 Although not covered in the s32, I consider CRPS Objectives 6.2.5, 6.2.6 and Policy 6.3.6 which cover business matters and commercial distribution are also directly relevant to the proposal as are 6.2.4 and 6.3.4 in relation to transport. I consider the Energy Chapter objective 16.2.1

and Policy 16.3.1 (efficient use of energy) are also directly relevant. I have assessed all of these provisions below.

7.3.90 I note the s32 does not identify Policy 6.3.3 – *Development in accordance with outline development plans*, nor Policy 6.3.7 – *Residential location, yield and intensification* as relevant. Potentially this is because strictly they apply to development in greenfield priority areas, Future Development Areas and rural residential development – none of which apply to RCP031 as the development proposed is not anticipated by the CRPS. Whilst these provisions may not technically apply to the site (as the CRPS provisions anticipate that urban development would only occur in these identified areas), I still consider these provisions are useful to assess and demonstrate how the proposal would meet these, were it included within a greenfield priority area or Future Development Area.

7.3.91 For completeness, I note other provisions may also be relevant to a lesser extent, including:

- Chapter 7 fresh water;
- Chapter 9 ecosystems and indigenous biodiversity;
- Chapter 10 beds of rivers and lakes and their riparian zones;
- Chapter 11 natural hazards and Chapter 17 contaminated land.

7.3.92 I have not assessed these chapters (except in response to ECan’s submission below) as I am not aware of any particular issues on these topic areas that the proposal creates, or because the assessment is better undertaken as part of the subdivision and development stage.

7.3.93 In paragraph 199 the s32 assesses ‘Our Space’. It states that Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai OTe Hōrapa Nohoanga’ (‘Our Space’) was prepared to satisfy the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) for high growth councils to produce a future development strategy that shows there will be sufficient, feasible development capacity to support housing and business growth needs over the medium (next 10 years) and long term (10 to 30 years).

7.3.94 The s32 acknowledges that the proposal is not expressly contemplated by Our Space which identifies indicative locations of future development areas in Greater Christchurch within the Projected Infrastructure Boundary. It states however, that consistent with its findings regarding the directive policies in Chapter 6 of the CRPS, the recently released NPS-UD provides a more enabling and responsive approach to growth.

7.3.95 In their submission ECan (507) identifies inconsistencies with the CRPS (paragraphs 3 to 7). I note ECan’s position that:

- Map A identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery in Greater Christchurch;
- The policy framework in Chapter 6 seeks to accommodate expected growth and enable urban development within identified spatial areas in a way that achieves consolidated and coordinated urban growth which is integrated with the provision of infrastructure;
- This framework provides for the development of land within existing urban areas, greenfield priority areas (GPAs), and future development areas (FDAs), at a rate and in

locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;

- Urban development outside of these identified areas is to be avoided, unless expressly provided for in the CRPS;
- Plan Change 31 (PC31) relates to land that has not been identified as a GPA or FDA on Map A, nor is development of the land for urban purposes expressly provided for in the CRPS;
- The plan change request therefore does not give effect to:
  - i. Objective 6.2.1 (3) which *“avoids urban development outside of existing urban areas or greenfield priority areas for development”*,
  - ii. Objective 6.2.2 which seeks *“consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas”*,
  - iii. Objective 6.2.6 to *“identify and provide for Greater Christchurch’s land requirements for the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2”*, and
  - iv. Policy 6.3.1 (4) to *“ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless otherwise expressly provided for in the CRPS”*.

7.3.96 ECan also notes the application of Our Space to the proposal in paragraphs 8 to 11 of their submission, noting it was endorsed by the Greater Christchurch Partnership (GCP) in 2019 and subsequently adopted by each partner council, and that Our Space 2018-2048 identifies sufficient development capacity to meet anticipated housing needs over a thirty year planning horizon out to 2048 (they consider there is existing capacity for nearly 74,000 dwellings in Greater Christchurch, against a housing target of 86,600, between 2018 to 2048).

7.3.97 ECan notes Our Space sets out a proposed approach to meet the projected shortfall, which includes intensification in existing urban areas and the identification of new FDAs in Rolleston, Rangiora and Kaiapoi and also notes the recently enacted RMA changes to introduce the Medium Density Residential Standards (MDRS) which will introduce further significant development capacity into the urban environments of Greater Christchurch. ECan considers this provides significantly greater capacity for infill development, utilizing existing and upgraded infrastructure, and contributing to intensification outcomes that are sought in the CRPS.

7.3.98 ECan states that in July 2021, Change 1 to Chapter 6 of the CRPS was made operative, which amended Map A to identify FDAs to provide additional housing development capacity in Rolleston, Rangiora and Kaiapoi in order to support the outcomes of Our Space 2018-2048, address the projected shortfall, and ensure the provision of at least sufficient development capacity to meet expected demand for housing and for business land in accordance with NPS-UD requirements. ECan considers that neither of these processes identified the land subject to RCP031 as necessary to meet future growth demands in Greater Christchurch over the 30-year period to 2048. J Allen (153) also considers that the proposal is contrary to Our Space, noting that there is sufficient feasible development capacity for the medium and long term without developing farm land at Ohoka.

