

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER

the Resource Management Act 1991

AND

IN THE MATTER OF

the submissions of B & A Stokes on
the Waimakariri Proposed District
Plan (#214) and Variation 1 (#29)

**PRIMARY EVIDENCE OF
JONATHAN CLEASE
ON BEHALF OF B AND A STOKES**

(Planning)

4 March 2024

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1 EXECUTIVE SUMMARY

- 1.1 B and A Stokes (the **Submitters**) are submitters on the Proposed Waimakariri District Plan (**PDP**) and Variation 1 to the PDP (**V1**).¹
- 1.2 The Submitters own land that is located at 81 Gressons Road and 1375 Main North Road, Waikuku (the **Site**). The Site is approximately 144ha in area and is located between the Ravenswood development to the northwest of Woodend and Waikuku village.
- 1.3 The submissions seek to rezone the Site from Rural to either:
 - (a) a mixture of General Residential (**GRZ**) and/or Medium Density Residential zoning (**MDRZ**); or
 - (b) a new Future Development Area.
- 1.4 Those submissions were accompanied by a draft outline development plan (**ODP**), intended to guide future development of the Site.
- 1.5 Since those submissions were lodged, that ODP has been refined further in response to additional technical inputs and is now accompanied by a supporting narrative. In light of the existing directions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Enabling Act**), that ODP and narrative (included as **Appendix A** to my evidence) are premised on the adoption of the MDRZ (the **Proposal**, defined further at paragraph 6.11).
- 1.6 The key matters to be considered in assessing the relief sought by these submissions fall into two broad groups. The first is effects of the activities enabled by that relief on the environment, and the second is alignment with higher order statutory directions.²
- 1.7 In terms of potential environmental effects, the key issues relating to the Submitters' relief are:
 - (a) Land suitability (geotechnical matters and land contamination).

¹ Submissions 211 and 214 on the Proposed Waimakariri District Plan (**PDP**); Submission 29 on Variation 1.

² Resource Management Act 1991, sections 5(2)(c), 32(1), 74(1), 75(3), 76(3).

- (b) Infrastructure servicing (water, wastewater, and flood risk/stormwater).
- (c) Ecology.
- (d) Transportation.
- (e) Urban Design, urban form, density and character.
- (f) Cultural values.

1.8 In terms of statutory framework, the key matter for consideration is whether the change in zoning sought in the submissions better gives effect to the higher order statutory framework compared with the Rural Lifestyle (**RLZ**) and Large Lot Residential (**LLRZ**) zoning proposed in the notified PDP. In that regard, I conclude the following:

- (a) Subject to detailed design and consenting through the subdivision process, the Proposal will enable a form of development that gives effect to the National Policy Statement for Freshwater Management 2020 (**NPS-FM**), the National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**), and the National Environmental Standards for Freshwater 2020 (**NES-F**).
- (b) The Site is not located on “highly productive land” as defined in the National Policy Statement on Highly Productive Land 2022 (**NPS-HPL**) and, as such, the directions of that document do not apply to the Proposal.
- (c) In terms of the National Policy Statement on Urban Development 2020 (**NPS-UD**), the evidence of Ms Hampson demonstrates that additional housing capacity in Woodend/Pegasus is required.³ Even if additional capacity were not needed, Policy 8 of the NPS-UD requires local authorities to be responsive to proposals that deliver significant development capacity. The Proposal meets the requirements of Policy 8 and, in particular, will result in a well-functioning urban environment.

³ Primary evidence of Natalie Hampson on behalf of B & A Stokes (Housing Capacity), 1 March 2024 (**Hampson EIC**), at [7.26] – [7.27].

- (d) NPS-UD Policy 3(d) requires density and urban form adjacent to town centres to be commensurate with the size of the centre. The majority of the Site is within walking distance (800m) of the Ravenswood KAC. The Proposal better gives effect to this national direction compared to the notified PDP RLZ zoning for the Site.
 - (e) As the higher order direction, Policy 8 of the NPS-UD overcomes the Canterbury Regional Policy Statement 2016 (**CRPS**) requirement for urban growth areas to align with the greenfield priority areas or future development areas identified in Map A in the CRPS. I conclude that the Proposal otherwise gives effect to the CRPS policy direction regarding urban growth areas. I also consider that the Proposal aligns with the Strategic Directions in the notified PDP.
 - (f) In preparing the ODP and the supporting narrative, specific regard has been had to the directions contained in the Mahaanui Iwi Management Plan (**IMP**), noting that further input from mana whenua is anticipated through the hearings process.
- 1.9 Overall, in my opinion, the Submitters' proposed rezoning of the Site to MDRZ, guided by the proposed ODP, will be a more efficient, effective, and appropriate way of enabling the PDP to give effect to the higher order statutory framework, compared to the notified RLZ and LLRZ zoning of the Site.

2 QUALIFICATIONS AND EXPERTISE

- 2.1 My full name is Jonathan Guy Cleese. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a Senior Planner and Urban Designer. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full member of the New Zealand Planning Institute and currently sit on the NZPI Board.
- 2.2 I have some twenty five years' experience working as a planner, with this work including policy development, providing s42A reports on plan changes, the development of plan changes and associated s32 resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.

- 2.3 I have recently been involved in the review of the Christchurch District Plan and presented evidence on the notified provisions on behalf of submitters on commercial, industrial, Lyttelton Port, natural hazards, hazardous substances, and urban design topics. I have likewise been recently involved in the development of second generation Timaru, Selwyn, Waimakariri (Commercial Zone provisions)⁴, and Kaipara District Plans and the preparation of s42a reports on the Rural, Village, Medium Density, and Future Urban Zones as part of the review of the Waikato District Plan.
- 2.4 I prepared the s42A reports on PC68, PC72, and PC79 in Prebbleton which collectively sought to provide some 2,000 households. In the past I have prepared s42A reports on behalf of Selwyn Council regarding Private Plan Changes 8, 9, 28, 36, and 41 to establish rural residential zones. I have recently prepared a suite of evidence on behalf of Kainga Ora regarding PC14 which is the Christchurch City Council's response to giving effect to both the NPS-UD and Medium Density Residential Standards (**MDRS**).

3 CODE OF CONDUCT

- 3.1 While this is not an Environment Court proceeding, I confirm that I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written 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 expressed in this evidence.

4 SCOPE OF EVIDENCE

- 4.1 This evidence:
- (a) briefly summarises the relief sought by the Submitters;

⁴ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0023/136148/29.-District-Plan-Review-Commercial-and-Industrial-report-Final-8-20212.PDF

- (b) provides a planning analysis of the relief sought by the Submitters in relation to the objectives of the PDP, V1 and the other relevant RMA documents, including:
 - (i) the NPS-UD, the NPS-HPL, the NPS-IB, the NPS-FM, and the NES-F;
 - (ii) the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**);
 - (iii) the MDRS as set out in the Enabling Act and in V1;
 - (iv) the CRPS;
 - (v) the Waimakariri Rural-Residential Development Strategy (**the Rural Residential Strategy**);
 - (vi) the Waimakariri 2048 District Development Strategy (**the Development Strategy**);
 - (vii) the notified PDP;
 - (viii) the draft Greater Christchurch Spatial Plan (**GCSP**); and
 - (ix) the Mahaanui Iwi Management Plan (**IMP**).

4.2 In preparing this evidence, I have reviewed:

- (a) the relevant provisions of the PDP and V1, and associated section 32 RMA reports;
- (b) the relevant higher order directions of the NPS-UD, and CRPS;
- (c) the IMP and the other strategic documents referenced above; and
- (d) the technical expert evidence prepared in relation to the submissions on the following matters:
 - (i) Urban Design – Ms Nicole Lau’enstein.
 - (ii) Landscape – Mr Matthew Lester.
 - (iii) Ecology – Mr Roland Payne.

- (iv) 3-waters infrastructure – Mr Andrew Hall.
- (v) Geotechnical – Mr Neil Charters.
- (vi) Soil Contamination – Mr David Robotham.
- (vii) Versatile soils – Mr Victor Mthamo.
- (viii) Greenhouse Gas Emissions – Mr Paul Farrelly.
- (ix) Housing capacity/ Economics – Ms Natalie Hampson.
- (x) Housing market – Mr Gary Sellars.
- (xi) Transportation – Mr Chris Rossiter.

5 RELIEF SOUGHT

5.1 The Submitters lodged two submissions on the PDP:

- (a) Submission 211 dated 23 November 2021 seeking to rezone the northern portion of the Site to Large Lot Residential (**LLRZ**).
- (b) Submission 214 dated 24 November 2021 seeking to rezone the Site to a mixture of GRZ and MDRZ.

5.2 Further submissions in support of both original submissions were received from Ravenswood Developments Limited (**RDL**). In those further submissions, RDL identified the “high demand for residentially zoned land” as the basis for its support.⁵

5.3 The Submitters lodged a submission on V1 dated 7 September 2022 seeking:⁶

- (a) MDRZ for those parts of the Woodend/Ravenswood/Pegasus/Waikuku area within 800m walking distance from the commercial centre.⁷
- (b) GRZ for the balance of the residential area, justified on the basis of a “Special Qualifying Matter” making further intensification

⁵ Further submission 79 on the PDP.

⁶ Submission 29 on the PDP.

⁷ The adjacent urban area is comprised of these four townships which are functionally linked into a single wider community. Unless otherwise stated, for brevity this evidence uses ‘Woodend’ as a proxy for the wider urban area comprised of these four townships.

inappropriate because blanket medium density housing is unsuitable in the low-density suburban environment of Ravenswood/Woodend.

(c) In the alternative, that the Site be treated as GRZ subject to intensification (i.e. MDRZ) under V1.

- 5.4 Again, RDL made a further submission in support of that relief.⁸ Waka Kotahi also made a further submission which sought greater height limits within the walkable catchment of the Woodend/Ravenswood/Pegasus/Waikuku area, compared to what the MDRZ (as sought by the Stokes) would enable.⁹
- 5.5 As set out in my executive summary, the Stokes' preferred relief (which is supported by the suite of technical evidence briefs, including this evidence) is the MDRZ, subject to the ODP and supporting narrative included in **Appendix A** of my evidence.

6 PROCEDURAL MATTERS

Scope

- 6.1 In terms of the scope available to the Panel, I note that several submissions were lodged by other parties seeking that the wider area (including the rural land to the north, west, and south of the Site) be rezoned to GRZ and/or MDRZ.¹⁰
- 6.2 Whilst this evidence is primarily focussed on determining the most appropriate planning outcome for the Site, that assessment has necessarily involved consideration of how any change in zone would integrate with the surrounding area. As such, I make some brief/preliminary observations on how adjacent land which does not currently form part of the Site might be best zoned.
- 6.3 For the reasons set out in this evidence, I conclude that the Proposal sought by the Submitters stands alone as the most appropriate outcome (in a section 32 sense) in the event that adjacent landholdings retain the RLZ zoning, as notified in the PDP. In my opinion, the ODP

⁸ Further submission 1 on the PDP.

⁹ Further submission 3 on the PDP.

¹⁰ See for example, submission 193 (Martin Pinkham) and submission 212 (CSI Property Limited) on the PDP.

developed as part of the Proposal provides for easy integration of this adjacent land in the event that the adjacent land is rezoned either through the PDP process or as part of a separate planning process at some point in the future. That integration is primarily ensured via the provision of future connections (as illustrated on the ODP).

- 6.4 In terms of scope I likewise note that there is a range of options available to the Panel in terms of the zoning outcome for the Site itself. This scope ranges from the notified PDP position of a LLRZ zone on the northern part of the Site and RLZ over the balance, through to LLRZ and GRZ and/or MDRZ as sought by the Submitters. This evidence examines which of these options is the most appropriate.
- 6.5 I finally note that MDRS is currently mandated in the Enabling Act, which directs that MDRS be applied to all residential zones in Tier 1 urban environments (such as Woodend), unless a qualifying matter applies (**QM**).¹¹ The current Government intends to make the implementation of MDRS optional for Tier 1 Councils within 100 days of forming a new Government. At the time of writing, the legislation to enable optionality has yet to be progressed. Therefore I have prepared this evidence on the basis of the current legislation remaining in place (at least for the duration of the PDP hearings process).
- 6.6 The Enabling Act direction means that if the Panel is minded to rezone the Site to facilitate residential development, then that rezoning will have to be to a MDRZ, unless a QM applies. In my opinion the Site is generally absent of features that would justify the application of one of the 'pre-prescribed' qualifying matters in section 77I(a) – (i). The exception to that may be the wāhi tapu site which could meet qualifying matter thresholds.¹² There are however matters which could make higher density on the Site inappropriate, subject to a QM assessment under section 77L.¹³ For example, those matters include the existing natural hazard risk (and the way that is proposed to be managed), and the proposed stormwater solution, which requires the provision of an extensive green space network along the Site's eastern boundary.

¹¹ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2022 (the **Enabling Act**).

¹² Resource Management Act 1991, section 77I(a).

¹³ Resource Management Act 1991, section 77I(j).

- 6.7 The values associated with these features could be managed via an Open Space Zone being applied to the eastern portion of the Site. Alternatively (and as proposed in this evidence), the areas intended to manage those features could be rezoned to MDRZ but with a requirement that development be in accordance with the ODP which makes it clear that these areas are to be kept clear of housing (and for the wāhi tapu site to essentially be left untouched beyond permitted amenity planting). Upon formation, it is anticipated that the stormwater basins will be vested with Council and as such their zoning becomes less material. It is also understood that the Submitters are very open to exploring with mana whenua how the wāhi tapu site will be held i.e. vested with Council as part of the wider open space area.
- 6.8 The MDRZ, like all zoning tools, simply creates the regulatory framework or envelope within which development can occur. The degree to which this enablement is subsequently taken up by developers is up to them to determine. I understand from the Submitters that whilst pockets of medium density housing may be developed in close proximity to the proposed green space and/or the emerging Key Activity Centre (**KAC**) at Ravenswood, market preference for housing typologies is likely to be more in accordance with suburban residential outcomes/ level of density. That is consistent with the evidence of Mr Sellars.¹⁴
- 6.9 In light of that, whilst MDRZ zoning in theory enables the entire Site to be developed to three storey apartments, I consider such an outcome to be fanciful in practice. Estimating yield (and effects assessments) based on a theoretical maximum build out to MDRZ levels of enablement is not therefore considered to be plausible or helpful for assessment purposes.
- 6.10 For the purpose of preparing evidence that responds to realistic housing typology demand, the overall yield from the Site is estimated to be in the order of 1,500 households (regardless of whether the Site has a GRZ or MDRZ zoning).¹⁵ No housing cap rule is currently proposed as such is

¹⁴ Primary evidence of Gary Sellars on behalf of B & A Stokes (Market Analysis), 1 March 2024 (**Sellars EIC**), at section 10.

¹⁵ Yield estimate is calculated as follows: site = 144ha. Less 33ha for stormwater/riparian management = 114ha net. 114ha x 13 hh/ha = 1,500 households (to conservatively ensure at least the 10 hh/ha required in the CRPS Policy 6.3.7 is delivered. 114ha at 70% for realistic developable area once roads, local parks etc subtracted = 80ha. 80ha divided by 1,500 households = 533m² average section size. This yield is seen as being plausible

not considered necessary given that the estimated yield aligns with the 12-15 households/ hectare common in greenfield areas in Greater Christchurch over the last decade and the 10 hh/ha minimum directed in the CRPS.¹⁶ The final yield will depend on the extent of the land taken up for stormwater management purposes (which, for this Site, will be extensive).

