

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

Under	Schedule 1 of the Resource Management Act 1991
In the matter of	the Proposed Waimakariri District Plan
Between	Rolleston Industrial Developments Limited
	Submitters
And	Waimakariri District Council

**Supplementary Statement of evidence of Andrew Willis on behalf of the
Waimakariri District Council**

Date: 9th August 2023

INTRODUCTION

- 1 My full name is Andrew Peter Willis. I am a director of Planning Matters Limited – a planning consultancy based in Christchurch. I hold the qualifications and have the experience set out in my s42A report.
- 2 I was engaged by the Waimakariri District Council (the Council) to prepare a s42A report on RCP031 – the Ohoka Private Plan Change. After circulation of that report, the applicant and submitters have lodged statements of evidence.
- 3 I have been asked by the Council to prepare this supplementary evidence under section 42A of the Resource Management Act (the Act) to provide further comment on matters raised during the course of the hearing and to update the conclusions/recommendations set out in my original section 42A report.
- 4 The report is provided to assist the Hearing Panel in evaluating the request and deciding on submissions. Any conclusions reached or recommendations made in this report are not binding on the Hearings Panel.
- 5 In preparing my summary I have relied on the evidence of the following Council experts that will be provided to the Hearings Panel:
 - 5.1 Mr Chris Bacon (flooding)
 - 5.2 Mr Colin Roxburgh (three waters infrastructure)
 - 5.3 Mr Shane Binder (transport)
 - 5.4 Mr Hugh Nicholson (urban design and landscape)
 - 5.5 Mr Stuart Ford (agricultural production)

5.6 Mr Rodney Yeoman (economist)

5.7 Mr Mark Buckley (greenhouse gas emissions)

MATTERS NOT CONTENTION

- 6 In response to Minute 2, I set out the matters that I considered were not or no longer in contention. Having reviewed the evidence presented at the hearing I remain of the view that those matters are not in contention and I accept that the matters identified can be adequately managed as part of the proposal, with the exception of flooding which I address later in this statement. The matters not or no longer in contention are contained in **Appendix 1** to this statement.

TRANSPower

- 7 In my response to Minute 2, I omitted that Transpower still had matters unresolved. I understand that Transpower and the Applicant have been in discussions and that this may now be resolved. I am awaiting advice on this matter from those parties.

CHANGES TO THE OUTLINE DEVELOPMENT PLAN

- 8 Mr Nicholson (in his summary statement) notes that the applicant has made a number of changes to the proposed ODP in response to the Section 42A report. He notes and supports the:

8.1 Re-aligned collector road network;

8.2 Clarification of the pedestrian / cycle path network;

8.3 Protection and ecological enhancement of water bodies and freshwater ecosystems;

8.4 Proposed multi-use 'village square';

8.5 Revised boundary treatments.

9 I accept Mr Nicholson's views on these changes.

THREE WATERS SERVICING

Potable water

10 In my s42A report (paragraphs 6.6.4 to 6.6.6) I noted Mr Roxburgh's advice that potable water could be provided, assuming the assumptions around the aquifer parameters were valid. Mr Roxburgh did not support the application until test bore(s) were drilled that confirmed the required quantity and quality of water was available which did not have unacceptable levels of drawdown. I understand that Mr Roxburgh's overall concern was the certainty of the information provided.

11 I note Mr Steffens conclusions (for the Applicant) that there is a high likelihood that a deep groundwater community supply can be provided to the site (paragraph 144 in Mr Walsh's evidence). I also note the evidence of Mr McLeod (paragraph 12 summary statement of evidence) that there are viable means to provide potable water.

12 Mr Roxburgh has commented on the Applicant's evidence in his summary statement. He notes that the uncertainty of deep water sources has been responded to by the applicant with an alternative option of shallow groundwater sources on the site. Mr Roxburgh identifies that the shallow groundwater on the site is high in nitrates, which would present an unacceptable risk to the community and does not support this. He remains of the view that there is still a degree of uncertainty as to the availability of deep groundwater at this site, and what the implications would be if the aquifer parameters differ from those assumed, as this has not been sufficiently explored by the applicant.

- 13 I remain persuaded by Mr Roxburgh's evidence (based on the Council's experience with providing potable water in the area) – that there remains a degree of uncertainty with the supply of potable water and I therefore consider this is still not satisfactorily demonstrated to be available. I note this matter has evolved since the original proposal and consider this is an area where expert conferencing may be beneficial to assist the Hearings Panel to come to a determination and I understand the Council's experts are available for this should it be requested.

Stormwater

- 14 In my s42A report (paragraphs 6.6.8) I concluded, based on Mr Roxburgh's advice, that due to current regional council consenting challenges it was not certain if the stormwater solution could be consented. Because of this, I considered that the Applicant had not sufficiently demonstrated a viable solution.
- 15 I note the evidence provided on this matter by Mr O'Neil who proposes various solutions to deal with the issues raised in my s42A report, the evidence of Mr McLeod and the further technical evidence from Mr Roxburgh. Based on the evidence of Mr O'Neil and Mr McLeod it appears that the site can be serviced for stormwater without interception of groundwater. However, Mr Roxburgh identifies a number of concerns with the amended proposed approach and concludes that the stormwater solution proposed is not feasible. In my opinion this matter remains uncertain and as such, I consider that a viable wastewater servicing proposal has still not been satisfactorily demonstrated.
- 16 I note this matter has evolved since the original proposal and consider this is an area where expert conferencing may be beneficial to assist the panel to come to a determination and I understand the Council's experts are available for this should it be requested.