7.3.99 In my opinion the relationship between the directive Chapter 6 provisions of the CRPS and the responsive provisions of the NPS-UD is only lightly traversed in the s32 which states in paragraph 170 that:

*“While the development enabled by the plan change proposal is unanticipated by the Waimakariri District Plan and Canterbury Regional Policy Statement, it is type of proposal which Policy 8 of the NPS-UD seeks to enable by requiring councils to be responsive. The purpose of the responsive planning policy is to enable, in qualifying circumstances, the consideration of unanticipated or out-of-sequence land development. Whether a development proposal qualifies for consideration depends on its consistency with the objectives of the NPS-UD, in particular, whether the development adds significantly to development capacity and contributes to well-functioning urban environments.”*

7.3.100 In paragraph 193 the s32 states that:

*“The policy framework referenced above [the CRPS] clearly articulates that urban development is to occur inside the existing urban area and greenfield priority area within Greater Christchurch. The proposal is inconsistent with those objectives and policies seeking to avoid urban development outside the urban area. However, as noted above, NPS-UD Policy 8 provides for inconsistency with this requirement.”*

7.3.101 Likewise, in relation to Our Space, the s32 states (in paragraphs 200 and 201):

*“The proposal is not expressly contemplated by Our Space which identifies indicative locations of future development areas in Greater Christchurch within the Projected Infrastructure Boundary. However, consistent with the findings regarding the directive policies in Chapter 6 of the RPS, the recently released NPS-UD provides a more enabling and responsive approach to growth.*

*Accounting for the NPS-UD, the recognition in Our Space that responsive planning is required in response to drivers of change, and that the proposal is otherwise consistent with the key outcomes sought in Our Space in respect of the location and form of growth, the proposal is assessed as being not inconsistent with Our Space.”*

7.3.102 Whether the NPS-UD’s directive policies ‘override’ the CRPS’s directive approach or vice versa is a significant matter and clearly in contention given the ECan submission. As this may be determinative, in my opinion insufficient evidence has been presented in RCP031 to enable me to form an opinion on this matter. I anticipate further evidence and legal submissions will be provided to the Hearing Panel on this topic and I therefore anticipate being able to provide an opinion on this matter after having heard all the relevant evidence from the Applicant and submitters. The Hearing Panel may also wish to direct caucusing on this.

7.3.103 With regard to other CRPS matters, the ECan submission identifies contaminated land, highly productive land, transport and public transport, waterbodies and freshwater ecosystems ground water and flooding as additional matters to consider.

7.3.104 Regarding land contamination, CRPS policy 17.3.2 requires a site investigation to be undertaken on potentially contaminated land to determine the nature and extent of contamination prior to new subdivision, use or development to ensure any actual or potential adverse effects of contaminated land can be avoided, remedied, or mitigated. I note that this assessment can be undertaken prior to the subdivision and therefore conclude that the proposal can adequately manage contamination and therefore gives effect to these requirements.



- 7.3.105 Regarding highly productive land, I considered this matter in section 6.5 when assessing submissions and, relying on the report from Mr Ford concluded that the site contains highly productive versatile soils, is currently productive and the proposal will result in the loss of this productive potential.
- 7.3.106 Regarding transport and public transport, CRPS Objective 6.2.4 prioritises the planning of transport infrastructure so that it maximises integration with land use patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while:
- (1) managing network congestion;
  - (2) reducing dependency on private motor vehicles;
  - (3) reducing emission of contaminants to air and energy use;
  - (4) promoting the use of active and public transport modes;
  - (5) optimising use of existing capacity within the network; and
  - (6) enhancing transport safety.
- 7.3.107 CRPS policies 6.3.4 and 6.3.5 seek to ensure an efficient and effective transport network across Greater Christchurch, with Policy 6.3.4 (2) stating: “providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport and provide opportunities for modal choice”. I have assessed the transport network and public transport options elsewhere in this report and, relying on the evidence from Mr Binder have concluded that the proposal does not adequately give effect to Objectives 6.2.1(9) & (11), 6.2.4 and Policies 6.3.4 and 6.3.5.
- 7.3.108 Regarding waterbodies and freshwater ecosystems, I have assessed this matter earlier in section 7 in this report and consider, based on evidence provided in the s32, that adverse effects can be adequately managed and therefore conclude that the proposal can give effect to these requirements.
- 7.3.109 Regarding flooding, Policy 11.3.2 of the CRPS states that development should be avoided in areas subject to inundation in a 200-year average recurrence level (ARI) flood event unless a range of conditions are met. These include the requirement for new buildings to have a floor level above the 200-year ARI design flood level. Based on the evidence provided by Mr Bacon, I consider that the proposal can meet this requirement if suitable rules are included in RCP031 (for example minimum floor heights) and therefore it can give effect to this policy. However, I note that the proposal is predicted to increase off-site flooding and that currently there are no obvious options to mitigate this. I agree with ECan (507) that more detailed assessment and planning will be required to confirm that the proposal will not exacerbate flooding in the vicinity of the subdivision.
- 7.3.110 I note that the s32 does not contain an assessment of Objective 6.2.5 which covers key activity and other centres, seeking to support and maintain the existing network of centres as the focal points for commercial, community and service activities during the recovery period, nor Objective 6.2.6 business land development. Of relevance to RCP031, these objectives and the supporting business Policy 6.3.6 seek to avoid significant adverse effects on the function and viability of the Central City, Key Activity Centres and Neighbourhood Centres. As set out earlier in my conclusions in the commercial distribution section, given the absence of information in

RCP031 on commercial distribution matters and the evidence of Mr Yeoman, I consider that there is insufficient evidence provided to support the two proposed commercial areas and that there may be a distributional impact on the Mandeville Business 4 area, which is equivalent to a neighbourhood centre in the CRPS centres hierarchy. As such, I currently consider the proposal does not give effect to Objective 6.2.6 and Policy 6.3.6.