6.11 Regardless of whether the Site is zoned GRZ or MDRZ, the end built outcome is in practice likely to be similar. For the purposes of assessment, this evidence, and the evidence of the Submitter's other experts, is based on the following:

- (a) MDRZ zoning applied across the entire Site.
- (b) Subdivision to be in accordance with the ODP.
- (c) The ODP to show key links, blue networks, edge treatments, the large eastern green open space and minimal change to the wāhi tapu area.
- (d) The ODP to include a small community hub. The ODP narrative describes this area as containing approximately 1,000m² of convenience shops and community facilities such as a preschool or medical centre. It is proposed that this hub has a MDRZ zoning, with the ODP notation simply supporting a future resource consent application under the MDRZ rules for non-residential activities. A small neighbourhood centre sized area will not have any adverse retail distribution effects on the 12.8ha KAC located in Ravenswood.¹⁷
- (e) Edge treatments shown in the ODP narrative and associated cross-sections. It is anticipated that these outcomes will be implemented via subdivision consent conditions or notices rather than bespoke rules to amend built from standards (as such would require qualifying matter tests to be met).
- (f) An overall realistic yield of approximately 1,500 units.

given extensive riparian and stormwater management requirements. For comparison, a target of 15hh/ha would result in 1,710 households and an average section size of 480m².
¹⁶ Canterbury Regional Policy Statement 2016 (**CRPS**), Chapter 6, Policy 6.3.7(3)(a).
¹⁷ Hampson EIC, at [9.18].

- (g) Other than amendments to the planning maps to reflect the change in zone and the inclusion of the ODP and associated narrative, no other changes to PDP policy or rule frameworks beyond any minor consequential amendments as necessary.
- (h) Development of the Site to remain subject to the generic PDP provisions controlling matters such as subdivision, earthworks, activities within silent file areas, and the MDRZ.

(herein referred to as the **Proposal**).

7 STATUTORY FRAMEWORK

7.1 The statutory framework for decision-makers assessing proposed district plans (including submissions) will be familiar to the Panel. For ease of reference, and in summary, the functions of Council are set out in section 31 of the RMA and include the establishment, implementation and review of objectives, policies and methods to:¹⁸

- (a) achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources;
- (b) ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and
- (c) control any actual or potential effects of the use, development or protection of land.

7.2 In determining whether or not the Proposal will assist the Council in carrying out its functions, decision-makers must be satisfied that:

- (a) It accords with and assists the Council to carry out its functions.¹⁹
- (b) It accords with Part 2 of the Act.²⁰
- (c) It will give effect to any national policy statement, national planning standard or operative regional policy statement.²¹

¹⁸ Resource Management Act 1991, s31(1)(a) – (b).

¹⁹ Resource Management Act 1991, s74(1)(a) and s31.

²⁰ Resource Management Act 1991, s74(1)(b).

²¹ Resource Management Act 1991, s75(3)(a), (ba) and (c).

7.3 In making that assessment, decision-makers must:

- (a) 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;²²
- (b) take into account any relevant planning document recognised by an iwi authority;²³
- (c) disregard trade competition or the effects of trade competition;²⁴
- (d) avoid inconsistency with a water conservation order or regional plan;²⁵
- (e) have regard to actual and potential effects on the environment, including, in particular, any adverse effect in respect to making a rule;²⁶ and
- (f) have prepared and then had particular regard to an evaluation report in accordance with section 32 (and section 32(aa) for amending proposals).²⁷

7.4 I have considered the actual and potential effects of the relief sought in the submissions on the environment. Similarly, I have assessed the relief sought in the submission against the various statutory documents as set out further below.

8 SITE DESCRIPTION

8.1 The Submitters own the subject land that is located at 81 Gressons Road and 1375 Main North Road. The Site is approximately 144ha in area and is located between Ravenswood and Waikuku (**Figure 1**).²⁸

²² Resource Management Act 1991, s74(2).

²³ Resource Management Act 1991, s74(2A).

²⁴ Resource Management Act 1991, s74(3).

²⁵ Resource Management Act 1991, s75(4).

²⁶ Resource Management Act 1991, s76(3).

²⁷ Resource Management Act 1991, s74(1)(d) and (e).

²⁸ Image source: Google Earth.

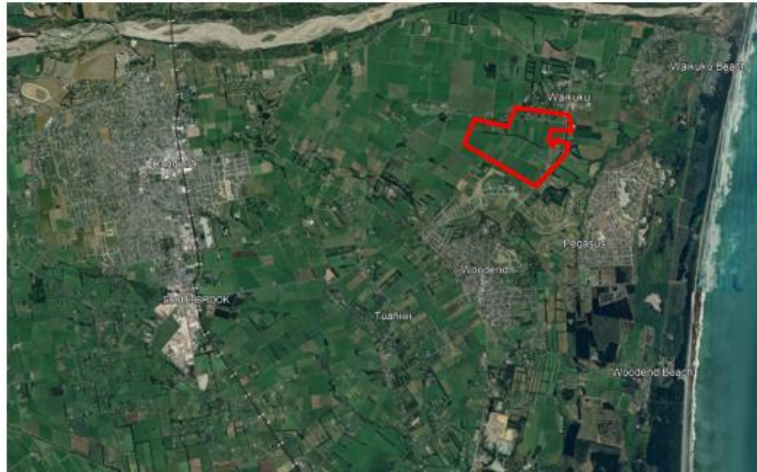


Figure 1. Site location

- 8.2 **Figure 2** below provides the Site's location, as shown in the PDP.
- 8.3 Under the notified PDP, the Site is subject to the RLZ (beige), with the northern third of the Site included within a Large Lot Residential Zone Overlay (black cross-hatch). The Site is included within two areas of cultural significance, namely Ngā Tūranga Tūpūna (SASM 013), and Wāhi Tapu (SASM 006), and two natural hazard overlays, namely a "non-urban flood assessment" area and the "Eastern Canterbury liquefaction susceptibility (2012)" overlay. These identified values are discussed in more detail later in this evidence.
- 8.4 The Site does not contain any landscape, ecological, waterways, or historic heritage values identified in the PDP.

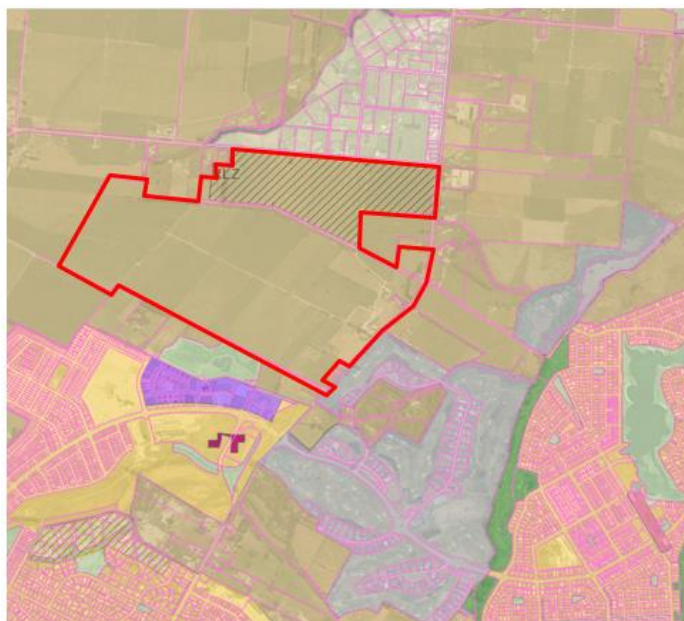


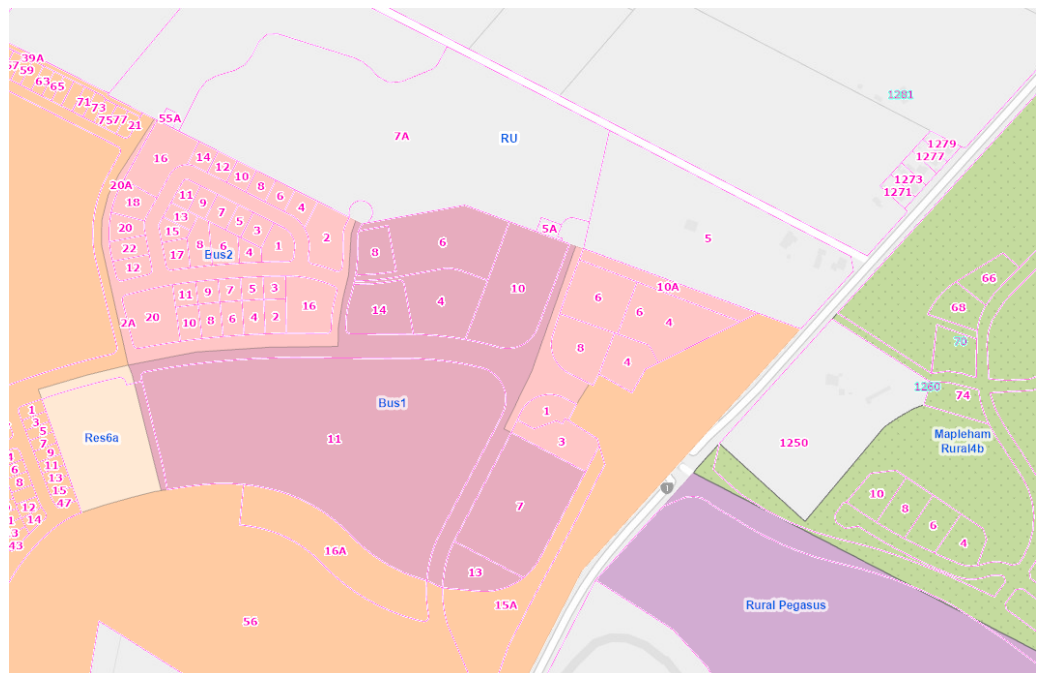
Figure 2. Site location – Proposed District Plan

- 8.5 The Site is currently comprised of pivot-irrigated pastoral farmland, reflecting its long-established use as a dairy farm. A farmhouse, farm worker cottage, milking shed, and associated farm accessory buildings are located towards the middle of the Site's eastern frontage with SH1. The Site is bisected by a waterway / farm drain known as Stokes Drain which flows in a west-to-east direction across the northern third of the Site. The Site likewise contains several small springs and various artificial farm drainage ditches. The location of the springs are shown on the map appended to Mr Hall's evidence.²⁹
- 8.6 A shelterbelt is located on the Site's northern boundary with a short strip of small lifestyle blocks which in turn front onto Gressons Road. Shelterbelt planting is also located around the edge of a known site of cultural significance located opposite the Preeces Rd/ SH1 intersection.
- 8.7 In the wider area, Waikuku village is located to the north of the Site and is subject to the LLRZ. The Village includes a small cluster of shops located in an old brick industrial building by the SH1/ Waikuku Beach Rd intersection, and also includes the old Waikuku primary school which is currently used for community purposes with the school having been merged into the new primary school located within Pegasus. I understand that the old Waikuku School site remains owned by the Ministry of Education. To the west is RLZ farmland. To the east is State Highway 1 (**SH1**), with a large rural block comprised of two titles located between the Site and SH1. A small cluster of RLZ zoned residential properties is likewise located between the Site and SH1 towards the Site's south eastern corner with Wards Road. The ability for urban development of the Site to successfully integrate with these immediately adjacent sites has been considered by the various experts.³⁰
- 8.8 Beyond SH1 to the east is the historically and culturally significant Kaiapoi Pa site on Preeces Road. The majority of the surrounding area to the east is comprised of RLZ farmland, with the Special Purpose Pegasus Resort Zone located to the southeast.

²⁹ Evidence of Andy Hall on behalf of B & A Stokes, 1 March 2024 (Infrastructure) (**Hall EIC**), Appendix C.

³⁰ Refer Hall EIC, at section 13; Evidence of Nicole Lauenstein on behalf of B & A Stokes, 1 March 2024 (Urban Design) (**Lauenstein EIC**), [6.16], [6.19], [6.21], [7.22].

- 8.9 Directly south of the Site is a complex mix of zones reflecting the staged development of Ravenswood, with this southern area comprising RLZ, Open Space Zone, General Industrial Zone, Town Centre Zone, and MDRZ. It is important to note that the PDP zoning for Ravenswood constituted a roll-over of the Operative Waimakariri District Plan (**Operative DP**) zoning at the time the PDP was notified. The developers of Ravenswood have in the intervening period promulgated a private plan change (PC30) to significantly increase the size of the commercial zone.³¹ PC30 was settled via consent order and became operative on 26 June 2023. In line with the agreed PC30 outcomes, the Operative DP now provides for a large 12.8 ha Business 1 Zone and a smaller Business 2 Zone. PC30 will ultimately facilitate some 35,000m² of retail and commercial activity, although the build-out of the centre is likely to take several decades.
- 8.10 Whilst the degree to which the post-PC30 Operative DP zoning is carried through into the PDP will be a matter before the Panel, I have based my assessment on the assumption that a large commercial centre will be plan-enabled in Ravenswood in line with both the recent consent order and commensurate with this centre's KAC status in the CRPS.



9 GEOTECHNICAL ASSESSMENT

9.1 The Submitters have commissioned geotechnical evidence from Mr Neil Charters who is a principal geotechnical engineer at ENGEO Ltd. Mr Neil's evidence is based on the findings of two reports prepared for the Submitters by Eliot Sinclair Ltd and ENGEO.³² These reports included both desktop reviews of known geotechnical information and on-site testing in the form of Cone Penetrometer Tests to better understand the underlying geomorphology of the Site.

9.2 Ground testing revealed that groundwater is located close to the surface and varies from 0-2.6m depth. Mr Charters identifies the following regarding the Site's soil profile:³³

... the subsurface soils is highly variable across the Site. Generally, shallow gravels were encountered in the east, cohesive soils in the centre, and fine-grained soils in the west of the Site. This is consistent with the alluvial depositional environment where rivers have avulsed across the landscape over time, creating a layered subsurface profile comprising loose silts, sands, peat, sensitive fine-grained soils and gravel layers.

9.3 The Site is generally flat and as such is not subject to rockfall, cliff collapse, or subsidence risks.³⁴ Whilst consideration of tsunami risk was outside of Mr Charters' brief, he notes that the Site is located approximately 3km inland from the coast, is raised between 6m-12m above sea level, and is clear of any tsunami evacuation zones mapped in the PDP.³⁵

9.4 The combination of variable soil material and high groundwater means that liquefaction is the primary potential geotechnical hazard risk. No on-site liquefaction was identified following the Canterbury earthquake sequence in 2010-11, albeit that such review was based off aerial photography rather than site surveys undertaken at the time of the quakes.

³² Appended to the Evidence of Neil Charters on behalf of B & A Stokes, 1 March 2024 (Geotechnical) (**Charters EIC**).

³³ Charters EIC, at [7.6].

³⁴ Mr Charters notes that any cuts to form stormwater basins or channels will be designed to manage localised subsidence risks introduced by subdivision-related earthworks.

³⁵ Charters EIC, at [6.8].

- 9.5 Mr Charters has identified that the Site has a generally low-medium vulnerability to liquefaction, with this vulnerability varying across the Site.³⁶ As such he considers that whilst more detailed investigations should be undertaken as part of the subdivision process, the liquefaction risk is not so significant as to preclude a change in zoning.³⁷
- 9.6 In addition to liquefaction risk, the presence of poorly consolidated soils in parts of the Site creates the potential risk that the land will settle over time following urbanisation. Mr Charters again identifies the need for remediation during subdivision and notes that such risks are well understood with proven solutions that are commonly incorporated into the subdivision design and consenting processes.³⁸
- 9.7 Mr Charters concludes that:

There are no geotechnical issues or hazards with this Site which would preclude it from being rezoned for residential purposes, as sought by the landowners in their submission on the proposed Waimakariri District Plan. While we have identified a number of geotechnical issues/hazards with the Site, I consider that these can be appropriately addressed at the subdivision stage, with the benefit of additional geotechnical assessment works (which can be undertaken once a subdivision design has progressed).³⁹

- 9.8 In my opinion, at a plan review stage, the key outcome is to identify if there are any significant "deal breaker" geotechnical hazard reasons that would prevent the land from being rezoned. I rely on Mr Charters' findings that there are no significant geotechnical hazard risks present that are so extensive as to preclude the Proposal. It is standard practice for the subsequent subdivision consent processes to include provision for more detailed Site investigations and if need be land remediation through bulk earthworks. Later Building Consent processes likewise enable consideration of the suitability of specific foundation designs to ensure the chosen foundation solutions are appropriate for the underlying ground conditions. On that basis it is considered that there are no geotechnical considerations that impact on the ability to re-zone the Site, as outlined in the Proposal.

