

Submission Opposing Request for Plan Change (RPC31)

by Rolleston Industrial Development Limited

Russell Pegler

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Introduction

Kia Ora - and good afternoon, my name is Russell Pegler, my wife Pattie and I, and our 10yr old son have lived on Jacksons Road in Ohōka since 2010. I grew up in Dunedin and spent nearly 15 years overseas before returning home late 2008.

On moving to NZ, our goal was to find a lifestyle block in a small village where we could put down roots. We didn't want to live in a suburban neighbourhood, as we felt we may as well just stay in London, if that were the case. We specifically sought out somewhere like Ohōka for its small, semi-rural outlook with a strong sense of community.

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NPS-UD (2020)

The Request for Plan Change RPC31 is predicated on its alignment to the National Policy Statement on Urban Development (2020).

In the Novo Group application point 4 it states that: *This plan change specifically accounts for the National Policy Statement on Urban Development 2020 ('NPS-UD') which recognises the national significance of having well-functioning urban environments;*

Similarly, in its opening legal submission for the applicant, Chapman Tripp states in point 2 that: *The core issue in determining this application is the **proper interpretation** of the National Policy Statement on Urban Development 2020 (NPS-UD).*

And on this one point, I would agree with Chapman Tripp that the decision on this application hinges on the 'proper interpretation' of this important national policy statement.

On matters of interpretation of law, the phrases "to the letter of the law" and "in the spirit of the law" are often quoted.

I'm sure many of my fellow submitters, like me, have flip-flopped on this submission for hours and days, scrutinising specific clauses in various supporting documents, trying to strike the right tone. In the end it came down to me asking myself, what do I actually want to say and what is the message I want to get across?

And it is this... I want to highlight the absurdity of this proposal in the context of the prevailing legislation (NPS-UD), which I want to do by focusing on the **intent** of this national policy statement rather than getting hung up trying to refute the specific clauses that the applicant has cherry-picked to support their application.

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A quick google search takes you to the environment.govt.nz, website which introduces the NPS-UD. In the opening sentence and in reference to the NPS-UD it states: *"This is about ensuring New Zealand's **towns and cities are well-functioning urban environments** that meet the changing needs of our diverse communities."*

...towns and cities are well-functioning urban environments...

And if we break down the phrase "well-functioning urban environments"... starting with **urban environment** - it is defined in Part 1 of the NPS-UD as " *any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- *is, or is intended to be, predominantly urban in character; and*
- *is, or is intended to be, part of a housing and labour market of at least 10,000 people"*

Neither of those conditions apply to Ohōka. Ohōka is not currently, nor has it ever intended to be, predominantly urban in character nor grow to 10,000 people.

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How do we know this? We know it from the strategic planning that the Waimakariri District Council undertook in 2010 and, more recently in 2019, which is captured in the respective Rural Residential Development Strategies which, by the way, is how planning should be conducted... with a strategic lens that looks objectively at how we want the region to develop as a whole. Planning decisions should not be made as knee-jerk responses to the whims of individual developers who think they've spotted a loop-hole in the legislation and want to make a quick buck.

One can only assume that in making this request for plan change RPC31 RIDL are suggesting that Ohōka is urban in nature by virtue of it being an extension to the existing towns of Rangiora and Kaiapoi, which of course, is absurd. If that were the case, then all of Waimakariri is in scope for urbanisation, including Swannanoa, Cust, West Eyreton, Clarkville, Ashley, Loburn, Waikuku, Okuku... or any other area for that matter, no matter how rural.

Furthermore, in the Rural Residential Development Strategies, the district council have purposefully planned to grow the existing semi-rural areas within the Waimakariri, but to do so in a way that is in keeping with their existing character. The plan recognises the need to retain a portion of land as semi-rural to meet the needs of those who purposely seek out and choose to live in such areas.

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Policy 1 of the NPS-UD sets out 6 criteria, as a minimum, that must be met in order to meet the threshold of a **well-functioning urban environment** and on point 1 it states [that Councils have an obligation to provide choice] "in terms of type, price, location, of different households;". Placing 850 homogenous, cookie-cutter style suburban dwellings in the centre of a semi-rural setting does not offer choice and in fact, removes one of just a handful of truly semi-rural areas that remain in the Waimakariri.

[0:45][6:15]

Graphic

I want to come back to the *intent of the NPS-UD*, and draw your attention to the image on the same environment.govt.nz website entitled "A3 graphic on the NPS-UD 2020". If ever there was a single graphic that encapsulates an idea or concept, this must surely be it.