7.3.111 The Energy Chapter Policy 16.3.1 simply seeks to promote the efficient end-use of energy, while objective 16.2.1 seeks that:

*“Development is located and designed to enable the efficient use of energy, including:*

- 1. maintaining an urban form that shortens trip distances*
- 2. planning for efficient transport, including freight*
- 3. encouraging energy-efficient urban design principles*
- 4. reduction of energy waste*
- 5. avoiding impacts on the ability to operate energy infrastructure efficiently.”*

7.3.112 The explanation and reasons states that this objective seeks that development is located and designed to enable the efficient use of energy, including maintain an urban form that shortens trip distances. The use of energy can be made more efficient if development is designed and located to reduce the need to commute over significant distances, and services are closer to the population base. Transport planning can encourage more efficient options such as public passenger transport or efficient freight transport (for example, transport of freight by rail and sea may be more efficient than transporting by road).

7.3.113 Based on Mr Binder’s evidence and as noted by numerous submitters, the subject site is not located in an area that would shorten trip distances, rather, development in this location, which is more isolated than other PDP and Our Space identified growth locations, would likely increase trip distances as future residents will have to travel relatively greater distances for services, schooling and employment. As such, I do not consider the proposal gives effect to CRPS objective 16.3.1.

#### **Land and Water Regional Plan (‘LWRP’) & Canterbury Air Regional Plan (‘CARP’)**

7.3.114 Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect of this application, includes the LWRP and the CARP. The establishment of activities within the plan change site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent. In paragraph 202 the s32 assesses the relevant regional plans. The s32 states that the LWRP broadly seeks to manage land and water within the Canterbury Region, by setting water allocation limits and limits on the type and amount of discharges permitted. The objectives and policies of the CARP broadly seek (in relation to those activities emitting discharges to air) best practicable options to minimise the effects of discharges, manage and in some situations avoid discharges of PM10, manage discharges of odour and dust from solid or liquid waste, and addressing localised effects of discharges including relative to sensitive receptors. The s32 states that the plan change proposal is not considered to be inconsistent with these regional plans.

7.3.115 I adopt the s32 assessment rather than repeat the assessment in my report. In broad terms I consider that the effects associated with requirements under these regional plans can be

considered at the time of detailed development. However, I note that there are potentially significant consenting hurdles for the Applicant to overcome under the LWRP for the potable and stormwater proposals as identified earlier. Indeed, in paragraphs 41 and 42 of its submission ECan (507) notes that the site sits within the Eyre groundwater allocation zone which is overallocated and that because of the high groundwater levels, this site would need a reduction in groundwater levels for development to proceed. ECan considers that a consumptive take may be required under the LWRP and issues would arise because this zone is fully allocated. I note that ECan did not raise any concerns with the incompatibility of the development of the site for residential purposes with the provisions of the CARP. Excepting the need to gain consent under the LWRP, I agree with the s32 statements that RCP031 is not inconsistent with the LWRP and the CARP.

### **Mahaanui – Iwi Management Plan 2013**

7.3.116 In paragraphs 204 to 211 (including Table 5) the s32 assesses the relevant parts of the Mahaanui Iwi Management Plan ('IMP') which sets out Ngāi Tahu's issues, objectives, and policies for natural resource and environmental management within the area bounded by the Hurunui River in the north and the Ashburton River in the south. It notes that under Section 74(2A) of the Act, a territorial authority must take into account any such plan to the extent that it has a bearing on the resource management issues of the district.

7.3.117 I adopt the s32 assessment of the IMP rather than repeat the assessment in my report. In doing so I note that consultation with the local Rūnanga via Mahaanui Kurataiao Limited has been undertaken and that a consultation report from Mahaanui Kurataiao Limited was included at Appendix J of the s32. I note that paragraphs 55 to 64 of the s32 respond to the matters identified in the consultation report.

### **Waimakariri District Development Strategy 'Our District, Our Future – Waimakariri 2048'**

7.3.118 P Munn (169) states that the proposal is contrary to the district development strategy for small settlements. The s32 did not assess the 2018 Waimakariri District Development Strategy 'Our District, Our Future – Waimakariri 2048' (DDS), which guides the District's anticipated residential and business growth over the next 30 years. The DDS acknowledges the District is one of the fastest growing districts in New Zealand, and identifies the need for ongoing work needed to respond to the changing needs of the District, including ensuring there is variety in housing choice in well-functioning urban environments, and access to jobs in a thriving local economy.

7.3.119 I note the DDS was developed with significant community input, and directions signalled in the DDS were underpinned by environmental and cultural constraints and opportunities, expert advice, and background reports. While it predates the 2020 NPS-UD, it was developed under the now superseded 2016 NPS-UDC and still recognises the later NPS-UD's concepts, such as providing housing choice and the need to create well-functioning environments.