³⁶ Charters EIC, at [8.4].

³⁷ Charters EIC, at [8.7].

³⁸ Charters EIC, at [8.13].

³⁹ Charters EIC, at [10.1].

10 LAND CONTAMINATION

- 10.1 Contaminated soils are managed under the NES-CS. This applies to any subdivision or change in the use of a piece of land, and therefore would apply to the type of land use change that will be facilitated by the zoning sought in the submission.
- 10.2 The Submitters have commissioned a Preliminary Site Investigation (**PSI**) and associated evidence prepared by Mr David Robotham, a principal environmental engineer at ENGE0 Ltd.
- 10.3 Mr Robotham has undertaken both a desktop review, landowner interview, and Site walkover to understand the likelihood that potentially soil-contaminating activities have occurred on the Site. He has concluded that it is highly unlikely that the majority of the Site has been used for an activity included on the Hazardous Activities and Industries List (**HAIL**).⁴⁰ No part of the Site is identified in the Canterbury Regional Council's Listed Land Use Register as having contained a HAIL activity in the past. Based on the PSI findings, the majority of the Site is considered suitable for residential development without the need for further testing or remediation.⁴¹
- 10.4 Whilst the balance of the Site does not appear to pose significant soil contamination risks, Mr Robotham has identified a number of localised features where contamination may have occurred, including burn pads, disused on-site wells, storage of agrichemicals, fuel storage, outdoor storage of treated wood, use of potential asbestos containing materials in farm buildings, and use of an area as a transport depot.⁴²
- 10.5 I note that these activities vary in nature and extent and include activities common with rural land use. The NES-CS requires that where a PSI has identified the risk of contamination, a Detailed Site Investigation (**DSI**) must be carried out when the use of the land changes or is proposed to be subdivided to identify the extent of the contaminants, and a Remedial Action Plan or Site Validation Report must be prepared if required. The preparation and implementation of such plans is a standard part of the conditions that typically accompany

⁴⁰ Ministry for the Environment Hazardous Activities and Industries List 2012.

⁴¹ Evidence of David Robotham on behalf of B & A Stokes, 1 March 2024 (Contamination) (**Robotham EIC**), at [1.3].

⁴² Robotham EIC, at [5.1].

subdivision consents for sites where contamination risk is known to be present.

- 10.6 Whilst there is a risk of soil contamination being present, these risk factors are not uncommon in rural landholdings and neither are they geographically extensive in the case of the Site. The DSI process and subsequent ability to document and undertake site remediation where necessary provides a well-established process for managing the risk to human health when changes in land use occur. At this stage of the development process there is nothing to suggest that the potential contamination is of a type or extent that would render the land incapable of being remediated or made safe for residential development.

11 INFRASTRUCTURE SERVICING (WATER/ WASTEWATER/ STORMWATER AND FLOOD RISK)

Water supply

- 11.1 The Submitters have commissioned evidence on 3-waters servicing from Mr Andrew Hall, a chartered engineer and director of Davie Lovell-Smith Ltd. Mr Hall identifies that there are two potential potable water supply options.⁴³ The first is helping to fund/bring forward the programmed upgrades of the Council's reticulated network and to form a connection to the existing Pegasus reservoir/ well. The second option is developing a new on-site well and supporting system (which would then be vested with Council). Both solutions would need to be sized to provide the requisite fire-fighting capacity and pressure in line with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.
- 11.2 Mr Hall confirms that both solutions are achievable.⁴⁴ The Site currently has the benefit of a water take consent for irrigation purposes. This consent could either be utilised for potable water or, if that water was not of a suitable quality for human consumption, a deeper well could be drilled, in tandem with appropriate water treatment and well-head design, to ensure the supply meets the National Environmental Standard – Standard for Drinking Water (**NES-SDW**).

⁴³ Hall EIC, at [10.2].

⁴⁴ Hall EIC, at [10.1].

11.3 It is anticipated that the design and funding of water supply systems to achieve national standards is a matter that will form part of the subdivision consent process, noting that there are two potential solutions to achieve the standards. I therefore consider that there are no fundamental barriers to water supply that would prevent the Site from being rezoned.

Wastewater

11.4 Wastewater is proposed to be managed via connection to the Council's reticulated network. As such no on-site wastewater disposal to ground (i.e. septic tanks) is proposed.

11.5 Wastewater from Woodend is currently treated at the Woodend Wastewater Treatment Plant (the **Treatment Plant**) which is located to the southeast of Pegasus. WDC engineers have advised that the Proposal can be accommodated within the Treatment Plant once planned upgrades are completed (refer Appendix F to Mr Hall's evidence).

11.6 Mr Hall recommends that connection of the Site to the Treatment Plant is facilitated by either a gravity sewer system or the installation of a Local Pressure System (**LPS**) within the Site.⁴⁵ LPS systems are set at a shallower depth than gravity pipelines, which allows for easier and safer maintenance and also responds to the shallow groundwater found in parts of the Site. Importantly, a LPS system would function independently from the existing Pegasus reticulation network (and would therefore not place any capacity issues on that existing network). It should also result in a reduction in stormwater and groundwater ingress into the system compared with a gravity sewer and as such should reduce the load placed on the Treatment Plant relative to traditional systems. The final decision on the preferred system will be made as part of the subdivision consent stage.

11.7 The most likely route for a new wastewater pipeline to connect the Site with the Treatment Plant is down Pegasus Boulevard, south along Infinity Drive, and then east along Gladstone Road to the Treatment Plant. This route occurs wholly within Council-held road reserve and is approximately 3.5km in length from the eastern edge of the Site.

⁴⁵ Hall EIC, at [11.6].

Alternative routes are available either through the Pegasus golf course or along Preeces Road. Following informal feedback from the Golf Club, the Kaiapoi Pā Trust, and Te Kōhaka o Tūhaitara Trust respectively, these alternative options are less preferred due to construction-phase recreational disruption to golfers and cultural values associated with the potential disturbance of archaeological remains due to Preeces Road running adjacent to the culturally significant Kaiapoi Pā site.

- 11.8 As with potable water, it is common for developers to fund the construction of the necessary pipework to enable on-site wastewater infrastructure to be connected to the Council's reticulated network. The Treatment Plant will have sufficient capacity once planned upgrades are delivered, and the design and routing of the connection is able to be readily delivered.⁴⁶

Stormwater and flood risk

- 11.9 Mr Hall identifies that there are three different water sources on the Site that require separate management solutions. In summary, they are:⁴⁷

- (a) existing spring/ groundwater fed streams and drains;
- (b) stormwater generated by the urbanisation of the Site;
- (c) overland flood flows entering the Site from the west in a 1:200 year event.

- 11.10 I discuss each of these in turn below.

Spring-fed streams

- 11.11 The main through-site waterway is Stokes Drain which runs in a west-east direction through the top third of the Site. It is proposed to realign several farm drains to form a separate spring-fed waterway to run along the Site's southern boundary parallel to Wards Road (the **Southern Waterway**). The Site also has a number of artificial farm drains that currently manage water under farming conditions.

⁴⁶ Hall EIC, at [11.4], Appendix F.

⁴⁷ Hall EIC, at [5.5].

11.12 It is proposed that Stokes Drain be retained in its current alignment, with riparian enhancement works undertaken to improve ecological values. The Southern Waterway will be designed to enable capture of several nearby spring flows that originate both on-site and that enter the Site from the south/Ravenswood. The mechanisms for redirecting and connecting the springs are not yet finalised, but the final design will ensure that spring water is kept separate from stormwater and that the relevant NPS-FM directions are otherwise achieved. The residual artificial farm drains are likely to no longer be needed for water management once the Site is urbanised.

11.13 In addition to ecological enhancement of the two main waterways (Stokes Drain and the Southern Waterway), the design solution for the Site will see these waterways managed separately to the reticulated stormwater network i.e. untreated stormwater will not be directed into these waterways.

Urban stormwater

11.14 The retention of Stokes Drain means that the Site will be divided into several hydraulically separated catchments for urban stormwater management. Stormwater is planned to be collected and piped to a large integrated stormwater treatment and storage facility that is proposed along the Site's eastern frontage with SH1 (the **Eastern SMA / Open Space**). Roads will be designed to act as secondary flow paths, with stormwater again directed into the treatment facilities within the Eastern SMA / Open Space.

11.15 The spring-fed waters and the overland flood path (discussed below) mean that the Eastern SMA / Open Space will be divided into sub-catchments so that treatment of urban stormwater is kept separate from both the spring-fed flows and from water generated by large scale flood events. Whilst the location of the basins is largely driven by hydrological outcomes (the Site contour drops from west to east), the Eastern SMA / Open Space has a role that extends well beyond pure stormwater management. It will also provide a visual and physical buffer to SH1 and the adjacent eastern lifestyle blocks, recreational values, ecological restoration values, and it will provide an appropriate

interface and buffer with the wāhi tapu site. These multifaceted values are discussed in other sections below.

- 11.16 The Eastern SMA / Open Space will be designed to treat stormwater quality prior to discharge beyond the Site. The basins will likewise be sized to ensure that sufficient detention is achieved so that the volume of stormwater discharges leaving the Site are neutral when compared to current volumes under pastoral conditions. Treated stormwater and the existing spring-fed freshwater flows will merge at the existing culvert under SH1. Whilst volume neutrality will be achieved, the existing culverts may benefit from upgrades to improve their functionality in larger storm events.⁴⁸
- 11.17 The design of the basins and their associated treatment solutions will require regional consents and will also require the agreement of Council given the expectation that the basins will be vested in Council (as is standard practice).

Floodwater

- 11.18 Storm events up to the 1:50 event are to be accommodated primarily within the urban stormwater system.
- 11.19 The PDP contains flood maps for the District. Mr Hall has liaised with the Council's flood modellers and has derived a more fine-grained map of the Site⁴⁹ for the 1:200 year event. This shows a wide overland flow entering the Site from the west and passing through the middle of the Site, with smaller flows cutting across the Site's north-western and south-eastern corners respectively. For ease of reference, the PDP flood hazard map is shown in **Figure 4**.

⁴⁸ Hall EIC, at [9.5].

⁴⁹ Hall EIC, at Appendix D.



Figure 4. PDP flood hazard map

11.20 It is important to emphasise that the 1:200 year event generates extensive shallow overland flow across the wider area. **Figure 5** below shows a wider perspective of the PDP planning maps which demonstrates that the Site is not especially flood-prone compared with other parts of the Greater Christchurch portion of the District.



Figure 5. PDP flood hazard map showing the wider area

11.21 Mr Hall proposes that any overland flows generated by storm events above the 1:50 year return period be managed by the formation of a green space strip running along the Site's western boundary to intercept overland flows from the west (the **Western Diversion**). These flows will then be redirected into a central greenway that runs in a west-east direction through the Site (the **Central Flood Bypass Channel**) before entering the Eastern SMA / Open Space and ultimately exiting the Site via existing SH1 culverts.⁵⁰

11.22 In summary, it is proposed to manage stormwater to achieve hydraulic neutrality and acceptable water quality through separated systems and a large integrated stormwater treatment and storage basin network. Whilst the detailed design of the stormwater system will be subject to the usual suite of subdivision and regional consenting processes, the proposed solution is considered to be appropriate and plausible.

12 ECOLOGY AND THE NPS-FM, NES-FM, AND NPS-IB

12.1 The NPS-FM and the associated NES-FM together provide nationally consistent policy direction and regulation to control activities that may affect freshwater environments, including freshwater wetlands. The NPS-IB likewise provides consistent national direction on how effects on indigenous terrestrial biodiversity are to be managed, noting that the NPS-IB does not apply to aquatic habitats. Given that this national direction is closely linked to an assessment of the Site's ecological values, I discuss both the policy direction and the potential effects in the same section of this report.

12.2 The Submitters have commissioned ecological evidence from Mr Roland Payne, a Senior Ecologist at Wild Ecology Ltd. Mr Payne and his team have undertaken both desk top and on-the-ground surveys of the Site's potential ecological values. The ecological evidence identifies that the Site has a long history of farming use and as such the ecology of the Site is largely comprised of exotic pasture grasses, exotic shelterbelts and paddock boundary hedging, along with garden areas associated with

⁵⁰ Hall EIC, at [8.3] – [8.7].

rural dwellings.⁵¹ Native ecological values are limited primarily to riparian margins and in-stream habitats associated with the spring-fed waterways and farm drainage channels which bisect the Site.⁵² These waterways are considered to have low-moderate ecological value (depending on the waterway in question). Two small areas of wetland are identified, with both areas largely comprised of exotic rather than native plant species. These wetlands appear to be induced by irrigation and construction-phase dewatering activities on the adjacent Ravenswood site, with Mr Payne assessing their ecological value to be low.⁵³

12.3 The identified presence of both watercourses and remnant wetland areas means that the NPS-FM and NES-FM are both relevant to the Proposal.

NPS-FM

12.4 The NPS-FM introduces the concept of Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. There is a hierarchy of obligations set out in Objective 2.1, which prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems;
- (b) second, the health needs of people (such as drinking water); and
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.⁵⁴

12.5 Alongside that objective (and of particular relevance to the Site), Policy 6 seeks that there be no further loss of the extent of natural inland wetlands, their values are protected, and their restoration is promoted. Policy 9 seeks that the habitats of indigenous freshwater species are protected. Policy 15 refers to communities being enabled to provide for

⁵¹ Primary evidence of Roland Payne on behalf of B & A Stokes, 1 March 2024 (**Payne EIC**), at [5.1], [6.1] and [6.3].

⁵² Payne EIC, at [6.1].

⁵³ Payne EIC, at [6.3].

⁵⁴ National Policy Statement for Freshwater Management 2020, Objective 2.1.

their social, economic, and cultural well-being in a way that is consistent with the NPS-FM.

NPS-IB

- 12.6 The NPS-IB came into effect on 4 August 2023 i.e. after the PDP was notified. The NPS-IB has a single Objective 2.1 which in summary seeks to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. This outcome includes protecting and restoring indigenous biodiversity while providing for the social, economic, and cultural wellbeing of people and community now and in the future.
- 12.7 Of particular relevance to this Proposal, Policy 3 seeks to adopt a precautionary approach when considering adverse effects; Policy 8 seeks to recognise and provide for the importance of maintaining indigenous biodiversity outside of Significant Natural Areas (**SNAs**); Policy 13 seeks that the restoration of indigenous biodiversity is promoted and provided for; and Policy 14 seeks that an increase indigenous vegetation cover in both urban and non-urban environments is promoted.
- 12.8 Of note, Clause 3.5(b) requires local authorities to consider “that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms”.
- 12.9 The combination of the NPS-FM and the NPS-IB mean that particular care needs to be taken to retain and restore freshwater habitats, and that there is no overall loss in indigenous biodiversity.