Improving how our cities respond to growth to enable improved housing affordability and community wellbeing

What is the National Policy Statement on Urban Development (NPS-UD)?

National direction that sets out objectives and policies for urban development under the Resource Management Act 1991. Councils must give effect to these objectives and policies.

Why do we need an NPS-UD?

Constraints in the planning system have made it harder for people to build and live in the homes they want, where they want. This has led to high land prices, unaffordable housing, and a system that incentivises land banking and speculation. It has also resulted in people having poor access to employment, education and social services. This impacts most on our poor, vulnerable and younger generations.

Where does it apply?

Some policies apply only to "Tier 1" local authorities in Auckland, Christchurch, Wellington, Tauranga and Hamilton. These include the most directive policies, particularly regarding intensification.

Others apply to both Tier 1 and Tier 2 (Napier-Hastings, Nelson, Whangarei, Palmerston North, New Plymouth, Rotorua, Dunedin, Queenstown).

The majority of policies, including carparking, apply to all urban environments that have, or are planned to have, more than 10,000 inhabitants.

Buildings in the city centre are taller and denser, giving more businesses and apartment dwellers a chance to work and live there, where productivity is highest.

Buildings within a walkable range from city centres, metropolitan centres and existing or planned rapid transit stops may now be six storeys, or higher.

The form of the city and the types of homes within it enables all people and communities to provide for their wellbeing, provides access to opportunity to all and evolves to reflect the diverse and changing needs of its inhabitants. This includes allowing Māori to express their cultural traditions and norms.

Across the city, height and density reflect demand and the level of accessibility by active and public transport.

Developers are free to determine the number of carparks in their developments. This means people who do not need or want car parks at their home or business premise are not required to pay for them.

Development may occur even where it is not planned for, both on the fringe of cities (greenfield) or redeveloping already urban land (brownfield).

This is because councils need to be responsive to development that will provide significant numbers of new homes or business locations, and will contribute to good outcomes.

In some areas, plans may not enable the same levels of intensification. For example, areas with significant risks of natural hazards, or heritage buildings. Such exemptions will require an evidentiary basis, and are unlikely to take the form of a blanket ban on development.

More people live in areas with good public and active transport links, meaning they are not reliant on cars for transport. This will help to reduce traffic and transport emissions.

Remind anyone of Ohōka?

The left-hand border provides context of the NPS-UD in terms of what it is, why we need it and where it applies. "Constraints in the planning system... have resulted in people having poor access to employment, education and social services [which] impacts most on our poor, vulnerable and younger generations".

An 850 house subdivision in the middle of Ohōka will do nothing to address any of those issues.

This policy statement is unequivocally about building well-functioning towns and cities that behave as an efficient and cohesive system. It's about creating environments where people have an opportunity to live near their places of work, and where they can easily access social services and partake in recreational activities. And as a region, it is about joining up our towns and cities in a coordinated way so that we can deliver an effective public transport system that works. In essence, it is about providing dwelling options that are close to where people live their lives, thereby reducing the overall travel distances, with the goal of creating vibrant towns and cities.

[1:30][7:45]

- Buildings in the city centre are taller and denser, giving more businesses and apartment dwellers a chance to work and live, where productivity is highest. (i.e., minimise the time spent travelling)
- There are multiple public transport options including buses, light rail and in the larger centres, an underground train network.
- The form of the city and the homes within it "enables all people and communities to provide for their well being..."
- Across the city, height and density reflect demand and the level of accessibility by **public** and **active transport**. (despite what the applicant would have us believe, Tram road is not a *transport corridor* in the context of this policy statement and very few individuals are biking to work from Ohōka and I doubt anyone is walking).

Canterbury Regional Policy Statement

5.1.2 Inappropriate Design, Location and Function of Development (wider region)

Unless the design, location and function of development is carefully managed, it will not necessarily be able to:

4. reduce vehicle trip frequency, trip generation and distance, and improve modal choice so as to reduce adverse effects on the environment of high energy consumption and associated discharges to air resulting from dependence on private motor vehicles

This clause talks about greenhouse gas emissions and is a signal to planners that we need to be making planning decisions that support the reduction in trip frequency; support the reduction in trip distance; and where people need to travel, we create an environment that encourages modes of transport other than private motor vehicles.

An 850 house subdivision in a small semi-rural community that is geographically isolated and disconnected from transport corridors is exactly the type of development this clause is seeking to avoid.