FLOODING

- 17 In my s42a report (paragraph s 6.5.24) I stated that based on advice from Mr Bacon, the applicant needed to propose rules (e.g minimum floor level and freeboard requirements) to manage on-site flooding. The revised plan change (new Rule 27.1.1.34) includes these requirements and I am therefore satisfied that this matter is resolved, although I note that the wording of the proposed rule may need amending as stated in the evidence of Mr Margetts (at paragraph 23 of his evidence).
- 18 In paragraph 6.5.26 of my s42A report I stated that based on Mr Bacon's evidence, the proposal did not adequately demonstrate that off-site flood risk could be appropriately managed. Mr Bacon considers that the Applicant has undertaken additional flood modelling that now better represents the proposed development (paragraph 29 of his Summary Statement). However, he considers that the modelling fails to account for the recently proposed above ground stormwater attenuation ponds (proposed by the Applicant to avoid intercepting groundwater) and therefore does not consider the revised modelling suitable for assessing potential off-site flood effects. He considers that potential flood effects from events less than 50 year ARIs may be adequately mitigated by construction of 50 year attenuation ponds, but further work is required to confirm the feasibility of the 50 year pond solution presented by the Applicant. He also considers the model validation work and the flood frequency analysis undertaken by the Applicant to have a low degree of confidence. Finally, he now does not consider that the revised modelling demonstrates there is a viable subdivision layout that can successfully mitigate flood effects on neighbouring properties.
- 19 I accept Mr Bacon's advice on these matters. As with three waters infrastructure, I note this matter has evolved since the original proposal and consider this is an area where expert conferencing may be beneficial to

assist the panel to come to a determination and I understand the Council's experts are available for this should it be requested.

TRANSPORT AND SITE CONNECTIVITY

Public Transport

- 20 In my s42A report (paragraphs 6.8.23 to 6.8.26), based on the evidence of Mr Binder, I concluded that there is no existing or planned Public Transport (PT) service and there were significant challenges establishing a viable service. The applicant's PT expert (Mr Milner) agrees that if RCP031 is approved it needs to have public transport services to support it, that this does not currently exist, and nor is it planned. Mr Milner also agrees that the Ohoka community is not of a scale that would support regular forms of PT.
- 21 Mr Binder has considered Mr Milner's PT evidence and has provided comments on this. I note that the Hearings Panel has requested the experts conference on PT matters and so I provide no additional comment on this matter here.

Transport Network effects

- 22 In my s42A report (paragraphs 6.8.14 and 6.8.15), I noted that Mr Binder considered the Plan Change location was inappropriate as it would substantially increase vehicular trips on Tram and Mill roads, and he noted the need for various intersection upgrades and further evaluations.
- 23 Mr Binder has considered the updated traffic modelling, comments from Mr Metherell and advice from Mr Fuller. He considers that Plan Change-generated traffic will necessitate capacity-based improvements at the Tram Road / Bradleys Road and Tram Road / Whites Road intersections, as well as

the Tram Road carriageway west of Jacksons Road which will require safety improvements. He notes the requirement to upgrade the Tram Road Motorway interchange and proposed Rule 31.2.12 which makes development of more than 250 dwellings a restricted discretionary activity with assessment matters covering effects on the safety and efficiency of the interchange. Importantly, he considers that there are significant varied risks to assuming capacity improvements can be undertaken at the SH1 motorway interchange (controlled by Waka Kotahi), which could potentially result in capping development within the Plan Change area to 250 sections.

Accessibility

- 24 In my s42A report (e.g. paragraph 6.8.22), I stated that the site has a low level of accessibility to public services and facilities within easy walking distance (informed by the evidence of Mr Nicholson).
- 25 Mr Nicholson has reviewed the expert evidence provided by the applicant and maintains his opinion that PC31 does not have good accessibility between housing, jobs and community services, by way of public or active transport. I continue to agree with Mr Nicholson that this site does not have good accessibility. This can be contrasted with proposed development around Rangiora or Woodend or Kaiapoi which have for greater accessibility to the existing and planned services within these towns. I consider it unlikely that the commercial offering at Ohoka will include public and community services such as doctors, banks, a post office, or Council facilities such as a library and service centre and that to access these services will most certainly require a private vehicle.

Vehicle Kilometres Travelled and GHG

- 26 In my s42A report (paragraphs 6.8.16 to 6.8.20) I considered that the location of the site would result in an increase in VKT and GHG transport emissions (informed by the evidence of Mr Binder). In paragraph 171 of his evidence Mr Walsh accepts that VKT will likely increase. He compares VKT

with that likely to be produced by Rangiora, Woodend and Pegasus commuting to Christchurch and argues because Ohoka is closer to Christchurch than these settlements that this may offset the VKT for dedicated trips to Rangiora, Woodend and Pegasus.

- 27 I note that the residents of these towns may also drive to Christchurch for work, school and services, etc, however I consider that many may not as these services are already available locally within the towns of Rangiora, Woodend and Pegasus and Kaiapoi to varying degrees. This is in contrast to the very likely commuting requirements of future Ohoka residents, whom the applicant accepts will likely commute to Christchurch, or Rangiora or Kaiapoi for work, schooling and services where these are not provided in the small local shopping centre. I remain of the view that VKT will increase as a result of this proposal and would still be more than equivalent VKT from urban growth co-located with the Districts main towns and I note that Mr Binder also comes to this conclusion in his summary statement (paragraph 7).
- 28 In paragraph 176 of his evidence Mr Walsh relies on the evidence of Mr Farrelly which concludes that the proposal supports a reduction in GHG. I have reviewed the evidence of Mr Farrelly, Mr Buckley and Mr Binder on GHG emissions. Various calculations have been provided taking into account the potential reduction of GHG from the loss of dairying, the GHG from the construction of the houses and the ongoing GHG from travel.
- 29 While calculating different findings, Mr Binder and Mr Buckley make the same conclusion - that the GHG emissions from the proposal would be significantly in excess of the potential reduction from the loss of dairying, taking into account the need of future residents to drive to Rangiora, Kaiapoi, etc for services.
- 30 Based on Mr Buckley's and Mr Binder's assessments of Mr Farrelly's evidence I remain of the view that the plan change will not contribute to a

reduction in GHG emissions and would produce more than a similar, or denser development located closer to the District's main towns or within Christchurch.