Analysis

- 12.10 No SNAs have been identified as present on the Site. Mr Payne observes that, with the exception of Stokes Drain and two of its tributaries, the ecological values of the Site are generally low.⁵⁵ He recommends the need to manage land development effects in close proximity to the watercourses and springs and identifies that the subdivision process provides the opportunity to enhance ecological

⁵⁵ Payne EIC, section 6.

values through riparian restoration, the provision and enhancement of new waterways and the establishment of new wetland and ecological areas.⁵⁶ He also identifies that the NES-FM regulations, in combination with the Canterbury Regional Land and Water Plan, will require a suite of consents associated with earthworks in close proximity to these features and the relocation and restoration of them.⁵⁷

12.11 The various experts for the Submitters (covering landscape, ecology, urban design, and 3-waters topics) have all identified the need to maintain and enhance Stokes Drain for its ecological and amenity values.⁵⁸ The management of on-site stormwater creates the opportunity to create a large wetland area along the Site's eastern boundary (within the Eastern SMA / Open Space) that will significantly increase the amount of wetland area present on the Site. The formation of the interceptor waterway along the Site's southern boundary enables farm drains to be rationalised whilst providing a net increase in the freshwater ecological values associated with waterways on the Site. These features are all shown on the ODP which future subdivision consents will need to accord with. The extent of farm drain rationalisation will be subject to a detailed design and consenting process. Whilst their careful management is likely to be a significant cost to the project in terms of both consenting and physical restoration, it also provides a significant opportunity to deliver high value ecological and amenity outcomes for the area.

12.12 Mr Payne identifies the requirements of the NES-FM and Wildlife Act will also require careful design and management of native biodiversity values and wildlife such as native bird surveys, lizard surveys, and fish capture and transfer prior to works being undertaken.⁵⁹

12.13 In summary, the Site generally contains low indigenous biodiversity values overall. Moderate values are identified as being present in Stokes Drain and its tributaries. In that context Stokes Drain will be retained and enhanced with indigenous riparian planting. Existing springs flows will be redirected into Stokes Drain and the newly

⁵⁶ Payne EIC, section 7.

⁵⁷ Payne EIC, Appendix A, section 10.

⁵⁸ Primary evidence of Matt Lester on behalf of B & A Stokes, 1 March 2024 (**Lester EIC**) at [6.3]; Payne EIC, at [7.2]; Lauenstein EIC, at 6.3 and Appendix A recommendations; and Hall EIC, at [1.8].

⁵⁹ Payne EIC, at Appendix A, section 10.1.3.

established Southern Waterway. An extensive wetland complex will also be established within the Eastern SMA / Open Space, along with a dedicated ecological restoration area.

12.14 With those initiatives in place (and subject to the consenting requirements of the NES-FM), I am satisfied that the Proposal will ensure that the potential effects on ecological values can be appropriately managed. Indeed, the change in zoning enabled through the Proposal has the potential to result in the overall enhancement and long-term protection of these values in accordance with the directions in both the NPS-FM and NPS-IB.

13 TRANSPORT

13.1 The Submitters have commissioned transportation evidence from Mr Christopher Rossiter, a Principal Transportation Engineer at Stantec New Zealand Ltd.

13.2 Mr Rossiter describes the existing transport environment, the planned environment (including the build-out of the Ravenswood KAC), and then assesses the impact on road function and safety with the additional traffic generated by a further 1,500 households.⁶⁰ He has concluded that the surrounding road network will continue to function with acceptable levels of service and safety. He notes that whilst not necessary, this safety and function could be further enhanced by the provision of a roundabout at the Gressons Rd/ SH1 intersection and identifies that there is sufficient room for such a roundabout to be constructed by utilising part of the site, as identified on the ODP.⁶¹

13.3 Mr Rossiter also identifies that the Site (and the design of the ODP) provides a good level of both vehicular and pedestrian/ cycle connectivity to the Ravenswood KAC.⁶² Given the close proximity of the Site to the KAC, he considers that the Site is capable of promoting alternative forms of transport, especially for short-distance trips between the Site and the employment and service opportunities provided in the KAC.⁶³ He likewise identifies that the ODP is capable of

⁶⁰ Primary evidence of Chris Rossiter on behalf of B & A Stokes, 1 March 2024 (Transportation) (**Rossiter EIC**).

⁶¹ Rossiter EIC, at [12.17].

⁶² Rossiter EIC, at [13.3].

⁶³ Rossiter EIC, at [12.11].

accommodating a bus service, and that public transport is programmed to be upgraded to the wider Woodend area commensurate with an increase in households.⁶⁴

13.4 In my experience, public transport provision necessarily follows demand i.e. services only become viable when there is a customer base to support them. The key planning outcome is to ensure that any new urban area is designed such that it can readily accommodate a bus service. The Site ODP has therefore been specifically designed to facilitate a connecting public transport service between the Site and Ravenswood. The provision of a larger customer base is likewise likely to help support enhancements to the frequency of existing services to the wider Woodend area. The Proposal therefore not only provides for public transport to the future population but also helps to support improved services to the existing Woodend community.

13.5 Mr Rossiter identifies that due to the close proximity of the Site to the KAC, from a transportation perspective the Site facilitates a reduction in transport-related greenhouse gas emissions compared with alternative residential locations that are sited further away from KACs (which would be all other potential greenfield sites in Waimakariri District).⁶⁵

13.6 In conclusion, the Site is well located in proximity to a large emerging employment and service centre. The ODP has been carefully designed to ensure direct connections are provided between the Site and the KAC for a variety of transport modes. Conversely, care has also been taken to not create any new entry points onto the State Highway network. Whilst the Proposal will inevitably result in an increase in traffic generation, these additional movements can be accommodated within the wider roading network without being reliant on the need to undertake any major upgrades to nearby intersections. Overall, in reliance on the evidence of Mr Rossiter, I consider that there are no transport-related reasons to preclude the Proposal.

14 URBAN FORM, URBAN DESIGN, AND THE NPS-UD

14.1 In terms of the statutory framework, the alignment of the change in zoning sought by the Submitters with the outcomes sought in the NPS-

⁶⁴ Rossiter EIC, at [14.7] and [12.11].

⁶⁵ Rossiter EIC, at [15.3].

UD and the interplay of the NPS-UD with the CRPS is critical to my assessment. As such I consider the NPS-UD in some detail in this section.

- 14.2 The NPS-UD provides high level direction regarding the delivery of sufficient zoned capacity to meet residential and business needs over the short to long term. Such capacity is to be located in areas that result in a 'well-functioning urban environment'.⁶⁶ Because the strategic direction in the NPS-UD is so closely linked with an assessment of urban design / urban form outcomes, both matters are discussed in this section of my evidence.

Strategic planning context

- 14.3 In understanding what a well-functioning urban environment might look like in a Woodend context, it is helpful to first summarise the existing township planning that has occurred over the past decade or so.
- 14.4 As will be very familiar to the Panel, the planning history and growth of Woodend (and indeed the wider 'Greater Christchurch' portion of Waimakariri District) has evolved rapidly over the last decade. The statutory framework has likewise evolved through changes to both the district plan and the CRPS, recent National Policy Statements, amendments to the RMA, and non-RMA planning processes such as township structure plans and rural-residential strategies.

Land Use Recovery Plan and CRPS

- 14.5 Following the Canterbury earthquake sequence, a Land Use Recovery Plan (**LURP**) was prepared in December 2013 to facilitate development and recovery in the Greater Christchurch area.⁶⁷ Of significance, the LURP included amendments to the CRPS through the introduction of a new Chapter 6 which facilitated land use change across the Greater Christchurch area.
- 14.6 The CRPS amendments included 'Map A' which showed growth locations around the various Waimakariri townships as 'greenfield priority areas'. Map A was subsequently amended through Change 1 to the CRPS which

⁶⁶ National Policy Statement on Urban Development 2020, objective 1 and policy 1.

⁶⁷ The LURP was prepared under the Canterbury Earthquake Recovery Act 2011 rather than the RMA.

introduced additional “Future Development Areas” (FDAs). The current Map A extract is shown in **Figure 6** below. “Greenfield priority areas” are shown in green, FDAs are orange, KACs are a yellow star, and the Site location is a red circle.

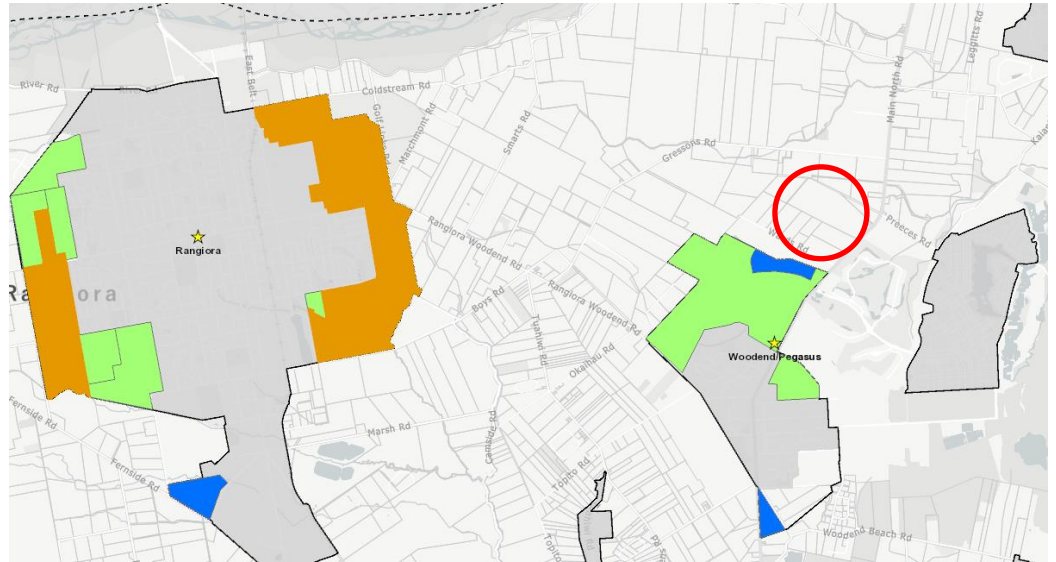


Figure 6. CRPS Map A

14.7 The CRPS policy framework is discussed in more detail below, however in summary the provisions included directive policies that growth should only occur within the identified greenfield priority areas, or in FDAs if there was a capacity need over the medium term.⁶⁸ This strong policy direction provided a settled framework for managing growth in Waimakariri District. I note that the Site is not identified as a Greenfield Priority Area or FDA, and that as a result of PC30 the Ravenswood KAC has now shifted further to the north.

14.8 In addition to directing the location of urban growth, the new CRPS Chapter 6 also considered the provision of ‘Rural Residential’ development, which was defined as residential development at a density of 1-2 households per hectare and located outside of the greenfield priority areas. Policy 6.3.9 states that new rural residential areas can only be provided where they were located in accordance with a Council-adopted rural residential development strategy prepared in accordance with the Local Government Act.

⁶⁸ CRPS, Policy 6.3.12.

Rural Residential Strategy

14.9 In response to the amendments to the CRPS introduced through the LURP, the Council prepared the Rural Residential Strategy in 2019.⁶⁹ The Rural Residential Strategy identified a set of criteria for identifying areas in the District that would be suitable locations for rural residential development. Rural residential locations were typically chosen on the basis that they were located on the edge of existing townships (rather than as isolated rural enclaves); were able to be serviced by reticulated networks; were not exposed to high natural hazard risks; were not in locations that would result in reverse sensitivity effects on strategic infrastructure or rural industry; would support the enhancement of ecological values; and would support the protection and enhancement of sites of significance to Ngāi Tahu.⁷⁰

14.10 Following an assessment of opportunities and constraints, four potential growth areas were identified, namely the edges of Oxford, Swannanoa, Ashley/Loburn, and the area to the south of Gressons Road i.e. the northern part of the Site.

14.11 The identification of the Site as being suitable for rural residential development reflects the relative lack of constraints and the Site's proximity to reticulated services and facilities in Woodend. The need to engage with Ngāi Tūāhuriri and to identify and manage effects on cultural values was likewise identified.⁷¹

14.12 The inclusion of the northern portion of the Site in the Rural Residential Strategy laid the ground work for its subsequent identification as a LLRZ zone in the PDP as notified.

Waimakariri 2048 District Development Strategy 2018

14.13 In order to inform the District Plan review, the Council prepared the Development Strategy in 2018 (**Development Strategy**).⁷² The Development Strategy is a 30-year guide to how the District's townships

⁶⁹ The 2019 strategy superseded an earlier rural residential strategy developed in 2010 (i.e. pre-earthquakes); https://www.waimakariri.govt.nz/__data/assets/pdf_file/0035/69686/Rural-Residential-Development-Strategy.pdf

⁷⁰ Rural Residential strategy, at page 9.

⁷¹ Ibid, at page 19.

⁷² https://www.waimakariri.govt.nz/__data/assets/pdf_file/0018/132822/180525057771-District-Development-Strategy-DDS-2018-FINAL-Web.pdf

will expand and change in order to accommodate the anticipated growth in both housing and employment.

- 14.14 As with the Rural Residential Strategy, the Development Strategy was based on an analysis of the opportunities and constraints affecting the District in terms of preferred growth locations.
- 14.15 In terms of the wider Woodend township, the Development Strategy sought to confirm the location of the KAC within the northern business area in Ravenswood,⁷³ with a further 5ha of commercial land being identified as necessary to meet the needs of the growing community. As noted above, the requisite rezoning of commercial land (to 12.8ha) has since occurred via PC30.
- 14.16 The Development Strategy considered the growth needs and directions of the District's main centres. It identified the need for *at least* 20ha of additional feasible residential greenfield land by 2048, and included an acknowledgement that a portion of this growth would need to be located outside of the infrastructure boundary.⁷⁴ Future residential growth directions were proposed to the north of Woodend i.e. the Site, as shown by the blue arrows in **Figure 7**. The Development Strategy identified that these new growth directions "take into account the areas of unacceptable natural hazard risk and areas of significant environmental and cultural values".

⁷³ Ibid, Section 2.8 Centres, at page 33.

⁷⁴ The 'infrastructure boundary' is a reference to the growth areas identified on the original CRPS Map A. The 'infrastructure boundary' terminology was subsequently replaced by the use of FDAs via Change 1.



Figure 7. Development Strategy map for Woodend⁷⁵

14.17 In summary, the most recent growth planning for the District undertaken through Local Government Act processes has involved a robust analysis of constraints and opportunities in order to determine the appropriate broad directions for growth. The Site has been identified as appropriate for growth in light of these opportunities and constraints. In essence Ravenswood's residential area is identified as growing north through the Site, whilst Waikuku grows south into the Site, ultimately stitching the two townships together. This residential growth is in turn to be supported by its proximity to a growing KAC, its ability to be serviced, and the lack of any significant constraints.

⁷⁵ Ibid, at page 43.

Greater Christchurch Spatial Plan⁷⁶

- 14.18 The councils and agencies that make up the Greater Christchurch Partnership have recently prepared the GCSP. At the time of writing the GCSP is at a draft stage, with hearings having been completed in late 2023. It is anticipated that the GSCP Hearing Panel recommendations to the member councils will be available by the time the Topic 12 hearings commence.
- 14.19 The draft GCSP sets out a strategy for managing growth in the Greater Christchurch area. It includes a plan for accommodating a population of 700,000 by 2050, growing to 1 million by 2085.
- 14.20 In a nutshell the draft GCSP seeks to accommodate both of these growth scenarios purely through intensification of existing urban areas, provision for kāinga nohoanga housing, and the limited greenfield growth areas previously identified in the LURP/ CRPS over a decade ago. Significant intensification is anticipated in and around the main commercial centres and along two proposed rapid transit corridors in the west and north of Christchurch (CBD to Hornby and Belfast respectively).
- 14.21 Whilst the findings of the draft GCSP process have yet to be confirmed by the member councils, in my view a strategy of accommodating a doubling of the current population with no outward expansion beyond the growth areas identified over a decade ago is likely to be extremely challenging. Councils will remain subject to the NPS-UD obligations to both demonstrate sufficient capacity to accommodate housing and business needs, and to remain responsive to development proposals for locations outside of those identified in planning documents.⁷⁷

NPS-UD

- 14.22 Prior to July 2020, the planning framework for the Greater Christchurch area was clearly established. Development to urban densities could only occur within the greenfield priority areas (and FDAs subject to meeting criteria) identified on Map A of the CRPS.

