

# Waimakariri District Council Proposed Waimakariri District Plan

## Recommendations of the IHP Hearings Panel

### Recommendation Report 35

#### Hearing Stream 12D – Maps – Rezoning – Ōhoka PDP and Variation 1

This report should be read in conjunction with **Report 1** and **Recommendation Reports 2 and 3**.

**Report 1** contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports, a record of all Panel Minutes, a record of the recommendation reports and a summary of overarching recommendations. It does not contain any recommendations per se.

**Recommendation Report 2** contains the PDP Panel's recommendations on the PDP's Part 2: District-wide Matters – Strategic directions - SD Strategic directions objectives and policies.

**Recommendation Report 3** contains the PDP Panel's recommendations on the PDP's Part 2: District-wide Matters – Strategic directions - UFD Urban Form and Development objectives and policies.

**Appendix 1:** Schedule of attendances

**Appendix 2:** Recommended amendments to the Proposed Plan – Tracked from notified version (provisions not consequentially renumbered)

The Independent Hearings Panel for the purposes of **Hearing Stream 12D** comprised Commissioners Gina Sweetman (Chair), Allan Cubitt, Gary Rae and Megen McKay.

# 1. Introduction

## Report outline and approach

1. This is Report 35 of 37 Recommendation Reports prepared by the PDP and IHP Hearings Panels appointed to hear and make recommendations on submissions on the Proposed Waimakariri District Plan (PDP) and Variation 1 to the PDP (Var 1). In accordance with the Panels' Minute 1, this report has been prepared by the IHP appointed to hear submissions on the Maps: Rezoning – Ōhoka under the PDP and Variation 1.
2. The report addresses the submissions on the PDP and Var 1 received by Rolleston Industrial Developments Ltd and Carter Group Property Ltd. These submissions sought to rezone an area adjacent to Ōhoka from Rural Lifestyle Zone to:
  - (a) a number of specified urban zones under the PDP
  - (b) a number of specified urban zones under Var 1, including the Medium Density Residential Zone
3. We have structured our discussion on this topic and other rezoning requests differently to our other Recommendation Reports, as the rezoning requested is the focus of the decision sought by the submitter. In this instance, however, we note that the submitters have also sought amendments to the PDP as consequential amendments through evidence presented at the hearing.
4. This Recommendation Report contains the following appendices:
  - (a) **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
  - (b) **Appendix 2: Summary table of recommendations on each submission point.** For each submission point and further submission point, we provide a recommendation as to whether it should be accepted or rejected.
5. We record that we have taken into account all submissions and further submissions to the PDP and Var 1 on Rezoning: Ōhoka in our deliberations.
6. In accordance with the approach set out in Report 1, this Report focuses only on 'exceptions', where we do not agree fully or in part with the s42A report author's recommendations and / or reasons, and / or have additional discussion and reasons in respect to a particular submission point, evidence at the hearing, or another matter.
7. The requirements in clause 10 of the First Schedule of the Act and s32AA are relevant to our considerations of the Rezoning: Ōhoka submissions received. These are outlined in full in Report 1. In summary, these provisions require among other things:
  - (a) our evaluation to be focussed on changes to the PDP or Variation 1 arising since the notification of the PDP and Variation 1 and its s32 reports;

- (b) the provisions to be examined as to whether they are the most appropriate way to achieve the objectives (in this instance the maps, Development Area provisions and amendments to the PDP chapters); and
  - (c) as part of that examination, that:
    - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
    - ii. the efficiency and effectiveness of the provisions is assessed;
    - iii. the reasons for our recommendations are summarised; and
    - iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.
8. We have not produced a separate evaluation report under s32AA, particularly since our recommendation is to reject the submissions seeking rezoning. Where we have adopted the recommendations of Council's s42A report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Reply Reports. Those reports are part of the public record and are available on the Council website. Where our recommendation differs from the s42A report authors' recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.
9. A fuller discussion of our approach in this respect is set out in Section 5 of Report 1.

## **2. Summary of Rezoning: Ōhoka**

10. As outlined earlier, Rolleston Industrial Developments Ltd<sup>1</sup> and Carter Group Property Ltd<sup>2</sup> sought to rezone an area adjacent to the existing settlement of Ōhoka from Rural Lifestyle Zone to a number of specified urban zones. This was to enable a residential development supported by a local commercial centre and open space. The relief sought in Rolleston Industrial Developments Ltd<sup>3</sup> states that:
- "The nature of this submission is such that relief is sought to enable the equivalent outcomes as sought in the PC31 request, and accordingly, consequential changes may be required to other provisions in the Proposed Variation in order to provide the requested relief."*
11. The submission on the PDP sought:
- (a) The rezoning of the subject land<sup>4</sup> to General Residential Zone with a portion subject to an Education/Retirement Village Overlay, Large Lot Residential Zone and Open Space Zone
  - (b) The rezoning of the existing Ōhoka Settlement Zone to General Residential Zone.