CHARACTER AND URBAN DESIGN

- 31 In my s42A report (section 6.9) I considered the mitigation measures proposed by the applicant to manage amenity and maintain the rural village character. Based on the evidence of Mr Nicholson I considered that it was not possible to increase the population of Ohoka by 700% and retain the existing village character.
- 32 Mr Walsh addresses character amenity and landscape matters in paragraphs 180 to 196 of his evidence, relying on the expert evidence of Mr Falconer, Ms Lauenstein and Mr Compton-Moen. I understand and agree that various layouts and screening and design treatments can help to maintain the provision of rural village character. I also note that some 'sleeving' by Res 4a zoning is proposed, but large areas are not 'sleeved', with Res 2 zoning interfacing large parts of the existing Ohoka area.
- 33 Based on Mr Nicholson's and my assessment of the submitters concerns presented at the hearing, I remain of the opinion that Ohoka will no longer be a small, low key, quiet, 'ride your horses down the main street' rural village when it is transformed into a town bigger than Oxford as a result of this proposal. The proposal does not maintain the rural village character comprising a predominantly low-density living environment with dwellings in generous settings required by Waimakariri District Plan (WDP) Policy 18.1.1.9.
- 34 This policy did not envisage urban density development of the type proposed as it specifically states in the explanation that any further rural residential development (i.e. not Res 2 development) occurs in a way, and to an extent, that does not overwhelm the special semi-rural character of the settlement and refers to generous dwelling settings comprising an average lot size of

between 0.5 – 1.0 hectare (I note this reference is proposed to be changed by RCP031). It also refers to consolidating growth around or adjacent to the existing urban area. The plan change proposal, with its Res 2 density lots, two commercial areas, potentially a second primary school and a retirement village, stretching southwards almost as far as Mandeville clearly does not achieve and is not consistent with the anticipated characteristics or resulting character described in the policy and explanation.

- 35 In my opinion what is a village is difficult to define and this has been evidenced by the response to panel questions on this matter. I recall being told by a North American visitor that Christchurch was a village, relative to the cities she was used to. In his summary statement Mr Nicholson also grapples with the question.
- 36 In my opinion a helpful starting point for this assessment is the status quo and the anticipated characteristics that Policy 18.1.1.9 and its explanation describe, as set out in paragraph 33 above. In my opinion this description describes the anticipated characteristics of an expanded Ohoka village and what 'village' means for this discussion. I note that Mr Nicholson remains of the opinion that the existing character of Ohoka with 200-300 residents is intrinsically different from a settlement of more than 2,200 people (paragraph 5.8 of his summary statement). I agree with his opinion.
- 37 I have reviewed Mr Walsh's clarification of how the proposed urban design approach will work. I found his summary statement (paragraphs 13 to 17) to be very helpful. I reviewed the Jacks Point Residential Design Guidelines 2019 and I agree that these would work as they are sufficiently certain to be administered in a planning framework. I therefore agree that the approach proposed could work. However, the guidelines are not yet written by the Applicant so I cannot be certain that the approach will work for Ohoka and deliver outcomes that help to maintain the village character (noting my conclusion that this can't realistically be achieved in any case). If these

guidelines had been provided as part of the application, I would have been able to provide more certainty on this matter.

NPS-HPL AND PRODUCTIVE POTENTIAL

- 38 In my s42A report (paragraphs 7.3.82 to 7.3.87) I identified the NPS-HPL as a potentially relevant matter for consideration but did not provide an opinion on whether it applied, noting that the RCP031 s32 did not address this matter and stating that I anticipated being able to provide an opinion after hearing the various arguments presented to the hearings panel.
- 39 I understand that the Council's recent advice to the PDP Hearings Panel on 30th June is that NPS-HPL does not apply to the site. This advice was provided after my 23rd June s42A report. The Council's (and the Applicant's) interpretation is that at 17th October 2022, the area was proposed to be re-zoned to Rural Lifestyle Zone (RLZ) in the PDP, and the RLZ is not subject to the NPS-HPL. Based on this recent Council advice, I consider this interpretation is the most defensible interpretation of the application of the NPS-HPL and therefore agree that the NPS-HPL does not apply.
- 40 I do note however that the PDP zoned the site RLZ before the NPS-HPL was gazetted and as such, it cannot be argued that the Council purposefully chose to not have the NPS-HPL apply. I note that the purpose of the RLZ, as described in the PDP in the Rural Zone Chapter introduction and RLZ objective and policy, is for rural production. Specifically:

RURZ Introduction

"The key difference between the General Rural Zone and the Rural Lifestyle Zone is the density of residential units and subdivision that is enabled. This recognises the different predominant character that exists within the two zones. Provision is also made for activities that are compatible with the Rural Zones and do not detract from the function of other zones.

The Rural Lifestyle Zone, recognises that this area comprises the densest rural settlement pattern in the District. This rural area is defined by its fine grained pattern of settlement and human induced characteristics. The zone provisions retain the focus of the zone by providing for primary production activities and other rural activities, while recognising that the predominant character is derived from smaller sites.”

Objective RLZ-O1

“Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.”

Policy RLZ-P2

“Retain opportunities for land within the zone to be used for primary production activities while maintaining the predominant character of small rural lots by avoiding new sites being created, or residential units being erected on sites, that are less than 4ha, unless...”

- 41 The introduction, objective and RLZ-P2 all refer to primary production and rural character and seek to avoid small lots of less than 4ha. They do not prioritise residential development. The PDP therefore intends that the zone is to remain available for rural production activities, albeit on much smaller lots (4ha) than the GRUZ (20ha).
- 42 The s32 for the Rural Zone Chapter (paragraph 7.2, page 46) states that the Rural Chapter objectives recognise that there are differences in character within two distinct parts of the rural environment within the District. While still providing for rural productive activities, the eastern part of the District has a predominance of smaller sites having a greater lifestyle focus. The west of the District, while still having a number of small sites, has a greater rural production focus and an area of land in larger rural lots. The proposed

objectives recognise the difference in character between these areas as well as emphasising the importance of enabling the continuation of establishment of new rural productive activities. I understand the demarcation between the General Rural Zone and the RLZ was informed by the Rural Character Assessment Report (2018), i.e. it was not on the basis of whether the NPS-UD should apply or not.