⁷⁶ <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch-/Draft-GCSP/Greater-Christchurch-Spatial-Plan.pdf>

⁷⁷ NPS-UD, Policy 8.

14.23 Development to rural residential densities could likewise only occur in areas specifically identified in a Rural Residential Strategy, and even then only after a change in zoning had been confirmed through a plan change process.

14.24 The Government gazetted the NPS-UD on 20 July 2020.⁷⁸ The NPS-UD was prepared in response to growth pressures being faced nationally, and has particular relevance for 'Tier 1' Councils which include Waimakariri District.

Development capacity – is more required?

14.25 **Objective 6** of the NPS-UD seeks that local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and are responsive, particularly in relation to proposals that would supply significant development capacity.

14.26 This Objective is implemented by:

- (a) **Policy 2**, which requires that *at least* sufficient development capacity is provided within the district to meet the expected demand for housing, in the short, medium and long terms.
- (b) **Policy 6**, which guides decision-makers to have particular regard to (amongst other things) “any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity”; and
- (c) **Policy 8**, discussed below.

14.27 The NPS-UD requires the Council to have sufficient zoned and infrastructure-enabled land to meet short to medium term demand. Such capacity is to have a 20% buffer built in to ensure it is sufficient.⁷⁹

14.28 The question of sufficient residential development capacity within the Waimakariri and Greater Christchurch housing market was a key matter before the Hearings Panel considering a recent private plan

⁷⁸ The NPS-UD was subsequently updated to reflect minor amendments on 11 May 2022.

⁷⁹ National Policy Statement on Urban Development 2020, clause 3.22.

change seeking to rezone a large block of rural land in Ohoka for urban residential purposes (**PC31**).

14.29 The Panel's recommendations were made on 27 October 2023, with the Council resolving to accept these recommendations.⁸⁰ The Panel ultimately recommended that PC31 be declined due primarily to the Site's lack of connectivity to existing centres, lack of plausible public transport delivery, and questions over the timely delivery of necessary roading and reticulation upgrades. The Panel did however make some key findings regarding the adequacy (or not) of residential capacity which are of direct relevance to the Proposal, given the timing of that decision. In considering the robustness of Council's economic model measuring housing demand and capacity, the Panel found that "*there is a very real likelihood that the model has overstated residential capacity*".⁸¹ They found that if the applicant's economic evidence proved to be correct, "*then the Council has not provided sufficient housing capacity in the medium and long term and positive action is required by the Council*".⁸² The Panel went on to note that such positive action included the ability to further respond to capacity issues through the district plan review.

14.30 The Submitters have commissioned economic evidence from Ms Natalie Hampson and housing market evidence from Mr Gary Sellars. In broad terms Ms Hampson has examined wider housing growth trends, while Mr Sellars has 'ground-truthed' the extent of vacant sections, along with providing commentary on land purchase and price movements in the District.

14.31 Ms Hampson identifies that the Waimakariri District Council's housing growth model (that was based on the notified zoning of the PDP and V1) showed a shortfall of zoned capacity to meet projected housing demand in Woodend/Pegasus in the medium-term (i.e. next 10 years).⁸³ She notes that further work to validate the housing capacity estimates

⁸⁰ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0025/145816/RCP-WEBSITE-COPY-RCP031-COMMISSIONERS-RECOMMENDED-DECISION-TO-COUNCIL.PDF

⁸¹ PC31 IHP recommendation, at [81].

⁸² PC31 IHP recommendation, at [84].

⁸³ Hampson EIC, at [7.9].

in the Council's growth model as set out by Mr Sellars showed an even larger shortfall.⁸⁴

14.32 In brief, the Council's model identifies medium term demand for housing in Woodend as being 2,480 households (including 20% margin as required by the NPS-UD).⁸⁵ The Council's model identifies a medium term feasible and realisable capacity at 2,196 which results in a medium term shortfall of 284 houses. Drawing on the evidence of Mr Sellars, Ms Hampson identifies that the effective zoned capacity in Woodend is likely to be only some 1,100 households by the end of 2024, resulting in a significant shortfall of some 1,400 households over the medium term.⁸⁶

14.33 Ms Hampson concludes that:⁸⁷

Woodend/Pegasus is clearly delivering locations, dwelling types and dwelling prices that appeal to a large share of households seeking residential properties in Waimakariri District. In light of the shortfall in capacity in Woodend/Pegasus (and likely shortfall in the main urban townships/district overall), I consider that the Council needs to zone additional land in this location to meet its obligations under Policy 2 of the NPS-UD (to ensure sufficiency), Policy 1(a)(i) (to enable a variety of homes that meet the needs of households in terms of type, price and location) and Policy 1(d) (to support the competitive operation of land and development markets).

14.34 Ms Hampson's conclusions build on the findings of the PC31 Panel, namely that there is a real risk that the Council will not meet its statutory obligations under the NPS-UD in terms of providing sufficient medium-term housing capacity. Consequently, the PDP as notified does not give effect to the NPS-UD.⁸⁸

Is the NPS-UD Policy 8 met?

14.35 Even if adequate capacity was being provided, it is important to emphasise that the NPS-UD does not preclude the provision of further capacity i.e. it is a tool for ensuring minimum capacity requirements are met, rather than being a tool for limiting additional capacity (provided such additional capacity is in locations that meet the other NPS-UD policy tests).

⁸⁴ Hampson EIC, at [7.26].

⁸⁵ Hampson EIC, at Table 2.

⁸⁶ Ibid.

⁸⁷ Hampson EIC, at [7.27].

⁸⁸ Hampson EIC, at [7.27].

14.36 In short, there is no policy direction within the NPS-UD that prevents or discourages the provision of more than adequate capacity, provided such additional growth areas are appropriately located and serviced.

Policy 8

14.37 Policy 8 states that:

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

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

14.38 The application of Policy 8 (along with a number of other NPS-UD directives) turns first on whether the decision in question affects an “urban environment”. That phrase is defined in 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.⁸⁹*

14.39 The question of what constitutes an “urban environment” in the Canterbury context has been well-traversed in the last two years, particularly in response to private plan change requests. Decisions on those requests have consistently accepted that:⁹⁰

- (a) An “urban environment” can apply over a large area, which may include some rural and open space areas.
- (b) That environment may comprise multiple areas which form part of wider housing market.

⁸⁹ NPS-UD, at 1.4.

⁹⁰ Decision of the Independent Hearings Panel, Waimakariri District Plan, Private Plan Change 31, 27 October 2023, at [44]; Recommendation of Commissioner Caldwell, Proposed Plan Change 73, dated 1 March 2022, at [341]; Recommendation of Commissioner Caldwell, Proposed Plan Change 67, dated 10 January 2022 at [186] – [210].

- (c) Greater Christchurch, as outlined in Map A of the CRPS, is an “urban environment”. Within that, the townships of Waimakariri District may also collectively comprise an urban environment.

14.40 In that context, decisions on housing capacity in the Woodend/Pegasus/Ravenswood area, and the geographic directions in which the township might grow, are therefore clearly decisions that affect an ‘urban environment’. Such decisions need to be responsive to proposals that meet Policy 8 criteria.

14.41 “Responsive” does not mean that such proposals must be granted; rather, Policy 8 provides a pathway for proposals to be considered notwithstanding that they are “unanticipated” by RMA documents. The NPS-UD goes on to direct that when considering proposals which meet that Policy 8 criteria, “particular regard” must be had to the development capacity that they provide.

14.42 In the PDP context, Policy 8 therefore in essence ‘opens the door’ for considering submissions seeking to rezone land that is not identified as a greenfield priority area or FDA in the CRPS i.e. proposals that are ‘unanticipated by a RMA planning document’.

The Site

14.43 Whilst the Site is identified as a preferred growth direction in both the Rural Residential Strategy and the Development Strategy, these are documents prepared under the LGA rather than the RMA. As the Site is not identified in the CRPS as a greenfield priority area nor an FDA, it is not ‘anticipated’ for residential development by any RMA planning document.

14.44 Under Policy 8 however, that does not preclude rezoning of the Site where:

- (a) the Proposal adds significantly to development capacity; and
- (b) it would contribute to a well-functioning urban environment.

14.45 Guidance in terms of the application of Policy 8 is found within the NPS-UD itself. Clause 3. 8 sets out that:

- (2) *Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*
- (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); and*
- (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.*

14.46 In terms of (3) above, no such criteria have been included in the CRPS and, as such, only the first two matters listed in (2)(a) and (b) are relevant.

Significant development capacity

14.47 In order to be considered under Policy 8 a proposal therefore first needs to be capable of delivering "significant development capacity". The question of what is "significant" has been considered in a number of recent plan change decisions in the Greater Christchurch area. The decision for PC31 found that the provision of some 800 households passed this test. Plan changes in Selwyn District have likewise found provision of 250 households (PC67) and 330 households (PC72) meets the significance tests. I am therefore comfortable that a plan change that delivers some 1,500 houses also passes the threshold for significant capacity.

14.48 Delivering significant capacity is not however simply a numbers game. The NPS-UD defines "development capacity" as:

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

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

- 14.49 The definition of “development infrastructure” includes water, wastewater and stormwater as well as land transport infrastructure. Therefore, if a proposal cannot be adequately serviced by the necessary infrastructure it cannot be said to contribute to development capacity and therefore cannot rely on the Policy 8 pathway.
- 14.50 The evidence of Mr Hall and Mr Rossiter has confirmed that the Proposal can be serviced for 3-waters infrastructure and public transport, with no major upgrades needed to roading infrastructure.
- 14.51 I therefore consider that the Proposal meets the significance test of Policy 8.

Will the Proposal contribute to a well-functioning urban environment?

- 14.52 The second test set out in Policy 8 is whether that additional capacity will “contribute to a well-functioning urban environment”. Such an assessment is informed by the other objectives and policies of the NPS-UD which work as a package.
- 14.53 Policy 1 of the NPS-UD sets out criteria for what constitutes a “well-functioning urban environment” and requires that planning decisions contribute to such environments. It is important to emphasise that the Policy 1 criteria are to be achieved across the wider urban environment as a whole, rather than every part of that environment having to deliver every aspect of the criteria - for example, residential areas are not expected to meet diverse business needs.
- 14.54 Policy 1 criteria of relevance to this Site include:
- (a) having or enabling a variety of homes that meet the needs of different households;
 - (b) supporting, and limiting as much as possible adverse impacts on, the competitive operation of land and development markets;
 - (c) having good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;
 - (d) supporting reductions in greenhouse gas emissions; and

(e) resilience to the likely current and future effects of climate change.

14.55 Resilience in terms of flood risks are addressed in the evidence of Mr Hall. Effects on the function of a competitive land market are addressed by Ms Hampson.

14.56 The Submitters have commissioned evidence prepared by Ms Nicole Lauenstein (Urban Design), Mr Matthew Lester (Landscape), Mr Chris Rossiter (Transport) and Mr Paul Farrelly (Greenhouse Gas Emissions). Drawing on the findings of these experts, I consider the Proposal against these Policy 1 outcomes.

Range of housing typologies

14.57 I consider that the Proposal will enable a variety of homes to meet the needs of different households and will support the competitive operation of land and development markets. The MDRZ proposed for the Site means that there is significant enablement (albeit with no requirement) to deliver a range of different housing typologies, sizes, and price points to meet the market. It certainly provides more opportunity for housing variety than the alternative of retaining the notified PDP zoning of RLZ at 1 house/ 4ha and an area of LLRZ along the Site's northern edge.

14.58 The ODP also identifies an area within the Site adjoining Gressons Road where lower density housing is anticipated. The evidence of Ms Lauenstein and Mr Lester is that that outcome is appropriate to preserve the more rural, open characteristic of this part of the receiving environment.⁹¹

Transport modal choice and connectivity

14.59 As discussed above, the Site provides excellent accessibility to the emerging employment and retail opportunities provided in the Ravenswood KAC by way of active transport.

14.60 Mr Rossiter has identified three existing public transport bus services in the Woodend area. The ODP intentionally establishes a clear internal roading hierarchy to ensure that the collector road routes could

⁹¹ Lauenstein EIC, at [7.36]; Lester EIC, at [6.17] – [6.18].

readily accommodate an extension to these existing services in the future.

- 14.61 The Site includes extensive areas of greenspace with linked cycling and walking routes and an interconnected roading layout that stitches the Site into Ravenswood.

Supporting a reduction in greenhouse gas emissions

- 14.62 Mr Farrelly identifies that the correct comparison is not emissions generated from the Site compared with nil growth, but rather emissions compared with those same future households locating elsewhere in the district, or the land continuing under its current use as a large dairy farm.⁹²

- 14.63 He concludes that, relative to other locations in the district, the Site is well located for encouraging the reduction in emissions due to its proximity to Woodend and Rangiora, its existing public transport services that can be expanded to meet increased customer growth, and the ability to establish a significant increase in carbon sequestering tree cover through the large open space areas and street tree and riparian plantings.⁹³ Compared to other locations or the Site's continued use as a dairy farm Mr Farrelly concludes that the Proposal would contribute to a reduction in greenhouse gas emissions.⁹⁴

External ODP edges and interfaces

- 14.64 Whilst not matters that are explicitly part of the Policy 1 criteria, the consideration of both Site interfaces and internal layout are important elements in delivering a well-functioning urban environment. They are likewise matters identified in CRPS Policy 6.3.3 regarding ODPs.

- 14.65 The edges and integration of the Site with neighbouring sites have therefore been considered in the evidence of Ms Lauenstein and Mr Lester.⁹⁵ They identify the need for the Site to be "stitched" together

⁹² Primary evidence of Paul Farrelly on behalf of B & A Stokes, 1 March 2024 (Emissions) (**Farrelly EIC**), at [8.1].

⁹³ Farrelly EIC, at section 8,

⁹⁴ Farrelly EIC, at [9.1].

⁹⁵ Lauenstein EIC, at [6.25] – [6.27]; Lester EIC, at [6.16] – [6.22].

with Ravenswood so that ultimately it forms a single, integrated, township. Clear road links are therefore provided between the two areas, with an open edge and urban level of pedestrian permeability between the two areas along Wards Road.⁹⁶

14.66 To the west, the need to intercept overland stormwater flows results in the provision of a lineal green strip along this boundary, being the Western Diversion. Mr Lester has recommended that this green edge be complemented by open rural fencing and low hedging as an appropriate interface with adjacent pastoral activities.⁹⁷ Care has been taken to ensure the internal road network preserves the opportunity to link to the west should this western area be urbanised at some point in the future, as indicated as a possibility in the Development Strategy (refer **Figure 7**).

14.67 To the north, Mr Lester, Ms Lauenstein, and Mr Payne have all recommended the retention of a mature oak tree avenue that runs along the boundary of the Site and a series of lifestyle blocks.⁹⁸ This avenue also provides shade to Stokes Drain with attendant in-stream ecological benefits. The ODP shows these mature trees as being retained and incorporated into an open space area.

14.68 Mr Lester and Ms Lauenstein have identified the need for the Gressons Road frontage to provide an appropriate interface and streetscape with the established lifestyle blocks/ Waikuku Village on the northern side of the road. As such they have recommended low, open fencing along the road edge, combined with a 10m deep building setback and the establishment of tree and shrub planting along the road edge to provide an acceptable interface.⁹⁹ I anticipate that the mechanism for delivering these outcomes will be via subdivision consent conditions / consent notices, with cross-sections of these edges forming part of the ODP.

14.69 To the east, the edge treatment is largely driven by water management outcomes. The west-to-east contour of the Site means that stormwater basins will be located along the Site's eastern edge. Ms

⁹⁶ Lester EIC, at [7.7]; Lauenstein EIC, at [6.16], [6.26].

⁹⁷ Lester EIC, at [6.20].