7.3.120 In section 2.4 the DDS states:

*"Based on the remaining vacant land in our townships (including growth areas already identified in the LURP), it is likely that more greenfield land will be required for the growing population. As an indication of the size of land that could be required, the amount of additional greenfield residential zoned land could be similar to the overall size of either the Ravenswood or Pegasus developments. The final determination of the exact amount of land required will*

*be determined through the NPS-UDC requirements identified in Section 1.4 and in light of the sub-regional planning processes.*

*Community feedback on accommodating the District's anticipated growth generally supported providing for growth around towns in the existing eastern District such as Rangiora, Kaiapoi and Woodend/Pegasus, as well as Oxford. Such locations would maximise the efficiency of infrastructure, services, amenities and transport, and would create critical mass for business and retail. Generally, the creation of new towns was not supported, principally to retain existing District character and to support efficient use of infrastructure. Intensification within existing towns was well-supported to avoid further urban sprawl whilst also catering for an aging/ mixed population seeking smaller section sizes and diverse housing styles as well as proximity to amenities and services. The majority of comments were not in favour of developing 'new towns', for example Eyreton/Eyrewell.*

*Community feedback on the specific proposed growth directions for Rangiora, Kaiapoi, Woodend/Pegasus and Oxford was mixed, with some support and opposition for the areas identified and alternative sites identified. The growth approach and location of future growth directions for Rangiora, Kaiapoi, Woodend/Pegasus and Oxford recognises these community comments and the various opportunities and constraints identified such as natural hazards, serviceability and location choice (see Figure 7 for the key constraints)."*

7.3.121 In section 2.5 the DDS states:

*"There are a number of small towns and settlements in the District. The beach settlements.... Settlements further inland comprise for example Sefton, Ashley, Cust, Tuahiwi and Ohoka. Each of these towns respond to their historic context and location within the District.*

*These small settlements have not experienced the same growth pressures as the District's larger centres. There have been 106 building consents issued for new houses in the period 2006 to 2016 for the Residential 3 Zone, with the majority of these in Waikuku (35), followed by The Pines Beach/Kairaki (30), then Ashley (17). Community feedback sought to limit further growth in these settlements to protect their unique character, and avoid natural hazard impacts for beach settlements. These comments reflect policies within the operative District Plan that seek to maintain the compact form of the settlements.*

*The growth approach identified enables existing vacant areas in the small settlements to develop and provides for some further 'organic' expansion opportunities, generally consistent with historic growth rates. By focusing most new greenfield and intensification development in the District's larger towns, the character of the District's small settlements will generally be retained. This approach accords with the majority of feedback received on small settlements and the constraints that apply to some of them..."*

7.3.122 It is clear from the above sections that the DDS (and the community) provides for urban growth around the main towns or Rangiora, Kaiapoi, Woodend / Pegasus (including the Woodend suburb of Ravenswood) and Oxford. The DDS intends that for Ohoka, only existing vacant areas are to develop and some further 'organic' expansion opportunities, generally consistent with historic growth rates. In my opinion, it is clear that RCP031 does not accord with this anticipated growth scenario and is therefore contrary to the DDS.

### Proposed Waimakariri District Plan

7.3.123 My understanding of the statutory context, as per my earlier comments, is that there is no specific requirement to consider RCP031 against the PDP as it is not a matter that it “*shall have regard to*” under s74(2) RMA. However, s74(2) RMA does not preclude having regard to the PDP and in my view the PDP is useful in understanding the current issues in the District in terms of the Council’s obligations under s74(1) of the RMA. The s32 has assessed the proposal against the PDP in paragraphs 212 and 213 and concludes that the plan change proposal achieves consistency with the relevant high-level objectives of the Proposed Plan.

7.3.124 I do not fully agree with all of the s32 conclusions in the topic areas covered earlier in this report (e.g. supporting a hierarchy of centres (SD-02); focusing new residential activity within existing towns and identified development areas within Rangiora and Kaiapoi (SD-02); requiring good accessibility and supporting a reduction in GHG (UFD-P2); and reducing dependency on private motor cars (TRAN-01)). I note that the s32’s high level assessment purposefully does not cover all relevant provisions (e.g. the rural provisions seeking to maintain productive potential (RURZ-P2)). Importantly, I also note that the PDP zones the subject site Rural Lifestyle – it has not been identified for future urban growth, consistent with the CRPS, Our Space and the DDS.

### Operative Waimakariri District Plan

7.3.125 The s32 includes an assessment of RCP031 against the ODP in paragraphs 149 to 152. The s32 states

*“Overall, it is considered that the proposed plan change is generally consistent with the objectives and policies of the Waimakariri District Plan, albeit one new policy is proposed which enables and limits commercial activities in Ohoka through the Business 4 zoning. As such, it is considered that the resultant character, amenity and environmental effects of the proposal are consistent with those sought in the District Plan. Further, it is considered that the proposal is an appropriate means of achieving the outcomes sought by the objectives and policies of the District Plan.*

*Based on the above assessment, it is concluded that the proposed plan change is the most appropriate method for achieving the objectives and policies of the District Plan and the objective of the proposal. Further, it is concluded that the economic, social and environmental benefits of the proposed plan change outweigh the potential costs. On this basis, the proposed rezoning is considered to be an appropriate, efficient and effective means of achieving the purpose of the Act.”*

7.3.126 I generally agree with the s32 assessment except for its assessment of Policy 13.1.1.4, Objective 14.1.1, Policy 16.1.1.1 and Policy 18.1.1.9. I have assessed these provisions below in the order they appear in the ODP, together with Objective 14.6.1 and policies 14.1.1.1 and 14.6.1.1 and the purpose of the Residential 3 zone which were not assessed in the s32. I also note that the s32 does not assess Policy 8.2.1.4, nor policies 11.1.1.3, and 18.1.1.1(I). I have assessed these provisions in the flooding and three waters infrastructure sections earlier in this report.