43 Mr Ford has reviewed the evidence of Mr Mthamo and Mr Everest and concludes that rural productive activities are commercially viable on the subject site. As such, there is no need to change the current land use on the basis of the current activities being uneconomic.

44 I understand Mr Walsh's argument (paragraphs 120 to 122 and 247) about the subject site being likely to be subdivided to 4ha blocks and therefore undermining its productive potential, however I consider this development is not certain and not a reason in of itself to approve the plan change application. I also note (as does the PDP) that production activity can still occur on a 4ha block, although accept this is much reduced.

SPATIAL PLANNING ASSESSMENT – CONSTRAINTS MAPPING

45 In his evidence Mr Walsh includes a spatial planning assessment to identify the preferred locations for residential growth informed by identified constraints (paragraph 19), noting that a constraints approach is currently being used by the Greater Christchurch Partnership with its draft Greater Christchurch Spatial Plan (paragraph 49). I consider this is a useful exercise and have undertaken an assessment of each of the identified constraints, with my conclusions set out in **Appendix 2** of this summary statement.

46 I note that the Panel has requested the experts to conference on this matter and as such, I wish to note that my views in this summary statement are based on my understanding of the issues expressed to date and that I may alter my opinion depending on expert opinions presented during

conferencing. However, I wish to include this statement here to facilitate efficient conferencing.

- 47 Based on my assessment contained in **Appendix 2**, I consider Mr Walsh's constraints assessment is useful. However, I do not agree with all of Mr Walsh's conclusions as to the significance of the identified constraints. Most notably, I consider the identified natural hazards constraints are not as significant as Mr Walsh considers and I believe that the Kaiapoi Future Development Area / New Development Area remains available for development. In coming to this conclusion, I note that there are recent examples in Kaiapoi of urban development that has successfully managed high hazard flood risk (Mr Bacon also comments on this in his summary statement of evidence, as well as the Applicant's calculation of stormwater areas). I also note that CRPS Policy 6.3.5(4) provides an exclusion for residential development in Kaiapoi under the airport noise contour.
- 48 I therefore disagree with Mr Walsh when he states in his evidence (paragraph 100) that "demand for housing is focussed in the east of the district where various development constraints have been identified. Accounting for the constraints, there are few alternatives available, including expansion of existing centres" or in paragraph 253, where he states that while RCP031 is not completely consistent with the transport provisions [TRANO1] it is acceptable given there are few feasible or practical alternative locations where sufficient development capacity can be provided closer to the district's existing urban centres.
- 49 I do not consider that any of the constraints identified requires the Council or the Greater Christchurch Partnership to reconsider the proposed urban growth approach in Our Space and instead look further inland, such as to Mandeville and Ohoka. I note that there are usually constraints of some sort on land development, and I consider that the negatives identified by Mr Walsh need to be considered against the merits of a location, which for areas near Rangiora, Kaiapoi, Woodend and Pegasus are being co-located with an

existing town with existing community services, employment opportunities and more ready access to existing and future public transport.

- 50 I also note Mr Yeoman's evidence (paragraph 95, Appendix 1 to his summary statement) that the Kaiapoi FUDA has been accounted for as long-term capacity, not medium-term capacity and as such, even if it provided zero lots due to constraints, this does not change the projected capacity in the medium term, which I understand is the most relevant term for considering RCP031.

CAPACITY

- 51 In my s42A report I referred to capacity in various locations (e.g. paragraphs 7.3.78 and 7.3.79), referring to the supporting report of Mr Yeoman. My conclusion was that sufficient capacity was being provided to respond to demand in the District.
- 52 Mr Walsh, relying on the evidence of Messers Ackhurst, Sexton, Sellars and Jones concludes in various places within his evidence that insufficient capacity is provided in the District. Mr Yeoman has considered the matters identified in the Applicant's evidence and remains of the view that sufficient capacity has been provided to respond to demand. He covers this in his summary statement and I accept his opinion on this matter.
- 53 Mr Sellars assesses the impact of the MDRS provisions, which permit up to 3 residential units, each up to 3 storeys high, as permitted activities. He considers that the MDRS will have a negligible impact on the District's urban areas (paragraph 16), referring to the construction costs (paragraph 13) and demand (paragraph 14). In paragraph 25 of his evidence Mr Jones states that based on his experience in the Waimakariri District, "those looking to purchase a residential site in Waimakariri do so looking for a stand-alone property with good outdoor living spaces. They are looking for low density living." I note that no statistics were provided by Mr Sellars or Mr Jones to support their opinions.

- 54 I do not dispute Mr Sellar’s findings for 3 storey construction, nor do I disagree with Mr Jones that stand-alone dwellings with good outdoor living spaces are generally preferred. Whilst I am not a real estate expert, I wish to point out that there is evidence in the District of up to three houses, and indeed three or more houses, being built as infill development on standard residential sites at a density equivalent to medium density.¹
- 55 The WDP currently provides a comprehensive residential development (CRD) pathway to develop 4 or more residential dwellings on a site (i.e. in excess of the MDRS’s permitted 3 dwellings) which, depending on the realised density, could be classified as medium density. Data from the Council’s resource consents team indicates that since 2016 (when the CRD rule was introduced) the council had 41 applications for 382 new dwellings (excluding retirement complexes). This result does not capture those developments now permitted under the MDRS rules which became operative in August 2022, nor any development involving 3 or less dwellings.
- 56 In **Appendix 3** I have included a selection of photos of recent and in construction developments in Rangiora and Kaiapoi to provide examples of infill development in the District. I note that the densities of these developments can be considered to be medium density. As such, I consider there is clearly evidence that medium density development and other infill development is occurring and is in demand.
- 57 Mr Jones states in paragraph 26 that “the vast majority of the Waimakariri housing stock is too new/young to be redeveloped into medium density housing anytime soon.” Unfortunately, no statistics were provided. Mr Yeoman has informed me that 45% of the residential stock in the District is