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<sup>1</sup> 160.1 and 160.2 and V1 60.1

<sup>2</sup> 237.1

<sup>3</sup> 160.1

<sup>4</sup> Lot 2 & 3 DP 318615, Lot 2 & Part Lot 1 DP 8301, Lot 2 DP 61732, Lot 1 DP 55849, Lot 2 DP55404, Part RS 2220, Lot 1 DP 318615 and Part Lot 1 DP 2267

12. The submission on Var 1 sought the rezoning to a combination of Medium Density Residential Zone, Large Lot Residential Zone, Local Commercial Zone and Open Space Zone. It did not seek the rezoning of the Ōhoka Settlement Zone.
13. At the end of 2023, the Council declined Proposed Private Plan Change RCP031, (requested by Rolleston Industrial Developments Ltd and Carter Group Property Ltd) to the Operative District Plan, which sought to rezone the same land that is the subject of the Rolleston Industrial Developments Ltd and Carter Group Property Ltd submissions to the PDP and Var 1. Rolleston Industrial Developments Ltd and Carter Group Property Ltd appealed the Council's decision to the Environment Court. The Council's decision was made available to us through the hearings process, and we reviewed it alongside the other evidence provided to us.
14. Hearings on Rezoning: Ōhoka were held over 1 to 3 July and on 4 November 2024. Expert conferencing occurred between the two hearing dates, which culminated in a number of joint witness statements. Copies of all hearing information, including the section 42A reports, s42A report authors' responses to preliminary questions and Reply report, submitter evidence and joint witness statements are available on the Council website.
15. We note that there was an evolution of the relief sought by Rolleston Industrial Developments Ltd and Carter Group Property Ltd for the rezoning through the hearings process:
  - (a) The General Residential Zone sought in the PDP was amended to a Settlement Zone (or a General Residential Zone "if we preferred")
  - (b) The Open Space Zone sought in the PDP was amended to a Natural Open Space Zone
  - (c) The Medium Density Residential Zone sought through Var 1 was amended to a General Residential Zone.
16. We also record that there was discussion and debate through the hearing process on whether Rolleston Industrial Developments Ltd had scope under Var 1 to seek the rezoning of the Ōhoka land as requested. We have not addressed this matter specifically in this recommendation report, given our recommendation below to reject the submissions under both the PDP and Var 1.

### **3. Recommendation**

#### **Overview**

17. Having carefully read through the submissions and all the evidence presented to us, the IHP agrees with the s42A report author's recommendations and recommends to the Council that they reject the following submissions:
  - (a) Rolleston Industrial Developments Ltd and
  - (b) Carter Group Property Ltd.

## Reasons

18. The IHP largely agrees with the reasons for rejecting the submissions as set out in paragraph 139 of the s42A report author's final Reply Report. We record here that, overall, we consider Mr Willis provided a very comprehensive and well-reasoned response to the contentious issues before us. There are some areas where we have provided additional commentary, expanded or taken a different position to Mr Willis's reasons as follows in this section.
19. We agree that it has not been demonstrated that there is a specific demand for housing in this particular location of the District, nor that the NPS-UD requires that a council must provide housing at this level of granularity.
20. We do not necessarily agree that any new growth areas need to be adjacent to one of the three existing residential areas within the District; however, we find that when a new growth area is proposed, it does need to demonstrate that it gives effect to the objectives and policies in both the NPS-UD and the RPS, with the RPS policies still needing to be considered.
21. From the evidence presented, including the final draft provisions put to us for our consideration, we agree that what the submitters are requesting through rezoning is not dissimilar to what is already offered in existing and proposed greenfield areas within the District. We acknowledge the Master Plan shows a well-designed development of the site; however, it is at scale that we agree would be incongruous with the existing Ōhoka settlement and the surrounding area.
22. While the development internally may be well-connected and accessible, we concur that it is not well-connected or accessible in respect to the rest of the District/Region. We agree that future residents would likely be mostly reliant on private vehicles even with the offered bus service. In respect of the bus service, we consider that there was outstanding uncertainty as to whether the provisions offered by the submitters were enforceable and there was also uncertainty about what would happen once the ten-year period had passed. We also agree with the s42A report author and Council experts that the area is not accessible to other urban areas by bicycle, given the distances to those areas and the reliance on rural roads. Further, we also agree that the reliance on private vehicles is not consistent with the NPS-UD in respect of supporting reductions in GHG.
23. In respect of infrastructure provision, we accept the planners' joint witness statement in respect of the application of Policy 8 of the NPS-UD:

*"Certainty is required that infrastructure can be provided (i.e. physically), not that it is in place, planned, funded or identified in an LTP. The counterfactual would otherwise illogically preclude most or all Policy 8 proposals, given that adequate infrastructure would rarely, if ever, be in place, planned or funded for significant development proposals (with presumably significant infrastructure requirements) that are 'unanticipated' or 'out of sequence'."*