7.3.127 Policy 13.1.1.4 seeks to:

*Encourage patterns and forms of settlement, transport patterns and built environment that:*

- a. *reduce the demand for transport;*
- b. *provide choice of transport modes which have low adverse environmental impact;*
- c. *decrease the production of motor vehicle emissions;*
- d. *make efficient use of regional transport network;*
- e. *reduce the rate of use of non-renewable energy sources;*
- f. *enable opportunities for intensification and redevelopment within town centres; and*
- g. *efficiently manage parking and loading within town centres.*

7.3.128 The explanation for Policy 13.1.1.4 states that:

*The pattern of settlement and transport and the built environment, both urban and lifestyle development, affects the way resources are used. As a consequence these patterns influence the way settlements and transport adversely affects the environment. The direct effects of settlement pattern on some resources (ie water and land) is recognised in other parts of the District Plan.*

*Patterns of settlement directly influence patterns of transport, and particularly the ability to provide transport mode alternatives for the community. Once a pattern of settlement is established it is generally irreversible. Therefore, it is important that the long term effects of settlement pattern are evaluated at the time of establishment.*

*Settlement patterns that encourage a greater reliance on personal car travel result in increased travel demand and vehicle emissions, which, for example, have an adverse effect on air quality. Such patterns are also likely to result in the inefficient use of transport facilities such as the regional transport network. It is therefore important that the pattern of settlement encourages the use of modes of transport that have low environmental impact (eg cycling, walking, and public transport).*

*New development must be “knitted” into the existing fabric of the District so that it benefits not only those people within the development, but also provides some synergy to the wider community. To achieve this there must be recognition of the existing settlement patterns and strategic advantages to the community of building on these in a way that encourages positive effects on the environment and community. These positive effects include enabling the existing townships of the District, and in particular Rangiora and Kaiapoi and Pegasus-Woodend (Ravenswood), to become more self sufficient for employment, services, recreation and entertainment. Over time, this will allow the opportunity for residents to decrease the distances between homes, sources of employment, shops and other frequent destinations, reducing the demand for transport and enabling different choices of transport mode to be made.*

7.3.129 The s32 states for Policy 13.1.1.4 (page 34) that:

*In a broad sense, this policy encourages land use that supports a sustainable transport system with reduced reliance on fossil fuels. On one hand, approving the plan change proposal would likely result in more private motor vehicle trips, including to and from Christchurch. While this Rolleston Industrial Developments Limited may initially increase vehicle emissions, the trend over the coming years will be towards electric vehicle ownership. Therefore, emissions may reduce overtime despite the increase in trips. Further, initial increases in vehicle emissions will be offset (to an unquantified extent) by a reduction in greenhouse gas emissions through the discontinuation of the current dairy farm operation. On the other hand, the plan change proposal provides for local convenience*

*goods and services within a walkable village. This may also lead to a reduction in vehicle trips for existing residents who live close to the site. Further, park and ride facilities are available at Kaiapoi and Rangiora for inter-district public transport services. It is also relevant to note that the plan change site is within cycling distance (for many people) to Kaiapoi and Rangiora, especially considering the increasing prevalence of e-bikes.*

7.3.130 I agree with the s32 statement that in a broad sense this policy encourages land use that supports a sustainable transport system with reduced reliance on fossil fuels. However, based on Mr Binder's evidence I do not agree with all the s32's conclusions. Irrespective of electric vehicle trends Mr Binder considers the proposal creates a settlement pattern that encourages a greater reliance on personal cars and does not support cycling, walking and public transport. It will therefore not reduce demand for transport, nor support transport mode choice, nor make efficient use of the transport network. As such I consider RCP031 is contrary to Policy 13.1.1.4. I also note the CCC (548) submission which states that reducing private motor vehicle dependency is important for improving sustainability by reducing the significant adverse effects of downstream traffic within Christchurch City. Simply shifting to electric cars does nothing to support a reduction in downstream traffic within Christchurch City or support regional mode shift.

7.3.131 The Ohoka Residents Association (431) considers RCP031 does not give effect to Objective 14.1.1. Objective 14.1.1 seeks to:

*Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:*

- a. the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;*
- b. separation between dwellinghouses to maintain privacy and a sense of openness;*
- c. a dwellinghouse clustered with ancillary buildings and structures on the same [site](#);*
- d. farm buildings and structures close to lot boundaries including roads;*
- e. generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;*
- f. clean air – but with some significant short term and/or seasonal smells associated with farming activities; and*
- g. limited signage in the Rural Zone.*

7.3.132 Supporting Policy 14.1.1.1 seeks to avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.

7.3.133 The s32 states (page 32) that:

*“Given the purpose of the proposed plan change is to change the existing rural zoning to a combination of urban zones, this objective would no longer be relevant for development within the site if the plan change were approved. However, it remains important that development enabled by the proposed plan change does not prevent this objective from being achieved within the surrounding rural environment (also see Policy 15.1.1.2.a below). The development enabled by the proposed plan change will not detract from the rural characteristics listed in the objective and the objective will continue to be achieved within the adjacent Rural Zone.”*

7.3.134 I accept that the purpose of the plan change is to change the existing zoning to urban, and that if approved, the provision will no longer be relevant. However, until RCP031 is approved this ODP provision remains a matter for consideration to assess the plan change proposal against. Based on the evidence of Mr Ford and as supported by a number of submissions considered earlier, the site is rurally productive. The proposed urban zonings will not maintain or enhance rural production on the site, contrary to Objective 14.1.1 (I assess Policy 14.1.1.1 and restraining farming activities later under Policy 18.1.1.9).