¹ There are differing interpretations of what is medium density. The Ministry for the Environment described medium density as: “comprehensive developments including four or more dwellings with an average density of less than 350 m² per unit...” MfE Medium-density housing: Case study assessment methodology (2012).

over 30 years old and 31% is over 40 years old. This can be compared with Rolleston where less than 5% of the stock is over 30 years. To support the PDP review, the Council commissioned JASMAX to prepare a Residential Character and Intensification Guidance Report (August 2018). It assessed a number of areas of Rangiora, Kaiapoi, Oxford and Woodend, identifying the types and ages of housing and noted that there are many older houses remaining (for example see section 2.9.1 page 12 and Section 2.10.2 page 18). As such, I consider that there are many older houses within the district that are, and can be, replaced with medium density housing.

- 58 In any case, I note Mr Yeoman’s evidence (paragraph 187) that the WCGM22² is required to assess “current” relationships in the medium term, which means that it most likely underestimates the potential impacts of the MDRS and therefore, while he disagrees with Mr Sellars, Mr Jones and Mr Akehurst on the scale of the impacts of the MDRS in the District, this difference of opinion is not material to this hearing because the WCGM22 is required to adopt a conservative position that shows that only a small share of the capacity enabled by the MDRS is commercially feasible, i.e. the capacity model is already consistent with the three experts’ opinions and there is therefore no need to lower the predicted intensification capacity further still.

Does RCP031 Contribute Significantly to Development Capacity?

- 59 Based on the evidence of Mr Yeoman, my conclusions on Mr Walsh’s capacity constraints evidence and my observations of infill development, I remain of the view that the extra development capacity provided by RCP031 is not necessary. Based on the evidence of Mr Roxburgh I consider it is still not sufficiently certain that potable water and stormwater can be appropriately managed. Based on the evidence of Mr Binder, it appears

² Waimakariri Capacity for Growth Modelling 2022

that providing more than 250 households is also uncertain. I therefore remain of the opinion that the proposal does not demonstrate that it contributes significantly to development capacity, which is a requirement under NPS-UD Policy 8.

- 60 I note Mr Walsh states (paragraph 28 of his summary statement) that he does “not consider the test of whether proposed development capacity is ‘significant’ [to be justified under NPS-UD Policy 8] relies on it being necessary – that is but one consideration.” I agree with Mr Walsh, it is but one consideration. I note Mr Boyes also considers significance can be interpreted with reference to shortfalls (paragraph 67 of his evidence). In my opinion the extra capacity has been demonstrated as not being necessary and therefore this argument for it contributing significantly to development capacity under NPS-UD Policy 8 has not been justified, i.e. on the basis of necessity, the proposed additional capacity is not considered to be significant. My conclusion on significance is predominantly informed by the identified servicing and transport constraints. I consider necessity to be a lessor consideration for assessing capacity significance.
- 61 I note that Ms Appleyard states (paragraph 84 of the legal submission) that “any suggestion that such infrastructure must already exist and be available immediately ‘to site’ (sic) is illogical (and wrong).” I did not suggest in my s42A report (paragraphs 6.6.11 and 7.3.71) that the infrastructure must be available now or immediately, only that there needs to be sufficient confidence that it ‘could’ be provided (i.e. in the future), and I considered that it had not been demonstrated that it could be provided due to uncertainties over the technical matters and regional council consenting issues. Irrespective of NPS guidance, I consider it poor planning to rezone a site for urban development if it cannot be serviced and it would be contrary to WDP policies 18.1.1.1(I) and 11.1.1.3 (as referenced in my s42A report in paragraph 6.6.10).

- 62 I agree with Mr Walsh that the NPS-UD does not seek to limit further capacity being provided if additional capacity meets the other NPS-UD policy tests. However, in my opinion, voluntarily going beyond meeting the required minimums should require a closer examination of the CRPS Chapter 6 directive provisions and consideration of the proposal in the context of long term spatial planning and the PDP planning process where I understand that there are 67 submissions seeking the re-zoning from RLZ to Residential covering approximately 1975 ha of land (including the Applicant's submission and land). I acknowledge that many of these requests may not be approved by the PDP panel, however I consider it good planning to test the merits of these requests on a comparative basis through the PDP process.

IS OHOKA WITHIN THE URBAN ENVIRONMENT

- 63 In my s42A report (paragraphs 7.3.5 to 7.3.13) I queried whether Ohoka was within the 'urban environment' as defined by the NPS-UD. In paragraphs 201 to 203 of his evidence Mr Walsh addresses whether the site is within the urban environment, referring to a commissioner's decision on PC67 in Selwyn, West Melton township metrics and his planning evidence on PC67 that refers to advice from Selwyn District Council staff stating that the Greater Christchurch area as shown on Map A is the 'urban environment' for the purposes of the NPS-UD. He also states Christchurch City Council and ECan planners agreed that West Melton forms part of the urban environment as part of the Greater Christchurch area.
- 64 I consider it useful to know the views of Council staff on PC67, specifically that the Greater Christchurch Urban area equates to the NPS-UD urban environment. However, I note that Ohoka is not West Melton, nor located within the Selwyn District, that the opinions of Selwyn District Council staff (and Christchurch City and ECan staff) on this matter are not provided as evidence before the Ohoka hearing panel, and that the decision of the

commissioner on PC 67 is not binding on the Ohoka hearing Panel, as such I understand that little weight can be attached to this evidence.