This next bullet (Policy 8 in the NPS-UD) is one of the few that the developer is pinning their hopes on...

- Development may occur even where it is not planned for, on the **fringe of the cities** (greenfield) and redeveloping already urban land (brownfield). (Ohōka is not on the fringe of a town or a city - it is 10km from both Rangioa and Kaiapoi town centres)
- In some areas, plans may not enable the same levels of intensification. For example, **areas with significant risk of natural disasters**.

[2:30][10:15]

On this last point, I want to talk briefly to the flooding risk in Ohōka, which will be exacerbated as a consequence of covering, by my conservative estimates, over 30ha of the target site in hard surfaces (rooves, driveways, roads, etc).

I'm not a Hydrologist nor a Drainage Engineer so I won't speak to the specific engineering aspects of the proposed solution, but I do want to make the following three points;

1. Rainfall data is a lagging indicator. And while the applicant's engineers may have proposed a technical solution that they claim would handle known historic rainfall levels, we are heading into uncharted waters, and what we are likely to experience in the future is anyone's guess. (it's like that disclaimer they put on all financial advice - *past performance is not guarantee of future gains*).
2. Reverse sensitivity. The June 2014 floods prompted the council to set up a 'Flood Team' which produced a report entitled "Flood Response in the Waimakariri District". In that report they talk about groundwater resurgence, which is a fancy way of saying that it is so wet, that the groundwater effectively flows out of the ground and onto the surface. Section 2.4 of that report states "Many of the rural residential (lifestyle block) properties are in the Rural Drainage Areas or outside the drainage rating area. This can cause issues, with some residents having expectations of urban levels of service. The type of flooding that was once accepted as part of the rural way of life is, in many cases, not acceptable to residents who have expectations of an urban level of service, expensive houses and, landscaped properties".

Placing an urban subdivision in the middle of a semi-rural environment with known draining issues is setting the council (and by extension, all ratepayers) up for a whole lot of future pain.

3. The last point I want to make regarding flood risk is that we know there will be flooding in the future, and in all probability the effects will become more severe. Regardless of whether these future flooding events **are**, or **are not** directly attributable to this proposed development, there is sufficient doubt that on every such occasion, the Ohōka residents who reside downstream of this development, of which we are one of many, we will be taking the council to task and will be relitigating this issue with them time, and time, and time again.

To knowingly, and willingly create a situation where we know tensions exist, and will only increase with each passing deluge, is grossly irresponsible to all the ratepayers within Waimakariri and, especially to the residents of Ohōka.

[2:30][13:00]

Conclusion

In conclusion, Request for Plan Change RPC31 is nothing more than an opportunistic land-grab attempt, driven by greed and the fear of missing out. The commissioners will no doubt be familiar with RIDL's other, similar RPC69 in Lincoln. RPC31 is essentially a cut 'n paste of that same format, with a few Ohōka-specific additions. RIDL were successful in Lincoln and they thought they'd 'have a go' at Ohōka, in the same way one might toss the last remaining chips onto Red before leaving a Casino.

And, as much as I empathise with those in Lincoln who are against that particular development, it is important to draw a comparison for the purpose of this submission against RPC31. Lincoln **is predominantly urban in character**, and **is intended to grow to 10,000** people (est. 9,180 at time of writing). And, the land parcel that RIDL secured in Lincoln does not have the same flood risk profile as the land they have secured in Ohōka and it is **adjacent to the existing Lincoln town boundary** rather than the 10km that Ohōka is from the nearest urban environment, as required to meet the definition of urban as stipulated in NPS-UD.

Interestingly, in the recordings of that Lincoln application and in response to the commissioner's question of how do they go about locating suitable land, we hear Mr Tim Carter who clearly states "...it involves a lot of research...and we do look in Christchurch city, Waimak and Selwyn and we look at the natural restrictions to development so we spend a lot of time looking at floodplains...and that, in our view, **rules out a lot of Waimakariri**". He goes on to say "... Very hard to find greenfield land development opportunities due to <inaudible> conditions and **the flooding conditions in Waimak**".

RIDL know this is an absurd bid but greed has clouded their judgement. For the applicant of RPC31 to think that their success in Lincoln somehow warranted a similar bid in Ohōka is nothing short of delusional.

This development doesn't make sense in the context of the NPS-UD. It doesn't make sense in the context of the Waimakariri and it doesn't make sense in the context of the wider Canterbury region.

I appeal to the commissions in this hearing to do the right thing and to reject this development in its entirety.

Thank you
[2:00][15:00]