7.3.135 Based on the evidence of Mr Nicholson, and indeed as noted in the s32, the proposal will clearly change the character of the area from rural to urban. In my opinion, this change needs to be considered against other planning requirements such as providing needed development capacity and contributing to a well-functioning environment. Where these other matters are justified and achieved it may well be appropriate to change the character through re-zoning despite the policy direction on character.

7.3.136 Objective 14.6.1 was not assessed in RCP031's s32. This objective seeks:

*"To facilitate the rebuild and recovery of Greater Christchurch by directing future developments to existing urban areas, priority areas, identified rural residential development areas and MR873 for urban and rural residential activities and development."*

7.3.137 Associated Policy 14.6.1.1 was not assessed in RCP031's s32. It seeks:

*"To avoid new residential and rural residential activities and development outside of existing urban areas and priority areas within the area identified in Map A in Chapter 6 of the Canterbury Regional Policy Statement; rural residential development areas identified in the Rural Residential Development Plan and MR873."*

7.3.138 Clearly RCP031 is contrary to these objectives and policies. However, should the s32's responsive NPS-UD versus CRPS directive approach arguments be accepted, then these provisions will potentially be 'overruled' by the higher order planning document.

7.3.139 Policy 16.1.1.1(h) seeks to recognise and provide for several Business Zones with different qualities and characteristics which meet the needs of people, businesses and community expectations while ensuring the town centres remain and provide the dominant location and focal point for business, social, cultural, and administration activities. The s32 states that the location, size and intended function of the proposed Business 4 Zone within the plan change area is consistent with this objective and that the proposed commercial area within the plan change site will provide for local convenience goods and services but is not of a scale that could diminish the viability or vibrancy of the Key Activity Centres in the District (page 33). As indicated earlier in the Commercial Distribution section, the s32 does not include sufficient evidence to support the assertion about diminishing the viability or vibrancy of KACs. I therefore consider that the Applicant should provide additional information at the hearing on this matter.

7.3.140 The Ohoka Residents Association (431) considers RCP031 does not give effect to Policy 18.1.1.9. B Melrose (110) considers the amendments to Policy 18.1.1.9 proposed by the Applicant negates their premise that future development maintains the rural village character. The OOCB (370) note that Ohoka is the only location in the ODP whose rural village character is covered by its own policy (18.1.1.9). A Brantley (161) considers the proposal is contrary to Policy 18.1.1.9. WDC (216) notes that Policy 18.1.1.9 requires any growth within the Ohoka



to occur in a way that maintains the rural village character (paragraph 88), but that RCP031 does not represent growth that accords with the aspirations set out in this policy. WDC considers the s32 only provides a generalised view that consistency may be achieved but this requires further work at subdivision stage to establish how. Reverse sensitivity (which is included as a matter in Policy 18.1.1.9) was commented on by a number of submitters, who noted the risks of this occurring from introducing more people into a rural environment. Submitters raising this concern included: N Holland (77); Canterbury Pet Foods Ltd (209); A Stevenson (224); G Stevenson (225); A Stevenson (226); L Stevenson (229); R Pegler (502); and WDC (216).

7.3.141 The Ohoka specific Policy 18.1.1.9 states:

*Ensure that any growth and development of Ohoka settlement occurs in a manner that:*

- maintains a rural village character comprising a predominantly low density living environment with dwellings in generous settings;*
- achieves, as far as practicable, a consolidated urban form generally centred around and close to the existing Ohoka settlement;*
- encourages connectivity with the existing village and community facilities;*
- achieves quality urban form and function;*
- allows opportunities for a rural outlook;*
- encourages the retention and establishment of largescale tree plantings and the use of rural style roads and fencing;*
- limits the potential for reverse sensitivity effects;*
- avoids significant flood hazards;*
- promotes the efficient and cost-effective provision and operation of infrastructure;*
- recognises the low lying nature of the area and the need to provide for stormwater drainage; and*
- ensures that any residential development occurring in the Ohoka settlement does not increase the flood risk within Ohoka and adjoining areas.*

7.3.142 The explanation states:

*Growth of Ohoka settlement, defined by the Residential 3, 4A and 4B zones, is constrained by the need to ensure that any future residential development maintains its rural village character. This is most likely to be achieved by consolidating growth around or adjacent to the existing urban area and ensuring that development complements the existing low density rural residential environment. A consolidated growth pattern will provide opportunities for establishing connections with the existing settlement and community facilities, including the Ohoka School. This form of development is also anticipated to promote the efficient provision of reticulated water and wastewater infrastructure and reduce the potential for reverse sensitivity effects on surrounding rural activities.*

*It is important that any further rural residential development occurs in a way, and to an extent, that does not overwhelm the special semi-rural character of the settlement.*

*It is expected that the type of growth and development required to maintain the rural village character of Ohoka is that of low density living, where dwellings are situated within generous settings comprising an average lot size of between 0.5 – 1.0 hectare. The presence of rural attributes within such low density residential areas, including the retention and establishment of large-scale tree plantings and the use of rural style roads and fencing, will also assist in maintaining the settlement's rural themed characteristics. This type of settlement pattern is anticipated to generate a high level of amenity, including opportunities for a range of lifestyle living activities and an aesthetic rural outlook. This can be achieved either by enabling views into open green space or by the establishment of treed vegetation areas within or adjoining properties.*