- 65 Further advice on this matter was provided to me by Mr Phillips just prior to the hearing in a memorandum dated 27th July and I note this matter was also covered in the Applicant's legal submissions (paragraphs 14 to 25). The key thrust of this additional advice relies on Ohoka being within Greater Christchurch and that this is consistent with other recent plan changes and Greater Christchurch Partnership advice. The legal submissions and the memo also refer to NPS-UD Table 1 that identifies Christchurch as being a Tier 1 urban environment, as opposed to a Tier 2 urban environment, and referring to the associated local authorities, which includes the Waimakariri District Council and inferring that this must include Greater Christchurch.
- 66 In addition, the legal submissions (and memo) notes that the PDP definition of 'urban environment includes the NPS-UD definition of urban environment and identifies Ohoka as being urban. However, I note that unhelpfully (like the WDP) the PDP definition includes all the District's urban settlements regardless of whether they meet the tests of the NPS-UD. For example, Oxford is also included and it is clearly outside of the Greater Christchurch Area. I also note that the PDP definition states the urban environment 'comprises' the listed towns. It does not specify that these are 'included' in the urban environment, but rather that they 'comprise' the urban environment. There is no mention of the land surrounding these towns as also being included. This is clearly at odds with the NPS-UD definition of urban environment which in my opinion could include the rural areas between these towns if they meet the specified tests in the NPS-UD definition.
- 67 I understand that a key reason for including the listed towns in the PDP urban environment definition was to help with the application of the natural hazards provisions which have different rules depending on whether a site is urban or rural. During the development of the natural

hazards provisions it was unclear if the planning map overlays would identify this distinction and so a definition was also provided. It appears that during the course of developing the PDP, the 'urban environment' definition has become somewhat unworkable. I understand that the Council is seeking to amend this definition through the PDP process and therefore consider it has 'little weight' at this point.

68 With the exception of the reference to NPS-UD Table 1 above, I do not dispute that there is evidence suggesting that Ohoka is within the urban environment. My point is and has always been that Ohoka should itself be assessed against the NPS-UD definition. That is: whether the area is or is intended to be predominantly urban in character (clause (a) of the definition of urban environment) and is, or is intended to be within a housing and labour market of at least 10,000 people (clause (b) of the definition of urban environment).

69 I have still not seen any direct evidence from the Applicant's experts on whether the proposal meets both clause (a) and clause (b) of the NPS-UD 'urban environment' definition. I remain of the view (as indicated in my s42A report) that Ohoka is likely to be within the urban environment.

NPS-UD AND THE CRPS

70 In my S42A report I noted that I would provide an opinion on the application and interplay of the NPS-UD enabling provisions and the CRPS directive provisions after reviewing the evidence provided to the hearings panel. Having considered the evidence presented it is my opinion that Policy 8 provides an opportunity to allow consideration of this proposal despite the CRPS directive provisions, including the identified growth areas in Map A, but only if it meets the requirements specified in Policy 8, i.e. that it provides significant development capacity and contributes to a well-functioning urban environment. This reflects the central government objectives to facilitate greater opportunities for urban growth and housing opportunities.

- 71 In my opinion, the NPS-UD only opens the door to overcome the prescriptive CRPS directions if the Policy 8 tests are met. If a plan change cannot meet Policy 8, then the clear CRPS direction regarding urban growth locations remains relevant. Based on my conclusions that the requirements in Policy 8 are not met, in my opinion the CRPS directive provisions are therefore relevant, and the proposal is not anticipated in Chapter 6 and Map A and it would not give effect to it. I note Ms Mitten has assessed the proposal against the growth provisions in Chapters 5 and 6 of the CRPS and I agree with her.

COUNCIL ENGAGEMENT WITH THE APPLICANT'S EXPERTS

- 72 At paragraph 143.2 of her legal submission and in response to Panel questions, Ms Appleyard has commented on the lack of engagement between myself (and other Council witnesses) with the Applicant's experts in relation to the issues, despite attempts to engage.
- 73 I agree that the engagement between the parties has not been extensive. However, I have reviewed my correspondence with the Applicant's planning experts and I am not aware of any correspondence requesting to meet, or requesting specific dialogue on plan change matters, including narrowing down issues that I have not responded to, nor any correspondence raising concerns about a lack of engagement.
- 74 I wish to note that the Applicant's experts were encouraged to engage directly with the Council's experts, and they did. I am therefore surprised by Ms Appleyard's suggestion around the Council not responding despite their attempts to engage. As I understand it this is not the case.

CONCLUSION

- 75 I note that Policy 8 of the NPS-UD requires the Council to be responsive to proposed plan changes – it does not require the Council to approve them. In my opinion the Council has been responsive to this plan change through

accepting it for notification and testing its merits through a submission and hearing process.

- 76 My original conclusion (set out in Section 9, page 69) was that RCP031 should be declined. Having reviewed the evidence of the Applicant and other submitters, and based on the advice of the Council's experts, I remain of the view that RCP031 should be declined for the reasons set out in this report and in my S42A report.

Date: 09/06/2023



.....

Appendix 1 – Matters identified in the s42A Report as not in contention or no longer considered in contention

- 1 Wastewater: in my s42A report (section 6.6 Three waters infrastructure), based on the evidence of Mr Roxburgh I considered that wastewater could be adequately managed. Having reviewed the evidence presented at the hearing and based on the evidence of Mr Roxburgh, I continue to hold that view.
- 2 Geotechnical and Land Contamination: in my s42A report (paragraphs 6.5.12 to 6.5.17) I accepted that these matters can be resolved at the time of subdivision and building consent. I continue to hold this view.
- 3 Power and telecommunications: as set out in my s42A report (paragraphs 7.71 to 6.75 I considered it likely that power and telecommunications could be provided for the development. Having reviewed the evidence presented at the hearing I continue to hold that view.
- 4 Ecology: in my s42A report (paragraphs 6.10.1 to 6.10.6) I recommended that a 15-20m setback is applied to Ohoka Stream Tributary, South Ohoka Branch and Groundwater Steep. Based on the Applicant's evidence and amendments to the proposal in response to both DoC's submission and the Evidence of Mr Burrell, it appears there are no longer any ecology matters in contention.
- 5 On site Minimum Road Requirements: in my s42A report (paragraphs 6.8.10 to 6.8.13) I did not support a deviation from the WDP road design standards without substantive justification (based on the evidence of Mr Binder). The proposed amendment to apply the WDP road design requirements addresses this concern.
- 6 Activity status of educational activities: in my s42A report (Appendix 1) I recommended that education activities should be a restricted discretionary

activity. This is now proposed via proposed new rule 31.3.10. As such I consider this matter now resolved.