24. We asked a number of questions of several witnesses at the hearing regarding the inherent difficulties for a developer obtaining all necessary roading agreements from the authorities in advance of consideration of a rezoning proposal. While we acknowledge these difficulties, we find there remains considerable uncertainty about whether the State Highway upgrade required is feasible, if and when those works, along with the other roading upgrades necessary, may be funded and undertaken. . We also find that there are increased safety risks from the significantly increased use of the rural roads that would arise from this rezoning request without upgrade works occurring.
25. We appreciate that triggers have been proposed in the provisions sought to ensure that the number of residential allotments created does not exceed specific numbers before specified upgrades have occurred. However, we find that the uncertainty discussed above and the staging of works set by the provisions brings into question whether the development, and the outcomes promised by the submitters, can be realised. This is particularly the case for the State Highway upgrades. We consider that in order to recommend that the Council rezone a substantial amount of land for residential purposes, we must first be satisfied that most, if not all, of that land can and will be developed for residential purposes. However, the proposed trigger for significant roading improvement works is set at a relatively low level of development leaving us with uncertainty that our recommendation to rezone all of the land would be soundly based.
26. Taking into account the evidence produced in the s42A report authors' Reply Reports<sup>5</sup> and overarching Reply Report, we find that the Council has clearly demonstrated that sufficient development capacity is provided in the short, medium and long term, and there is no shortfall arising that would provide a strong impetus for this requested rezoning to be considered more favourably. In addition, the Panel is also mindful that we and the PDP Hearings Panel have, as a result of the other rezoning hearings, recommended a substantial amount of additional land be rezoned, which will provide even further capacity.
27. We acknowledge that the NPS-UD does not constrain the consideration of rezoning requests that are out of sequence with planned development or are unanticipated by planning documents; however, in this instance, we agree with the s42A report author that the proposed rezoning would not contribute to well-functioning urban environments and would not give effect to the NPS-UD. Further, we also agree that the rezoning would not give effect to the RPS and the PDP's proposed objectives and policies in respect to urban growth and development.

## **4. Conclusion**

28. For the reasons summarised above, we recommend that the submissions from Rolleston Industrial Developments Ltd and Carter Group Property Ltd be rejected.

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<sup>5</sup> In particular those of Mr Peter Wilson and Mr Andrew Willis

**Appendix 1:****Submitter attendance and tabled evidence for Ohoka - Hearing Stream 12D**

<b>Attendee</b>	<b>Speaker</b>	<b>Submitter No.</b>
Council Reporting Officer	<ul style="list-style-type: none"><li>• Andrew Willis</li><li>• Andrew Murray</li><li>• Rodney Yeoman</li><li>• Chris Bacon</li><li>• Shane Binder</li><li>• Colin Roxburgh</li><li>• Peter Wilson</li></ul>	N/A
Ohoka Residents Association	<ul style="list-style-type: none"><li>• Phillip Maw</li><li>• Russell Pegler</li><li>• David Nixon</li></ul>	FS84 FS137
Rolleston Industrial Developments Limited	<ul style="list-style-type: none"><li>• Jo Appleyard</li><li>• Chris Sexton</li><li>• Nicole Lauenstein</li><li>• Tim Carter</li><li>• Garth Falconer</li><li>• Dave Compton-Moen</li><li>• Tony Milne</li><li>• Nick Fuller</li><li>• Simon Milner</li><li>• Paul Farrelly</li><li>• Carl Davidson</li><li>• Chris Jones</li><li>• Gary Sellars</li><li>• Gregory Akehurst</li><li>• Natalie Hampson</li><li>• Gabrielle Wall</li><li>• Victor Mthamo</li><li>• Jeremy Phillips</li><li>• Tim Walsh</li></ul>	237
Oxford-Ohoka Community Board	<ul style="list-style-type: none"><li>• Richard Knott</li><li>• Nick Keenan</li><li>• Kim Goodfellow</li><li>• Andrew Metherell</li><li>• Nick Boyes</li><li>• Andrew Schulte</li><li>• Sarah Barkle</li></ul>	FS62 V1 FS9
<b>Tabled Evidence</b>		
N/A	<ul style="list-style-type: none"><li>• N/A</li></ul>	N/A



**Submitter attendance and tabled evidence for Ohoka - Hearing Stream 12D (reconvened)**

<b>Attendee</b>	<b>Speaker</b>	<b>Submitter No.</b>
Planning Officer	<ul style="list-style-type: none"><li>• Andrew Willis</li></ul>	N/A
Rolleston Industrial Developments Limited	<ul style="list-style-type: none"><li>• Jo Appleyard</li><li>• Ben Throssell</li><li>• Bas Veendrick</li><li>• Jeremy Phillips</li><li>• Tim Walsh</li></ul>	237
Oxford-Ohoka Community Board	<ul style="list-style-type: none"><li>• Andrew Schulte</li><li>• Andrew Metherell</li><li>• Nick Boyes</li><li>• Nick Keenan</li></ul>	FS62 V1 FS9
<b>Tabled Evidence</b>		
N/A	<ul style="list-style-type: none"><li>• N/A</li></ul>	N/A