⁹⁸ Lester EIC, at [6.3(a)], Payne EIC, at [7.2(b)], Lauenstein EIC at [6.16].

⁹⁹ Lester EIC, at [6.18]; Lauenstein EIC, at [6.25].

Lauenstein identifies that this Eastern SMA / Open Space has not just a stormwater utility function but is also anticipated to play the following roles:¹⁰⁰

- (a) Significant ecological restoration on a large scale, with the re-establishment of extensive wetland areas and spring-fed stream channels that are kept hydrologically separate from stormwater treatment areas.
- (b) Significant open space recreational opportunities for walking and cycling.
- (c) Significant buffer to State Highway 1 that provides both visual and acoustic separation between future dwellings and the State Highway. A green corridor likewise provides visual amenity for passing motorists.
- (d) Significant green outlook for the large north eastern lifestyle block, and the small pocket of dwellings located towards the south eastern edge of the Site.
- (e) Significant open space buffer to the wāhi tapu site opposite Preece Road. The treatment and ongoing management of the wāhi tapu area is discussed in more detail below in the section on Iwi Management Plans.

14.70 As a final note on the treatment of external edges, I am mindful that there are several pockets of land along both the eastern side of the Site and between the Site and Ravenswood that are not owned by the Submitters.

14.71 As noted earlier in my evidence, there are several submissions made by other parties seeking that these areas also be rezoned to enable residential development. The merit of their inclusion through the PDP hearings will be a matter for evidence from these other parties. The expert team for the Submitters have nonetheless been mindful of the need to facilitate a sensible urban form where the Proposal does not foreclose the future integration of these adjacent blocks. Appropriate interfaces and links to the these adjacent areas are therefore provided.

¹⁰⁰ Lauenstein EIC, at [6.6] – [6.9], [6.27].

In my view the outcomes delivered by the Proposal deliver an acceptable urban form, with that form remaining appropriate in the event that the adjacent blocks are either also rezoned now or are left as rural lifestyle in the interim with their long-term future to be determined by later planning processes.

Internal ODP outcomes

- 14.72 In addition to considering the Site's integration with neighbours and its ability to sensitively stitch Ravenswood with Waikuku whilst retaining the distinctive identifies of these areas, Ms Lauenstein has also assessed the internal layout of the Site.¹⁰¹
- 14.73 The need to deliver appropriate 3-waters outcomes has led to the retention and restoration of Stokes Drain as a key west-east blue link. The proposed Southern Waterway provides a separate waterway running along the Site's southern boundary, with the Central Flood Bypass Channel proposed through the centre of the Site. These three linear blue/green network elements are accompanied by adjacent pedestrian corridors, with the movement network complemented by a grid collector road layout that provides clear through-site and within-site road links.
- 14.74 In addition to the extensive passive recreational areas provided by the blue/green network and the large eastern greenspace, a 3ha park is proposed in the centre of the Site to provide for active recreation such as playing fields, and to provide a 'village green' focal point for the community. The central park is supported by an adjacent 'community hub' which is anticipated to provide approximately 1,000m² of community and convenience retail facilities i.e. a preschool and/or medical centre, along with a café, dairy, and a couple of small shops such as a hairdresser or takeaway food offering.
- 14.75 In summary, I consider that the Proposal readily meets the Policy 1 criteria for a "well-functioning urban environment" and achieves sound urban design and landscape outcomes. The Proposal will add significantly to development capacity and will deliver a well-functioning

¹⁰¹ Lauenstein EIC, at section 6.

urban environment and therefore gives effect to Policy 1 and meets the requirements Policy 8.

Is the NPS-UD Policy 3 direction regarding urban form met?

14.76 In addition to the need to meet the above Policy 1 criteria, well-functioning urban environments are to be delivered via the implementation of the urban form outcomes set out in Policy 3 of the NPS-UD. These urban form outcomes turn on the role of centres and proximity to existing or planned rapid transit stops.

14.77 Where an area falls within the walkable catchment of those stops or the edge of a Metropolitan Centre zone, Policy 3(c) directs that building heights are to be at least 6 storeys. Within and adjacent to Neighbourhood Centre zones, Local Centre zones and Town Centre zones (or equivalent), Policy 3(d) requires that building heights and densities are to be commensurate with the level of commercial activity and community services.

14.78 I consider that even with enhanced public transport and the provision of higher frequency express services, it is unlikely in the medium term that Woodend will be serviced by rapid transit stops.¹⁰² As such, I do not consider that Policy 3(c)(i) is relevant to the Proposal. Assessment of Policy 3 implementation in relation to the Proposal (and in particular, whether increased building heights would be required) therefore turns on the status and role of the Ravenswood commercial centre.

Role of a KAC

14.79 The CRPS sets out the role of KACs in the centres hierarchy, both in terms of meeting commercial/ business needs, and also as important nodes to support intensification and the provision of additional housing.

¹⁰² The NPS-UD defines rapid transit stops as enabling entrance to a rapid transit service, which is in turn defined as meaning “any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic”.

14.80 The CRPS defines KACs as:¹⁰³

...key existing and proposed commercial centres identified as focal points for employment, community activities, and the transport network; and which are suitable for more intensive mixed-use development.

14.81 Woodend is identified in both the definition and on Map A of the CRPS as containing a KAC.

14.82 In summary, the CRPS policy framework seeks the following outcomes for land use in and around KACs:

- (a) Provide higher density living environments in and around KACs.¹⁰⁴
- (b) KACs are to be supported and maintained as the focal points for commercial, community and service activities.¹⁰⁵
- (c) New commercial activities are to be primarily directed to KACs.¹⁰⁶
- (d) Intensification in urban areas is to be focussed around KACs commensurate with their scale and function.¹⁰⁷

14.83 After the Christchurch City Centre, KACs sit at the next level in the Greater Christchurch centre hierarchy (in CRPS terms). They are key focal points for employment and services and play an important role in meeting business needs. In addition to their role as a business centre, they also play a key role in wider growth management by being focal points for residential intensification. Housing growth is to be enabled both within and surrounding these centres, thereby enabling future residents to live in close proximity to the wide range of employment and facilities on offer.

Giving effect to NPS-UD Policy 3(d)

14.84 The PDP does not include any City Centre or Metropolitan Centre zones, reflecting the modest size of the District's townships. The top of the centre hierarchy in Waimakariri District is therefore Town Centre Zones. These areas cover the commercial areas in the centre of

¹⁰³ CRPS, at page 249.

¹⁰⁴ CRPS, Objective 6.2.2(2).

¹⁰⁵ CRPS, Objective 6.2.5.

¹⁰⁶ CRPS, Objective 6.2.6(3).

¹⁰⁷ CRPS, Policy 6.3.7(2).

Rangiora, Kaiapoi, and Ravenswood (noting that the extent of the Ravenswood centre has not been updated to reflect PC30 outcomes).

14.85 Town Centre zones are described in the National Planning Standards as:¹⁰⁸

Areas used predominantly for:

- *In smaller urban areas, a range of commercial, community, recreational and residential activities.*
- *In larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.*

14.86 Consequently, NPS-UD policy 3(d) as set out above is relevant to the Proposal, as it is adjacent to a Town Centre zone.

14.87 The choice before the Panel is which zone is the more effective tool in delivering housing at an appropriate density and height that is commensurate with the size of the Ravenswood KAC. Those zoning options are the RLZ with 1 house/ 4ha, or MDRZ with a range of housing choices and typologies.

14.88 Following the PC30 process, which Council agreed to via consent order as being an appropriate outcome, some 12.8 ha of commercial development is anticipated for this centre. The Site is located immediately to the north of the KAC. The southern two thirds of the Site located between Ravenswood and Stokes Drain is within a walkable distance (approximately 800m) of the KAC, with all of the Site readily cyclable or a 5 minute car journey.

14.89 The PDP as notified could not have anticipated the later PC30 outcomes, which have functionally shifted the location of the Woodend KAC to the northern end of Ravenswood. As such the lack of provision for housing on the Site is understandable in the notified version. The confirmation of PC30 means however that the PDP no longer gives effect to the clear urban form outcomes directed by Policy 3(d) and therefore does not give effect to the NPS-UD.

¹⁰⁸ National Planning Standards, Section 8 - Zone Framework Standard, Table 13, at page 37.

14.90 In that context, MDRZ as the baseline density expected by the Enabling Act is in my view commensurate with the scale of the planned and zoned commercial centre.

Urban form summary

14.91 In summary, the NPS-UD requires councils to be able to clearly demonstrate that they have enabled sufficient short and medium term capacity to meet housing needs (including a 20% buffer), and to be responsive to significant development capacity opportunities where that will contribute to well-functioning urban environments.

14.92 The evidence of Ms Hampson and Mr Sellars demonstrates that the requisite capacity is clearly not being delivered in Woodend, a finding in line with the recent concerns raised by the PC31 Panel. Additional capacity is therefore required. However even if this were not the case, there is no NPS-UD policy barrier to providing more capacity than is needed, provided that the additional capacity is located and designed to contribute to a well-functioning urban environment.

14.93 Policy 8 likewise provides a pathway that obliges decision-makers to be responsive to proposals for significant capacity in unanticipated locations. The Site meets these gateway tests under Policy 8. As such, decision-makers must be responsive to the Proposal and must have particular regard to the development capacity and the wider benefits that it will provide.¹⁰⁹

14.94 In light of Ms Hampson's findings, the PDP does not give effect to the NPS-UD directions regarding capacity. It also does not currently give effect to the urban form outcomes directed by NPS-UD Policy 3(d). The Ravenswood KAC has an important role to play as the third largest employment and community focal point in the District. As such, housing opportunities in and around the centre need to be commensurate with this role. A RLZ outcome of 1 house/ 4ha is clearly not a commensurate response.

14.95 The Site has been the subject of several strategic planning processes in recent years through the development of the Rural Residential Strategy and the Development Strategy. The Site is

¹⁰⁹ National Policy Statement on Urban Development 2020, policy 8, clause 3.9, policy 6(c).

identified in both strategies as being potentially suitable for housing and rural lifestyle development respectively. No insurmountable barriers to urbanisation have been identified in these two strategies (and indeed the Site is one of only a handful of preferred locations, with other alternative locations facing greater constraints and/or fewer opportunities). These findings have been confirmed by the more detailed site-specific assessments undertaken by the Submitters' experts.

14.96 The Proposal meets the NPS-UD criteria for delivering a well-functioning urban environment; will deliver significant development capacity; is able to be integrated with the necessary infrastructure to support growth; is accessible for a range of transport modes; and is located in an area with excellent proximity to one of the District's three KACs. As such the relief sought by the Submitters better gives effect to the NPS-UD than the rural lifestyle outcomes proposed in the PDP as notified.

15 OTHER PLANNING FRAMEWORK ANALYSIS

15.1 Changes to district plans need to give effect to NPSs, NESs, and the CRPS; have regard to a proposed RPS; have regard to management plans and strategies prepared under other Acts (for example the Rural Residential Strategy and the Development Strategy); and take into account an iwi management plan.¹¹⁰

15.2 I have addressed the NPS-FM, the NPS-IB, and the NPS-UD above. I have also addressed NES-FM, NES-CS, and NES-SDW.

15.3 For completeness I note that the Site is not located in an area where the following NPS or NES would be in play and as such the following documents are not considered further:

- (a) New Zealand Coastal Policy Statement.
- (b) NPS-Renewable Electricity Generation.
- (c) NPS-Electricity transmission.
- (d) NPS-Greenhouse Gas Emissions form Industrial Process Heat.

¹¹⁰ Resource Management Act 1991, section 74.

- (e) NES-Plantation Forestry.
- (f) NES-Air Quality.
- (g) NES-Telecommunications facilities.
- (h) NES-Electricity Transmission Activities.
- (i) NES-Marine Aquaculture.
- (j) NES-Storing Tyres Outdoors.

National Policy Statement on Highly Productive Land

15.4 The NPS-HPL commenced on 17 October 2022 i.e. after the PDP was notified. Prior to the NPS-HPL being gazetted, urban development over versatile soils was simply a matter to be considered, in the absence of any more specific higher order direction on this issue. Now the PDP (and any associated changes in zoning) must give effect to the NPS-HPL.

15.5 The NPS-HPL has a single objective that “highly productive land is protected for use in land-based primary production, both now and for future generations”. Of direct relevance to the Site, the objective is to be achieved via policies that seek that the urban rezoning, subdivision, or development for rural lifestyle purposes are all avoided unless the exemptions in the NPS-HPL apply.¹¹¹

15.6 Regional councils have three years from when the NPS-HPL came into effect to map HPL via a change to the regional policy statement.¹¹² The Canterbury Regional Council has yet to notify such a change. Until this process occurs, HPL is deemed to be any land identified as Land Use Capability (**LUC**) Class 1, 2, or 3 as mapped by the New Zealand Land Resource Inventory (**NZLRI**)¹¹³, provided that it is not:¹¹⁴

- (i) *Land that is already 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.*

¹¹¹ NPS-HPL, Policies 5, 6, and 7.

¹¹² NPS-HPL, clause 3.5(1).

¹¹³ NPS-HPL, clause 3.5(7)(a)(ii).

¹¹⁴ NPS-HPL, clause 3.5(7)(b).

- 15.7 The PDP is a Council-initiated plan change that was notified prior to the commencement of the NPS-HPL. The PDP seeks to zone the Site as a RLZ. As such the Site is not deemed to be HPL for the purposes of the NPS. This interpretation is consistent with the views put forward by Mr Mark Buckley in a recent s42A report for Council.¹¹⁵
- 15.8 The Submitters have nonetheless commissioned Mr Victor Mthamo, an Environmental Scientist, to assess effects on the productive potential of soil. Mr Mthamo identifies that the Site is comprised predominantly of LUC2 with small pockets of LUC1 land. He goes on to identify a number of practical constraints that limit the productive potential of the Site for farming purposes, including both physical constraints caused by poor drainage, and regulatory constraints that limit the application of nitrates and agri-chemicals. He concludes that:¹¹⁶

The Site represents a reduction in the total regional and district productive or versatile soils of only 0.03% and 0.24% respectively under the CRPS definition of versatile soils... In my opinion, the adverse effects of that loss are also negligible given the Site is subject to a number of constraints which significantly limit its productive capacity over the long term.

Canterbury Regional Policy Statement

- 15.9 As set out above, a new Chapter 6 was added to the CRPS in late 2013 to specifically address growth and recovery in the Greater Christchurch area. The CRPS has been recently updated through Change 1¹¹⁷ which identified some FDAs in Rangiora and Kaiapoi (and Rolleston) in response to the need to provide additional housing capacity identified through a Housing and Business Capacity Assessment undertaken under the since superseded National Policy Statement on Urban Development Capacity 2016.
- 15.10 Prior to the NPS-UD, the CRPS Chapter 6 provided settled direction regarding urban growth, with growth anticipated within greenfield priority areas (and more recently FDAs), and conversely to be avoided outside of these areas. In terms of CRPS Objectives 6.2.1 and 6.2.2 and Policy 6.3.1 the outcomes sought in the submissions are not consistent

¹¹⁵ Mark Buckley, Waimakariri District Plan Review – Memorandum to Hearing Panel, 30 June 2023.

¹¹⁶ Primary evidence of Victor Mthamo on behalf of B & A Stokes, 1 March 2024 (**Mthamo EIC**), at [1.7(e)] and [1.8].

¹¹⁷ The Proposed Change was approved by the Minister for the Environment on 28 May 2021 and the changes became operative on 28 July 2021.

with these prescriptive provisions which direct urban growth to specific areas and seek to avoid development outside of the areas shown on Map A of the CRPS. It is noted that given the significant shortfall in capacity identified by Ms Hampson, there is a clear internal tension between these objectives and Objective 6.2.2(5) which seeks to encourage the “sustainable and self-sufficient growth of the towns of...Woodend”. The Objective 6.2.2(5) direction is not a snapshot in time but rather constitutes an ongoing outcome for Council to meet.