- 7 Zone description / change in zoning: in my s42A report (Appendix 1) I recommended changes to the WDP Residential 3 zone description or a change in zoning to more appropriately account for the scale of the proposal. The amended application now proposes a Residential 2 Zone (as opposed to a Residential 3 Zone). I am satisfied that this responds to my concerns.
- 8 Retail distribution effects: in my s42A report (section 6.11) I considered there was insufficient evidence provided to support the extent of the two centres and recommended a retail cap of 2700m² based on the evidence of Mr Yeoman to manage distributional impacts on the Mandeville and Kaiapoi centres. Based on the evidence of Ms Hampson and Mr Walsh I understand that a 2700m² retail cap is now proposed, along with an amendment to Policy 16.1.1.12. I therefore am satisfied that retail distribution matters are adequately addressed.
- 9 Cycle routes should be shown on the ODP: these are now shown on the ODP.
- 10 Provision for safe pedestrian / cycle crossing facilities adjacent to the two proposed commercial areas, and at the eastern end of the stream to connect across to Ohoka Bush: this has partially been responded to as crossing points are now shown next to larger commercial area and Ohoka Stream - but not on Mill Road adjacent to the smaller commercial area. However I note that this smaller area will now have less functionality due to the proposed retail cap and I therefore consider this is no longer required.
- 11 Application of the NPS-HPL: as set out in my s42A report (paragraphs 7.3.82 to 7.3.78) it was not clear to me if the NPS-HPL applied, noting that this matter was not addressed in the Application s32 (as it predated the NPS-HPL). Based on the Council's position before the PDP Hearings Panel and

legal advice from Chapman Tripp it appears the NPS-HPL does not apply.
This is further elaborated on in the body of my summary evidence.

Appendix 2 – Spatial Planning Assessment – Constraints Mapping

- 12 In his evidence Mr Walsh includes a spatial planning assessment to identify the preferred locations for residential growth informed by identified constraints (paragraph 19), noting that a constraints approach is currently being used by the Greater Christchurch Partnership with its draft Greater Christchurch Spatial Plan (paragraph 49). I consider this is a useful exercise. I will respond to each of the constraints identified by Mr Walsh in turn.

Airport Noise Contour Changes and Application to Kaiapoi

- 13 In paragraph 45 of his evidence, Mr Walsh notes the remodelling of the airport noise contours and that only 5.08 hectares of the new development area is outside of the remodelled airport noise contour. Mr Walsh also covers aircraft noise in paragraphs 73 to 75. In paragraph 48 of the Development Capacity Analysis memo attached at Appendix A to his evidence (page 69), he appears to be suggesting that once the airport noise contour is confirmed by the experts then this is the new contour and that the CRPS avoid policy will be engaged with respect to those updated contours. My understanding of the CRPS is that for new contours apply this will require a change to the CRPS, including a change to the location of the contour on Map A, and as such only the operative CRPS contour applies. In the interests of brevity and I have not provided further detail on this matter but can do so if requested by the Hearings Panel.
- 14 Regarding the application of the contour to Kaiapoi, my understanding of CRPS Policy 6.3.5 (copied below) is that it provides an exception for existing residentially zoned urban areas and residential greenfield priority areas across Greater Christchurch (including Kaiapoi). In addition, given the lost development that occurred through red-zoning post the earthquakes, additional provision has been made specifically for Kaiapoi. The principal reasons and explanation for Policy 6.3.5 states:

“...The only exception to the restriction against residential development within the 50dBA LdN airport noise contour is provided for at Kaiapoi.

Within Kaiapoi land within the 50dBA Ldn airport noise contour has been provided to offset the displacement of residences as a result of the 2010/2011 earthquakes. This exception is unique to Kaiapoi and also allows for a contiguous and consolidated development of Kaiapoi.”

- 15 The wording of Policy 6.3.5 (copied below) states this exception applies to residential greenfield areas identified for Kaiapoi. The Kaiapoi FUDA is a formally identified residential greenfield area, and it is shown on Map A. I consider it would not make sense for the CRPS to identify a FUDA but then exclude development under it by virtue of the contour. Based on this, my conclusion is that the FUDA is excluded from the application of the airport noise contours by virtue of Policy 6.3.5.

“6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

...

4. development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28) and enabling commercial film or video production activities within the noise contours as a compatible use of this land; and

...”

Flooding and Kaiapoi

- 16 In paragraphs 35 to 44 Mr Walsh identifies that approximately 60.6 ha of the Kaiapoi FUDA is identified as a high hazard area and proceeds to examine the avoidance approach of CRPS Policy 11.3.1 to high hazard areas. Flooding is also considered in his paragraphs 61 to 64. Firstly, based on the Council's modelling, I agree that currently a large portion of the Kaiapoi FUDA is classified as a high hazard area, as is a substantial portion of existing Kaiapoi. Secondly, I agree that CRPS Policy 11.3.1 seeks an avoidance first approach, while CRPS Policy 11.3.2 has a management approach such as through minimum floor levels. I consider it is important to note that past greenfield developments in Kaiapoi that also contain high (flood) hazard areas (e.g. BeachGrove and Silverstream) have used land raising, compensatory storage, pump stations and other mitigation as a way to manage flood hazard on-site, such that they are no longer high hazard. I note that Mr Bacon addresses this in his evidence.
- 17 In my opinion, if the land is raised sufficiently, it is no longer high hazard under the CRPS. This is one of the reasons why I have argued (through the PDP process) against identifying high flood hazard areas on the planning maps – the areas can change. The same approach is anticipated to apply to the Kaiapoi FUDA. Given the Kaiapoi FUDA is large and undeveloped, it is anticipated that land raising and other mitigation can easily occur. Flooding issues were not considered to be determinative by the Council for using this area of land and this is why it has been identified as a FUDA. I note that the PDP Kaiapoi Outline Development Plan (DEV-K-APP1) expressly identifies the flooding issues in this area and mitigation requirements.