- 7.3.143 The s32 states (paragraph 104) that the preparation of the plan change proposal has been carefully guided by key design drivers and ultimately this will result in an expansion of the existing settlement that conforms to the expectation set by the District Plan through Policy 18.1.1.9. The s32 notes that minor changes are proposed to the explanatory material relating to Policy 18.1.1.9 to accommodate the densities proposed by the plan change which are supported by the urban design assessment.
- 7.3.144 Based on the evidence provided by Mr Nicholson, I consider that the RCP031 will not maintain a rural village character comprising a predominantly low-density living environment with dwellings in generous settings. I also note the numerous submissions which have identified loss of rural and village character. While the proposal has attempted to sleeve the higher density Residential 3 component, the urban density component remains the predominant development type. Overall, the proposal will result in a town approximately seven times bigger (at the RCP031 proposed densities) and with significant commercial areas and potentially a retirement village and school. I consider that the proposal is not in accordance with Policy 18.1.1.9 and its explanation.
- 7.3.145 I acknowledge the urban to rural buffering proposed through graduated densities, however the risk remains that the introduction of hundreds of new households into a predominantly rural location will increase the risk of reverse sensitivity effects and I note ODP Policy 14.1.1.1 which seeks to “avoid subdivision and/or dwellinghouse development that...is likely to constrain lawfully established farming activities.” In my opinion reverse sensitivity effects are a common occurrence when areas are re-zoned for urban growth and is a matter that is generally accommodated unless there are specific and significant nearby activities that are demonstrated to be unduly affected. I am not aware of any of these instances for the plan change site.
- 7.3.146 Regarding the Plan Change's proposal to extend the Residential 3 zone to its development, the ODP explanation to residential Objective 17.1.1 states that the Residential 3 Zone reflects the view of the community that the beach settlements and small rural towns are different in character from the four main towns in the District. These differences largely stem either from their origins as holiday settlements, their small size, and low density of building.
- 7.3.147 I note that the Residential 3 Zone is intended to apply to small rural towns. Ohoka is currently a small rural town. RCP031 proposes to increase Ohoka approximately 7-fold, from a population of approximately 288 to approximately 2,485. At this scale Ohoka would be larger than Oxford, and approximately 800 residents fewer than Pegasus (Statistics NZ figures). At this scale, I do not think a Residential 3 Zone is the appropriate zone choice as it is not consistent with the ODP's application of the residential zone framework.

7.3.148 I note that RCP031 does not propose any changes to the zone description for the Residential 3 Zone. In my opinion it would either need to amend the zone description or apply a more relevant ODP residential zoning that better reflects the scale of the development.

#### **Consistency with the plans of adjacent territorial authorities**

7.3.149 Other than stating (in paragraph 156) that the proposal does not involve any cross territorial issues, the s32 does not provide an assessment of the consistency of the proposal with the plans of Christchurch, Selwyn and Hurunui Districts. Whilst a matter to consider, given my overall conclusions on RCP031, I consider it unlikely that this consistency assessment would be determinative and I have therefore not undertaken it.

#### **Part 2 matters**

7.3.150 Under s 74(1)(b), any changes to the District Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).

7.3.151 In paragraphs 218 to 222 the s32 states that:

- the proposed plan change is considered to be an efficient use of the land resource as it provides for the expansion of an existing settlement in a sympathetic manner while adding significantly to development capacity in the District;
- the proposed plan change will maintain and enhance amenity values and the village will maintain a rural-like aesthetic through careful design;
- the proposed plan change will enhance environmental quality will be in respect of ecology and through large scale landscaping. More generally, the proposed plan will deliver a high-quality village environment;
- there are also no known cultural values that need to be taken into account in respect of the plan change proposal;
- the preceding assessment demonstrates that the plan change proposal achieves the purpose of the Act.

7.3.152 Based on my assessment of the proposal's effects and the extent to which it gives effect to or is consistent with the statutory framework, overall it is my opinion that the plan change proposal does not achieve the purpose of the Act.

## **8 CONSIDERATION OF ALTERNATIVES, BENEFITS AND COSTS**

8.1.1 RCP031 includes a statutory s32 assessment in paragraphs 126 to 148. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal (in this case, being the stated purpose of the request) are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the plan change are the most appropriate way to achieve the objectives of the District Plan and the purpose of the request, having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

- 8.1.2 I understand that where a plan change does not propose to amend existing, or introduce new, objectives, s32 requires an examination of the extent to which the "purpose" of the plan change is the most appropriate way to achieve the purpose of the RMA.
- 8.1.3 The purpose of the plan change as articulated at paragraph 132 of the Ohoka plan change document states "to provide an expansion of the Ohoka settlement, with provision for some associated local business...". While this might be the end state, for a rezoning plan change, the purpose can be described simply as rezoning from the existing zoning(s) to the proposed zoning(s), in this case from Rural to Residential 3, Residential 4A, Residential 8 and Business 4. The assessment then is to ask which zone option (with all the objectives policies and provisions etc that would apply to those different zone options) is the most appropriate way to achieve the purpose of the RMA for the relevant property.
- 8.1.4 Where no objectives are being introduced or amended by a plan change proposal, the comparison is to evaluate the most appropriate, or most suitable, zoning for achieving the purpose of the Act and the settled objectives of the District Plan (recognising that some settled objectives, such as general or district-wide objectives, will apply to the land regardless of zoning, while some zone specific objectives will only apply depending on what zoning is ultimately considered most appropriate for the land).

**Extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act and the objectives**

- 8.1.5 The s32 concludes that the proposal (to provide for an expansion of the Ohoka settlement, with provision for some associated local business services, in a manner that maintains the rural village character of Ohoka and that it will achieve this while adding significantly to development capacity and providing for increased competition and choice in residential land markets) achieves the purpose of the Act (paragraph 135).
- 8.1.6 The s32 also assesses the proposal against the relevant objectives and policies of the District Plan in Table 4 (page 29), concluding in paragraph 151 that "it is considered that the resultant character, amenity and environmental effects of the proposal are consistent with those sought in the District Plan. Further, it is considered that the proposal is an appropriate means of achieving the outcomes sought by the objectives and policies of the District Plan."
- 8.1.7 Taking into account: the identified adverse effects; the uncertainty over the extent to which the proposal adds significantly to development capacity; the uncertainty over the ability to provide infrastructure; and the extent to which the proposal either does not demonstrate compliance with the NPS-UD, CRPS and the ODP, or is contrary to these documents, I do not agree that the proposal is the most appropriate way to achieve the purpose of the Act, nor the objectives, noting that these assessed documents are deemed to achieve the purpose of the Act.

**Assessment of efficiency and effectiveness**

- 8.1.8 In terms of efficiency, the s32 states that with reference to the outlined costs and benefits, the potential benefits of the proposed plan change are considered to outweigh the costs and therefore the proposed plan change is considered to be an efficient means of achieving the objective (paragraph 144). Based on the supply and demand information provided and the technical evidence on this matter, I do not agree with the weighting ascribed in the s32 to the opportunity to provide for additional residential housing capacity.

- 8.1.9 I consider that the benefits of the proposal are not adequately supported by demand and supply information and that many of the costs (for example transport and GHG costs) are not sufficiently assessed. I therefore disagree with the s32 assessment and consider the benefits of the proposal do not outweigh the costs and that the proposal is therefore not efficient.

**Risk of acting or not acting**

- 8.1.10 In terms of the risk of acting or not acting if there is any uncertain or insufficient information about the subject matter of the provisions (s32(s)(c)), in paragraph 148 the s32 states the relevant issues associated with the development of land in this location are well understood and given this and the technical assessments accompanying this plan change application, there is minimal uncertain or missing information in relation to this proposal. Accordingly, there are no notable risks of acting or not acting.
- 8.1.11 As set out in my assessment of the proposed infrastructure, there is significant uncertainty over whether and how this can be provided. In addition, RCP031 has not sufficiently demonstrated compliance with a number of the NPS-UD objectives and policies. As such, I do not agree with the s32 conclusion that there is minimal uncertainty and the risks are low.

## 9 CONCLUSION AND RECOMMENDATIONS

- 9.1.1 As set out in Section 5 of this report, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act. The key question is whether the rezoning is more appropriate, than the current zoning, in achieving the purpose of the RMA.
- 9.1.2 Having considered all the submissions and further submissions and expert evidence and having reviewed all relevant instruments and statutory matters, I consider that RCP031 should be declined.
- 9.1.3 For the reasons set out in this report, I recommend that:
- (a) the submissions and further submissions on RCP031 be accepted, accepted in part, or rejected, as set out in my recommendations in **Appendix 2** of this report; and
  - (b) should the Hearing Panel be minded to approve RCP031, that the recommended changes set out in Appendix 1 are made.

## APPENDIX 1 - Recommended Amendments

While I have recommended that RCP031 is declined, if the Hearing Panel is minded to recommend that RCP031 be approved, then in addition to the proposed amendments to the District Plan set out in the application, I consider that additional changes are required, as set out below. Given my recommendation I have not attempted to draft these into planning provisions.

- In order to ensure the ODP urban design requirements as stated in the s32 are met, a rule is required in the plan provisions to trigger these design assessments.
- Amendments are required to the rules and policies covering the new Business 4 zone to include a retail cap to consider impacts on the Mandeville and Kaiapoi centres.
- Proposed Rule 31.2.3 covering educational activities should be a restricted discretionary activity (as opposed to a controlled activity) as the outcomes sought through the matters of control are difficult to achieve through a controlled activity pathway.
- The s32 states that the ODP establishes a mechanism for developing appropriate road standards to the satisfaction of Council prior to approval of any subsequent subdivision consent application. However, there is no mechanism included. This needs to be established within the ODP, with preferably a district plan rule linking to it.
- The zone descriptions for the Residential 3 Zone needs amending to account for the scale of RCP031, or a more relevant ODP residential zoning is applied to the development that better reflects the scale of the development.
- Rules to mitigate against flood risk within the development site are required (e.g. minimum floor level; freeboard requirements; earthworks to raise building platforms).
- Cycle routes should be shown on the ODP.
- Shared cycle / pedestrian paths should be shown along Bradleys and Whites Road frontages.
- Provision for and safe pedestrian / cycle crossing facilities should be provided adjacent to the two proposed commercial areas, and at the eastern end of the stream to connect across to Ohoka Bush.
- A 15-20m setback is applied for Ohoka Stream Tributary, South Ohoka Branch and Groundwater Steep.

In addition to the above, consideration should be given to the specific proposal and ODP changes suggested by numerous submitters. As stated in my report, I have not assessed these requests given my overall recommendation to decline RCP031.

Appendix 2 – Summary of Submissions

Appendix 3 – Rural Productivity Evidence

Appendix 4 – Economic Review Evidence

Appendix 5 - Natural Hazards Evidence

Appendix 6 - Three Waters Servicing Evidence

Appendix 7 - Transport Evidence

Appendix 8 - Urban Design and Landscape Evidence