15.11 The shortfall in capacity identified by Ms Hampson requires Council to act by providing additional capacity. Even if there was no risk of a capacity shortfall, Policy 8 of the NPS-UD provides an opportunity to allow consideration of an ‘out of sequence’ proposal that meets the significant capacity threshold. I consider that, as a higher order document, the NPS-UD should be seen as providing an ‘opportunity’ that would otherwise be precluded by the CRPS. This reflects the central government objectives to facilitate greater opportunities for meeting housing and business needs.

15.12 I have concluded above that Policy 8 is able to be met by the Proposal. Proposed new growth areas still however need to align with the other urban growth outcomes sought in the CRPS, as these directions provide a more localised expression of the factors that contribute to well-functioning urban environments.

15.13 In summary, the Proposal aligns with these outcomes by:

- (a) not exacerbating natural hazard risks;¹¹⁸
- (b) not being located in an area with identified high landscape or ecological values;¹¹⁹
- (c) not being located in an area with identified heritage values;¹²⁰
- (d) retaining values of importance to Tangata Whenua;¹²¹

¹¹⁸ CRPS Objective 6.2.1(8), Objective 11.2.1, Policy 11.3.1.

¹¹⁹ CRPS Objective 6.2.1(4)(5).

¹²⁰ CRPS Objective 6.2.3(2).

¹²¹ CRPS Objective 6.2.3(3), and subject to formal feedback from mana whenua.

- (e) not being located such that it would result in reverse sensitivity effects or otherwise affect the functioning of strategic infrastructure;¹²²
- (f) resulting in a yield of at least 10 households/ hectare;¹²³
- (g) encouraging the self-sufficient growth of Woodend;¹²⁴
- (h) being able to be connected to reticulated infrastructure networks for which there is sufficient existing or programmed capacity;¹²⁵
- (i) being located in a manner that results in good urban form; provides a clear edge to the township; and, at a site-level, is well-connected and integrated into the wider street and pedestrian/ cycle network;¹²⁶
- (j) being subject to an ODP that shows the requisite matters;¹²⁷ and
- (k) not being located on HPL as defined in the higher order NPS-HPL, with the CRPS needing to be amended so that it gives effect to this NPS.¹²⁸

15.14 In conclusion, apart from the 'Map A' growth policies discussed above, the Proposal gives effect to CRPS directions regarding the locational characteristics necessary to support a change in zone to enable residential activities.

Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan

15.15 Under s75(4)(b) of the RMA, a district plan cannot be inconsistent with a regional plan, which in respect to this submission include the Canterbury Land and Water Regional Plan (**LWRP**) and the Canterbury Air Regional Plan (**CARP**). The establishment of urban activities within the Site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent.

¹²² CRPS, Objective 6.2.1(10).

¹²³ CRPS, Policy 6.3.7.

¹²⁴ CRPS, Objective 6.2.2(5).

¹²⁵ CRPS, Policy 6.3.5.

¹²⁶ CRPS, Objective 6.2.4 and Policy 6.3.2.

¹²⁷ CRPS, Policy 6.3.3.

¹²⁸ CRPS, Objective 15.2.1.

15.16 In broad terms I consider that the effects associated with requirements under these regional plans can be considered at the time of detailed development and the necessary consents obtained. There are clear consenting pathways available for the sorts of works that are typically associated with construction and operational phases such that it is considered readily plausible that urbanisation of the Site will be able to be undertaken in a manner that is not inconsistent with these regional plans.

Mahaanui Iwi Management Plan and cultural values

15.17 The IMP is a planning document recognised by an iwi authority and lodged with the Council, which includes content that relates to the district's resource management issues. Under s74(2A) of the RMA, the Council, in considering this submission, must take into account the IMP.

15.18 The NPS-UD also requires planning decisions relating to urban environments to take into account the principles of Te Tiriti o Waitangi,¹²⁹ to enable Māori to express their cultural traditions and norms,¹³⁰ and to involve hapu and iwi in the development of RMA planning documents through effective consultation.¹³¹ Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is, of course, also a matter of national importance under the RMA.¹³²

15.19 The Submitters recognise that the Site forms part of a wider receiving environment that is understood to hold significant importance for Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Ngāi Tahu. That is evidenced by the silent file notation which extends across the majority of the Site. It also a function of the Site's close proximity to Kaiapoi Pā and the significance that the Kaiapoi Pā and the surrounding area has to mana whenua. The Submitters have a long personal history of interaction with local mana whenua regarding the ongoing management of a known wāhi tapu site on the eastern edge of the Site. This personal history has led to them fencing the Site off and minimising stock grazing and cultivation in order to minimise land disturbance.

¹²⁹ NPS-UD, Objective 5.

¹³⁰ NPS-UD, Policy 1(a)(ii).

¹³¹ NPS-UD, Policy 9.

¹³² Resource Management Act 1991, section 6(e).

- 15.20 The Submitters have sought to engage with mana whenua at an early stage in the evidence preparation process. This engagement has included informal approaches to both the Kaiapoi Pā trustees, Te Kōhaka o Tūhaitara Trust and members of Ngāi Tūāhuriri Rūnanga. Mahaanui Kurataiao Limited was also approached to prepare a Cultural Impact Assessment of the Proposal to assist in ensuring that the values of the Site and the surrounding area could be appropriately identified, understood and accounted for as part of the Proposal.
- 15.21 Mahaanui Kurataiao Limited advised that their preferred method of engagement is for them to be engaged by the Council to assess submissions, following Council's receipt of the Submitters evidence. The Submitters respect mana whenua's preferences in terms of how best they should be consulted with and has therefore ceased informal consultation.
- 15.22 The expert team have nonetheless been particularly mindful of the need to understand and respect mana whenua values for this Site. In this regard the IMP has been of particular assistance, as has the recognition in the Council's Development Strategy that the preferred growth directions for Woodend have been developed in partnership with Ngāi Tūāhuriri Rūnanga.¹³³ The ODP has likewise been developed with reference to the policy outcomes contained in the PDP relating to Sites and areas of significance to Māori (**SASM**).
- 15.23 The design of the ODP and Site servicing solutions respond to the IMP (and the PDP SASM policy directions) as follows:
- (a) The wāhi tapu site is not to be developed and no earthworks are proposed for this area. The Submitters are very open to discussions with Council and mana whenua regarding the long-term ownership and management of this Site, which could include vesting in Council as a historic or local purpose reserve.
 - (b) The wāhi tapu site is to be bounded by a 15m deep landscape strip, and then a much wider green open space and wetland restoration area.

¹³³ Development Strategy, Section 2.2 Principles.

- (c) The Submitters recognise that given the possibility of pre-1900 archaeological remains being present in the wider area, any future earthworks on the wider Site will need to be undertaken in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 regarding the management of archaeological sites. At a minimum it is expected that earthworks on the wider Site will be subject to an Accidental Discovery Protocol in accordance with IMP Appendix 3.
- (d) Stokes Drain has been identified as containing mahinga kai species (tuna/ eels and inanga/ whitebait). This waterway is to be retained and its riparian margins enhanced to improve ecological and mahinga kai values.
- (e) Existing farm drains currently have low ecological value due to their heavily degraded state given their location in grazed pasture. These drains will be realigned into a new Southern Waterway that will be designed to result in a significant enhancement of ecological and mahinga kai values.
- (f) The blue network is to be designed to keep untreated stormwater completely separate from spring-fed waterways.
- (g) Stormwater treatment basins provide an opportunity for establishing an extensive open space and ecological restoration area along the Site's eastern boundary. This area will result in a significant increase in the area and quality of wetlands on the Site.
- (h) It is anticipated that locally sourced indigenous plant species will be used for riparian margin and wetland restoration.
- (i) Sewage resulting from the development will be reticulated and treated in the Treatment Plant to the south of Pegasus. As such there is no reliance on septic tanks or an on-site 'package plant'.
- (j) Routing of the sewer pipework from the Site to the Treatment Plant is to avoid the need to traverse Preece Road in recognition of the need to minimise potential disturbance to archaeological remains adjacent to the culturally significant Kaiapoi Pā site.

15.24 Works to waterways and stormwater basins are subject to a suite of consenting requirements which provides the regulatory mechanisms to ensure appropriate water quality and ecological outcomes are delivered. Development of the area will likewise be subject to the PDP SASM rules controlling activities within wāhi tapu and wāhi taonga areas.

15.25 The Submitters look forward to considering feedback from Mahaanui Kurataiao Limited through the hearing process and remains open to commissioning a Site-specific Cultural Impact Assessment. They confirm their commitment to work collaboratively with mana whenua.

Consistency with the plans of adjacent territorial authorities

15.26 I do not consider there to be any directly relevant provisions in the district plans of neighbouring territorial authorities that are affected by the relief sought. The most applicable matters to the submission include:

- (a) Effects on the strategic and arterial road network from people commuting between Waimakariri and Christchurch.
- (b) Development on or near the boundary of Waimakariri District and Christchurch City Council that may influence housing sufficiency and the coordination of infrastructure services.

15.27 These cross-boundary interests are primarily limited to matters relating to urban form, transport infrastructure, and housing capacity which have been discussed above, noting the NPS-UD framework provides an opportunity for unanticipated and out of sequence development to be considered.

16 ASSESSMENT AGAINST THE PDP

16.1 The PDP policy framework and associated provisions are subject to examination and testing through the submission and hearing process. As such I have not undertaken a detailed assessment of the Proposal against the PDP policy framework as these directions are likely to be subject to further amendment. My assessment has instead appropriately focused on a consideration of the Proposal against the higher order planning framework which the PDP must give effect to (set out above).

16.2 That said, the Strategic Directions chapter of the PDP does provide a helpful starting point for considering how urban growth is to be managed in the District. In my opinion, the Proposal aligns with the Strategic Directions as follows:

- (a) It will result in a net gain in indigenous biodiversity.¹³⁴
- (b) The natural character of freshwater bodies and wetlands will be preserved and enhanced.¹³⁵
- (c) The Site does not contain outstanding natural features or landscapes.¹³⁶
- (d) The Proposal enhances public access to open space and riparian margins.¹³⁷
- (e) Land use and water resources are managed in an integrated manner, with stormwater and wastewater kept separate from freshwater.¹³⁸
- (f) Urbanisation of the Site will be integrated with existing urban areas and reticulated network infrastructure.¹³⁹
- (g) The ODP will facilitate a new residential area with good levels of amenity and that is compatible with the character of Woodend.¹⁴⁰
- (h) The Proposal provides for a range of housing opportunities and helps to focus residential development within existing townships and supports a hierarchy of urban centres including the main centre of Woodend.¹⁴¹
- (i) It provides for multi-modal connectivity through a safe and efficient transport network.¹⁴²

¹³⁴ Proposed Waimakariri District Plan (**PDP**), SD-O1(1).

¹³⁵ PDP, SD-O1(2).

¹³⁶ PDP, SD-O1(3).

¹³⁷ PDP, SD-O1(4) and SD-O2(7).

¹³⁸ PDP, SD-O1(5).

¹³⁹ PDP, SD-O2(1),(3) and SD-O3(3).

¹⁴⁰ PDP, SD-O2(2).

¹⁴¹ PDP, SD-O2(4) and (5).

¹⁴² PDP, SD-O3(1).

- (j) The Proposal does not adversely affect the safe and efficient operation of strategic/ significant infrastructure and provides a large buffer to SH1 with no direct connections to that arterial road.¹⁴³
- (k) The Proposal does not align with the direction to retain rural land for productive rural activities outside of identified residential development areas, however as discussed above, these directive provisions do not in themselves align with the higher order NPS-UD directions.¹⁴⁴
- (l) The Proposal will avoid development over a wāhi tapu site and establishes a large green buffer around this area. The Proposal also will employ initiatives to enhance mahinga kai values and it includes a number of design features to respond to mana whenua values.¹⁴⁵
- (m) The Site is not located in an area that is exposed to an unacceptable risk of natural hazards, with flood risk able to be effectively mitigated.¹⁴⁶

16.3 In addition to Strategic Directions, the PDP also includes a District-wide set of objectives and policies that relate specifically to urban form and development. Objective UFD-O1 relates to the quantum of feasible development capacity that is required to be delivered. Given the time that has elapsed between notification and hearings, these numbers are now somewhat outdated, as identified in the evidence of Ms Hampson.

16.4 Policy UFD-P2(2) is the key policy clause for assessing new greenfield growth areas outside of the FDAs. It seeks that such new areas be avoided unless they meet the following policy criteria:

For new Residential Development Areas, other than those identified by (1) above, avoid residential development unless located so that they:

- a. *Occur in a form that concentrates, or are attached to, an existing urban environment and promotes a coordinated pattern of development;*

¹⁴³ PDP, SD-O3(2).

¹⁴⁴ PDP, SD-O4.

¹⁴⁵ PDP, SD-O2(10) and SD-O5, subject to feedback from mana whenua.

¹⁴⁶ PDP, SD-O6.

- b. Occur in a manner that makes use of existing and planned transport and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required;*
- 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;*
- d. Concentrate higher density residential housing in locations focussing on activity nodes such as key activity centres, schools, public transport routes, and open space;*
- e. Take into account the need to provide for intensification of residential development while maintaining appropriate levels of amenity values on surrounding sites and streetscapes;*
- f. Are informed through the development of an ODP;*
- g. Supports reductions in greenhouse gas emissions; and*
- h. Are resilient to natural hazards and the likely current and future effects of climate change as identified in SD-06.*

16.5 As set out in the evidence above, the Proposal readily meets each of the policy criteria for new urban growth areas.

16.6 The Strategic Directions for greenfield growth areas are to be implemented via two separate tools. The first relates to greenfield areas that already have an operative urban zoning in the ODP. These blocks are identified as "Existing Development Areas", with an ODP and any bespoke built form rules necessary to deliver site-specific outcomes.

16.7 The second tool relates to "New Development Areas". These new areas cover the FDAs identified in the CRPS. In effect they are deferred urban zones, with the deferral uplifting being subject to capacity needs and infrastructure servicing being in place. The policies for the FDAs relate to the process by which the deferral is to be uplifted. The rules are likewise process-related and set out a certification process by which the uplift of the deferral can be confirmed by the Council CEO rather than needing to go through a separate plan change process. The appropriateness and mechanics of the certification process are matters that no doubt will receive careful attention through the hearing process.

16.8 Whilst the Proposal is obviously a new growth area, the relief sought is an operative MDRZ zoning which responds to the clear need for additional housing capacity and recognises the ability for the Site to be

serviced over the short-term. As such the Proposal aligns with the PDP framework for "live-zoned" greenfield areas. **Appendix A** of my evidence includes the proposed PDP text amendments to include the site as an "Existing Development Area" and follows the same rule and ODP format. As a new area the ODP does however also include a narrative which utilises the same format and covers the same matters to a similar level of detail as the narratives for the FDAs. The proposed ODP includes several cross-sections to help illustrate the outcomes sought for the key blue/green network and site edges.

16.9 Development of the Site will remain subject to the generic PDP provisions relating to subdivision, earthworks, activities within SASMs, and MDRZ. It is anticipated that the ODP outcomes will be delivered through the subdivision consent process where alignment with the ODP outcomes can be assessed and if need be confirmed via consent conditions and/or covenants or consent notices on the titles.

16.10 The Site and its associated change in zone therefore aligns with the key Strategic Directions regarding urban growth, and can be readily integrated with the format and content of the PDP.

17 CONSIDERATION OF ALTERNATIVES, BENEFITS AND COSTS

17.1 Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)). It also requires an assessment of whether the provisions in the Proposal are the most appropriate way to achieve the objectives (of both the proposal and the PDP objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

17.2 My evidence has assessed the Proposal against the higher order planning framework. It has also considered the alternative zoning of the Site proposed in the PDP as notified. In summary, I have concluded that the Proposal better gives effect to the higher order directions than the notified zoning.