Liquefaction

- 18 In paragraphs 52 to 55 Mr Walsh assesses susceptibility to liquefaction, stating that Policy 11.3.3 seeks that new subdivision, use and development in areas susceptible to liquefaction be managed to avoid or mitigate adverse

effects. Mr Walsh notes the PDP takes a similar approach, although I note it only applies to subdivision. Mr Walsh then considers that new development should be avoided in areas where damage from liquefaction is possible unless his suggested tests are met.

- 19 Firstly, I note the CRPS expressly enables management to avoid or mitigate the adverse effects of liquefaction – it does not need to be avoided outright. Secondly, I do not consider this approach is justified as I understand that the building act can adequately manage the risks of liquefaction on urban development. I note that even red-zone areas can have urban development on them, subject to appropriate ground repair. Across Greater Christchurch development is being proposed on land with various susceptibility to liquefaction. In my opinion, the liquefaction risk identified for the Waimakariri District is not sufficient to decline a subdivision proposal. In my opinion liquefaction risk can be easily managed and should not be determinative of where development should occur.

Coastal Hazards

- 20 In paragraphs 56 to 60 Mr Walsh comments on coastal erosion and sea water inundation. The PDP has carefully worked through coastal hazards and identified that the District is not meaningfully subject to coastal erosion. Sea water inundation occurs in proximity to the Ashley and Kaiapoi Rivers. The areas affected are largely rural areas, with the exception of the Kaiapoi FUDA that I have already covered above, and small coastal settlements such as Kairaki, The Pines Beach and Waikuku where no urban growth is proposed. As such, these hazards are already considered as part of the Council's growth planning. I agree that the starting position is areas subject to significant levels of sea water inundation should be avoided, but note that the hazard can be mitigated, especially where the inundation is not significant, and that there is a pathway for this proposed in the PDP.

- 21 Mr Walsh correctly points out that there is no tsunami specific policy in the CRPS. This is because it is difficult to undertake regulatory planning for such infrequent, but possibly severe impacts. As part of developing the PDP natural hazards chapter ECan's advice to me was that the Tsunami information available was not sufficiently robust to use it for planning purposes in a District Plan. I continue to accept this advice.

Productive soils

- 22 In paragraphs 65 to 67 Mr Walsh identifies productive soils as being a constraint and refers to the NPS-HPL and its application to soils zoned rural. I agree with Mr Walsh that these are constraints. However I do not consider that this means that urban development is automatically ruled out. Rather an assessment is required for each proposal to consider its merits. I note that the NPS-HPL expressly provides a pathway for urban development required under the NPS-UD.

Sites and Areas of Significance to Maori











- 23 In paragraphs 68 to 72 Mr Walsh assesses sites and areas of significance (SASM) to Maori, including the Kaianga Nohanga Special Purpose Zone. For SASM areas, Mr Walsh notes that while these do not preclude development, they create a level of uncertainty for larger scale urban development. I agree with Mr Walsh. My understanding of the proposed rules applying to SASM areas is that subdivision (SUB-R5) and earthworks (SASM-R4) would trigger restricted discretionary activity consent requirements. However, I do not see these rules as determinative of where new subdivisions can go and I note that large swathes of the eastern half of the district are covered by these overlays, including in areas of recent development such as Beachgrove, Ravenswood and Pegasus. I do not consider these proposed SASM provisions are determinative of where new urban development can locate, but I agree with Mr Walsh that they are a constraint.

- 24 For the Kaianga Nohanga Special Purpose Zone, Mr Walsh considers that the purpose of the zone and the land ownership within it create potential development barriers and uncertainty for larger scale urban development. I agree with Mr Walsh that it might, but this is not certain. I note also that this area is not included in the Council's residential capacity assessments, but can be considered in addition to it.

Other Identified Constraints

- 25 Mr Walsh also identifies the noise contours around the Rangiora airport, restrictions near Woodford Glen speedway and Council reserves as constraints on development (pages 18 and 19). I do not disagree with Mr Walsh as to these being constraints. However, I understand that no urban growth is proposed within or on these identified constraints, nor is there any required in these locations to meet the required capacity provision under the NPS-UD. I also understand that these constraints are relatively small.
- 26 Mr Walsh also identifies additional stormwater management requirements for New Development Areas, which Mr Bacon disagrees with in his summary evidence statement.

Appendix 3 – Examples of Medium Density Housing

 <p>31 Footbridge Terrace, KAIAPOI 16 Dwellings. Average area 239m²</p>	 <p>29 Victoria Street, RANGIORA 8 Dwellings. Average area 241m²</p>
 <p>48 Storer Street, KAIAPOI 12 Dwellings. Average Area 199m²</p>	 <p>77 White Street, RANGIORA 28 Dwellings. Average area 204m²</p>
 <p>2A Rate Street Rangiora 4 Dwellings. Average area 195m²</p>	 <p>40 Dale Street Kaiapoi 15 Dwellings Average area 289m²</p>
 <p>152 Ohoka Road KAIAPOI 4 Dwellings. Average area 202m²</p>	 <p>38 Percival Street 6 Dwellings. Average area 169m².</p>
 <p>50 Ashley Street, RANGIORA 5 Dwellings. Average area 161m²</p>	 <p>1, 3, 5 Streamside Terrace, Kaiapoi</p>