17.3 Section 32aa documentation is inevitably an iterative process. I anticipate providing a section 32aa assessment with my subsequent

brief of evidence following review of the s42A reports on the relief sought.

18 CONCLUSION

- 18.1 District Plan Reviews provide the opportunity for a 'first principles' assessment of which zone is the most appropriate for any given block of land. Such an assessment must necessarily be grounded in a consideration of the higher order planning framework and which of the zoning options available better gives effect to these directions.
- 18.2 In terms of the scope, the choice before the Panel for the Site is, in essence, either the RLZ and LLRZ as notified, or MDRZ as sought by the Stokes.
- 18.3 The NPS-UD provides the key national direction concerning the quantum and location of urban growth. It requires councils to ensure that they are providing at least the requisite amount of housing capacity to meet short-medium term needs, plus a 20% buffer. If this capacity is not demonstrably provided, then councils are obliged to increase the capacity available.
- 18.4 The evidence of Ms Hampson and Mr Sellars clearly demonstrates that there is a capacity shortfall in the Woodend/Pegasus area.
- 18.5 Even were sufficient capacity being provided, the NPS-UD presents no policy barriers to providing more than the minimum required. Policy 8 likewise provides an obligation on decision-makers to be responsive to proposals that deliver significant capacity in locations which, while not anticipated by RMA documents, nevertheless contribute to well-functioning urban environments.
- 18.6 As set out in my evidence, responsiveness does not equate to mandatory approval. Any such proposals must still demonstrate that they will deliver the most appropriate planning outcome for the location, in the normal section 32 sense. However, within that context, the NPS-UD is clear that the provision of significant development capacity by these proposals is a matter to which decision-makers must weigh carefully in making that assessment.

- 18.7 The urban form and density that delivers a well-functioning urban environment is guided by Policy 3(d) of the NPS-UD. This policy requires district plans to enable building heights and urban form adjacent to town centres in a manner commensurate with the anticipated size of the centre. The Ravenswood KAC is the third largest centre in the District and is one of only three Town Centre Zones. The Site is located immediately adjacent to the KAC. A notified urban form and density outcome of 1 house / 4ha under the RLZ provisions simply is not a commensurate response. The PDP does not therefore give effect to the urban form outcomes directed by the NPS-UD for Woodend.
- 18.8 A “well-functioning urban environment” is defined by Policy 1 of the NPS-UD, and is characterised by housing variety, accessibility and connectivity, and the contribution that the proposal will make to reducing greenhouse gas emissions, increasing housing affordability and responding to climate risks. The District Development Strategy and the Rural Residential Strategy are local expressions of how the wider Woodend area could develop, and draw on a lot of those same themes. They are the product of an extensive sieving of opportunities and constraints. Within those documents, the Site is identified as presenting significant opportunity to accommodate future growth, without being subject to any insurmountable constraints.
- 18.9 The findings of these two strategies has been confirmed through the extensive suite of evidence prepared on behalf of the Submitters. This evidence has examined the possible constraints or effects of urbanising the Site, and how site-specific outcomes, secured through the ODP and supporting narrative, align with both Policy 1 of the NPS-UD and the other higher order planning directions, including the NPS-FM, NPS-IB, NPS-HPL, and CRPS. Regard has likewise been had to the Mahaanui IMP as an expression of mana whenua values. The submitters would welcome the opportunity to engage with, and receive feedback from, mana whenua through the hearing process.
- 18.10 The ODP design and associated narrative and cross-sections have been informed by the recommendations of the expert team and the need to respond appropriately to the higher order direction.

18.11 In summary, the Proposal provides a unique opportunity to deliver significant housing capacity in a location immediately adjacent to the District's third largest commercial centre. This capacity can be delivered in a manner that provides an integrated extension to the township, is able to be plausibly serviced with reticulated infrastructure, enables modal choice and access to public transport, and facilitates significant ecological restoration.

18.12 I conclude that a MDRZ zone, in tandem with the proposed ODP, will more efficiently and effectively deliver the outcomes sought in the higher order planning framework than the RLZ and LLRZ as notified.

Jonathan Clease

4 March 2024

APPENDIX A

PROPOSED AMENDMENTS TO THE DISTRICT PLAN

All text is new/ additional to the PDP as notified

GD – Gressons Road Development Area

Introduction

The Gressons Road Development Area covers a 144ha area located between Ravenswood and Waikuku. The development provides for a Residential Medium Density Zone, with a small community hub towards its centre. The area includes two north-south collector roads that link through the site between Gressons Road and the Ravenswood commercial area.

The key features of DEV-GD-APP1 include:

- Retention and enhancement of Stokes Drain and the formation of a central west-east flood by-pass channel and separate waterway along the area’s southern boundary;
- Extensive stormwater management areas along the eastern boundary with State Highway 1
- Retention of a wāhi tapu site free of urban development;
- Provision of a central park that is at least 3.2ha in area; and
- Provision of a pedestrian and cycle network that is integrated with the blue/ green networks.

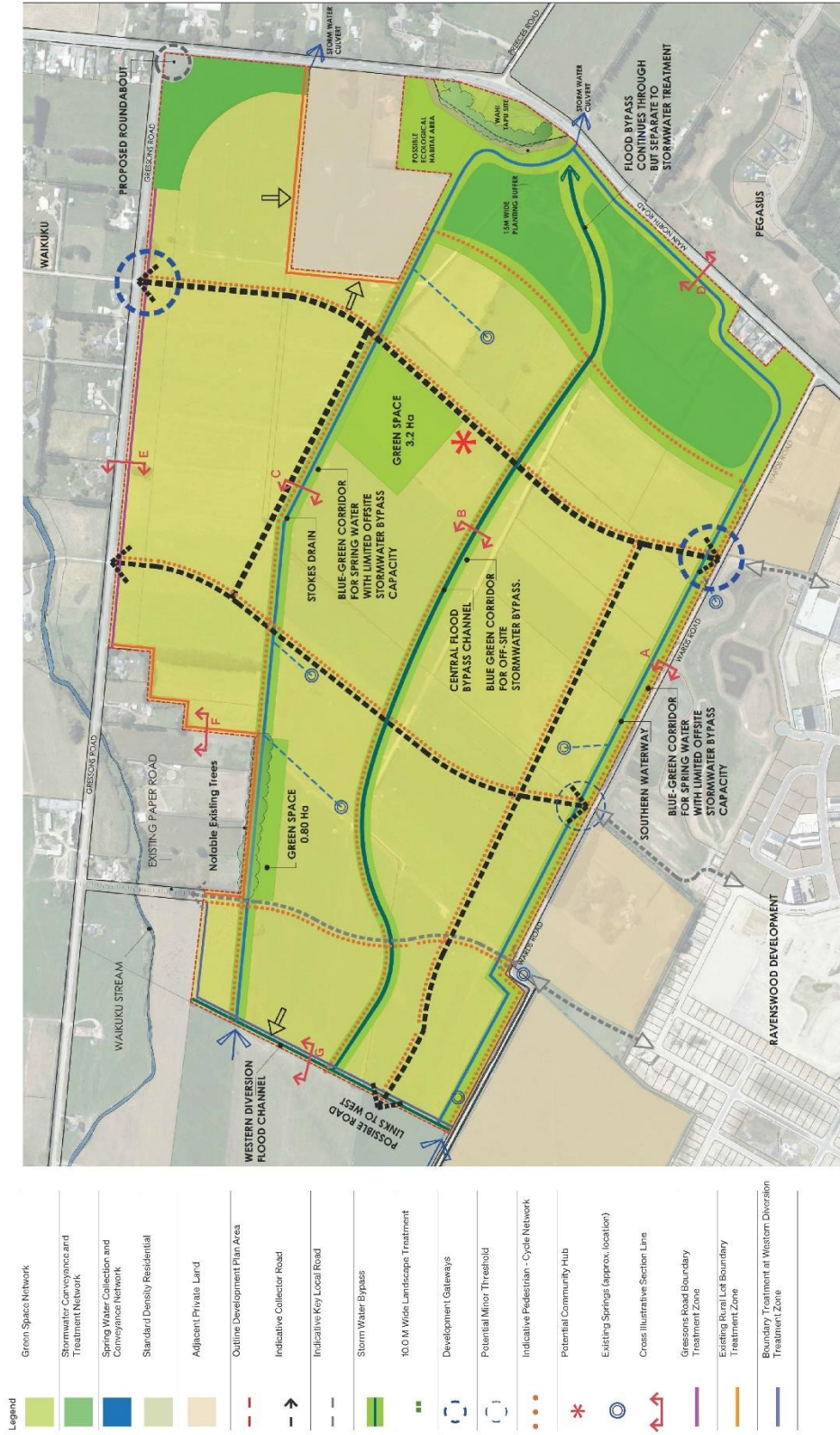
Activity Rules

DEV-GD-R1 Gressons Road Development Area Outline Development Plan	
Activity status: PER Where: 1. Development shall be in accordance with DEV-GD-APP1	Activity status when compliance not achieved: DIS
Advisory Note <ul style="list-style-type: none">• For the avoidance of doubt, where an Activity or built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.	

Appendix

DEV-GD-APP1 – Gressons Road ODP

Outline Development Plan



	Green Space Network
	Stormwater Conveyance and Treatment Network
	Spring Water Collection and Conveyance Network
	Standard Density Residential
	Adjacent Private Land
	Outline Development Plan Area
	Indicative Collector Road
	Indicative Key Local Road
	Storm Water Bypass
	10.0 M Wide Landscapes Treatment
	Development Gateways
	Potential Minor Threshold
	Indicative Pedestrian - Cycle Network
	Potential Community Hub
	Existing Springs (approx. location)
	Cross Illustrative Section Line
	Gressons Road Boundary Treatment Zone
	Existing Rural Lot Boundary
	Boundary Treatment at Western Diversion Treatment Zone

Scale: 1 to 8000 @ A3

Land Use Plan

This Outline Development Plan for the Gressons Road Development Area provides for a range of section sizes and housing types to respond to the wider needs of the community, with a minimum density of 12 households per hectare, reflecting the site's extensive green/ blue network. Intensification of residential density is to be prioritised near to key open spaces and/or within easy walking distance (400m) of the Ravenswood commercial area, with larger lots prioritised on the outer edge of the ODP area where it adjoins Rural Lifestyle zoning or Gressons Road.

Subdivision may include the creation of super lots in order to achieve the required 12hh/ha density. If super lots are proposed within the subdivision, a minimum residential unit yield shall be registered by way of consent notice on the individual super lots, to ensure the minimum density overall is achieved.

The boundary treatment of sites adjacent to the Rural Lifestyle Zone and Gressons Road is to be undertaken in general accordance with cross-sections that form part of the ODP.

The Community Hub identified in the ODP shall have a total Gross Floor Area between 1,000m² – 1,500m². It shall provide for small-scale commercial tenancies, along with community facilities such as a preschool or medical centre that directly support the daily needs of the immediate residential neighbourhood, with no individual retail tenancy anticipated to be larger than 250m². The scale of commercial activity is to remain small so as not to detract from the Ravenswood Commercial area as a focal point for commercial activities. The Community Hub is to be located adjacent to the central park and an internal collector road to facilitate accessibility and to help activate the open space.

At the time of subdivision, consultation with the Ministry of Education will consider whether it is appropriate and necessary for any land to be provided for education purposes within the Development Area.

Movement network

The Outline Development Plan for the Gressons Road Development Area provides access to this growth area through a network of primary and secondary roads that ensure development integration, efficient traffic management and public transport corridors. Only these more significant roads are identified in the movement network shown on the ODP. The layout of additional tertiary roads to service the residential areas will respond to detailed subdivision design of those areas. The specific roading classification of all roads will be ultimately determined at the time of development, to provide flexibility and match the eventual roading classification system made operative through the District Plan.

A key movement network feature for the Gressons Road Development Area are two main north/south primary roads running through the site from Gressons Road to the Ravenswood commercial area. These north/south primary roads provide structure, a high degree of connectivity to the Key Activity Centre, and are designed to facilitate future public transport services. A complementary north-south pedestrian and cycle route is provided along the

western edge of the large stormwater management area that is located along the full length of the Development Area's eastern boundary.

East/west movement through the site is provided via two collector roads. Connections are provided to the rural land to the west, to facilitate movement to the west in the event that this adjacent land is urbanised at some point in the future. Three east-west pedestrian and cycle corridors are provided via integration with the water networks.

Walkability and connectivity are key principles of the ODP, with a hierarchy of street types and connections provided throughout the area. The aim of the movement network is to provide a range of modal options for residents, to reduce car-dependency for short local trips, while recognising private vehicle use is necessary for longer trips. In addition to off-road cycle and pedestrian routes integrated with greenspace, the ODP anticipates that collector roads will include sufficient road reserve width to allow the provision of a shared pedestrian/cycle path, separate from the main vehicle carriageway.

The provision of a roundabout to the Gressons Road/ State Highway 1 intersection is enabled in the ODP to assist in improving the safety and efficiency of this intersection but is not a requirement of subdivision.

The formation of roads and adjacent green/ blue networks is to be undertaken in general accordance with the cross-sections which form part of the ODP.

Open Space and Stormwater Reserves

An integral component of the ODP is the need to deliver ecologically enhanced spring-fed waterways and the separate management, detention, and treatment of stormwater and overland flood flows while integrating these blue networks with open space and reserves where appropriate.

Stokes Drain runs through the northern third of the Development Area in a west-east direction. This waterway is to be retained and enhanced with riparian native planting and provision for adjacent cycle and pedestrian routes. Existing farm drains are to be rationalised into a second waterway to be established parallel with the Development Area's southern boundary with Wards Road. These two spring-fed waterways are to be kept separate from stormwater utility functions.

Overland flood flows entering the Development Area from the west are to be captured via a green link running along the western boundary and then directed into a central flood by-pass channel which passes through the middle of the site. Stormwater is to be separately piped into a large stormwater management area located on the Development Area's eastern boundary.

These three types of water-based networks provide opportunities for ecological restoration and enhancement, along with providing important amenity and passive recreation opportunities.

A wāhi tapu site located in the northeast of the Development Area is to be retained as open space and kept free of urban development. This area is to be buffered by an ecological restoration area that forms part of the wider stormwater management area. The treatment and management of the wāhi tapu site is to be informed by consultation with mana whenua.

In addition to the extensive water network and associated green space, the ODP includes a large central open space reserve located towards the middle of the Development Area west of the key north/south primary road, and adjoining Stokes Drain and a small community hub. The total size of this central park will be approximately 3.2ha. A second smaller open space reserve is located south of a strip of established oak trees in the northwest of the area. This 0.8ha reserve provides for the retention of these mature trees and also aligns with Stokes Drain.

Water and Wastewater network

An application for subdivision of the ODP area shall include supporting infrastructure assessments, with detailed design for the provision of water, sewer and stormwater to any allotments proposed. Wastewater is to be reticulated and connected with the Woodend Wastewater Treatment Plant.

Fixed Outline Development Plan features for the Gressons Road Development Area:

- A minimum density of 12hh/ha is achieved;
- Two collector road connections are to be provided through the site between Gressons Road and the Ravenswood commercial area;
- Pedestrian and cycle connections are to be provided between the Development Area and the Ravenswood commercial area;
- Stokes Drain is to be retained and its riparian margins enhanced;
- A southern waterway is to be established adjacent to Wards Road;
- Formation of a centralised west-east overland flow channel and a channel along the western boundary to divert flood flows into the central channel;
- The wāhi tapu site is to remain free of urban development and is to be provided with a landscaped buffer;
- The community hub shall have a maximum Gross Floor Area of 1,500m².
- Site edges, waterways, and collector roads are to be in general accordance with the dimensions and facilities shown in the cross-sections which form part of the ODP.