

**BEFORE THE WAIMAKARIRI DISTRICT COUNCIL HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Submission 250 to the Proposed Waimakariri District Plan

**BRIEF OF EVIDENCE OF FIONA ASTON  
ON BEHALF OF SURVUS**

5 March 2024

## SUMMARY OF EVIDENCE

1. Survus (the Submitter) lodged a submission (Submission 250) on the proposed Waimakariri District Plan (PWDP) requesting that all Large Lot Residential Zone Overlay (LLRZO) areas be zoned LLRZ.
2. This planning evidence is specific to just one of the LLRZO areas, namely 25 Ashley Gorge Road Oxford (49.7 ha) and most of 650 Bay Road (approximately 1.25 ha of the 1.62 ha property – the front portion is already zoned LLRZ in the PWDP). It has an underlying zoning of General Rural (GRUZ) and is a preferred rural residential growth direction in the Waimakariri Rural Residential Development Strategy (2019) (RRDS) Its location is shown in **Figure 1**

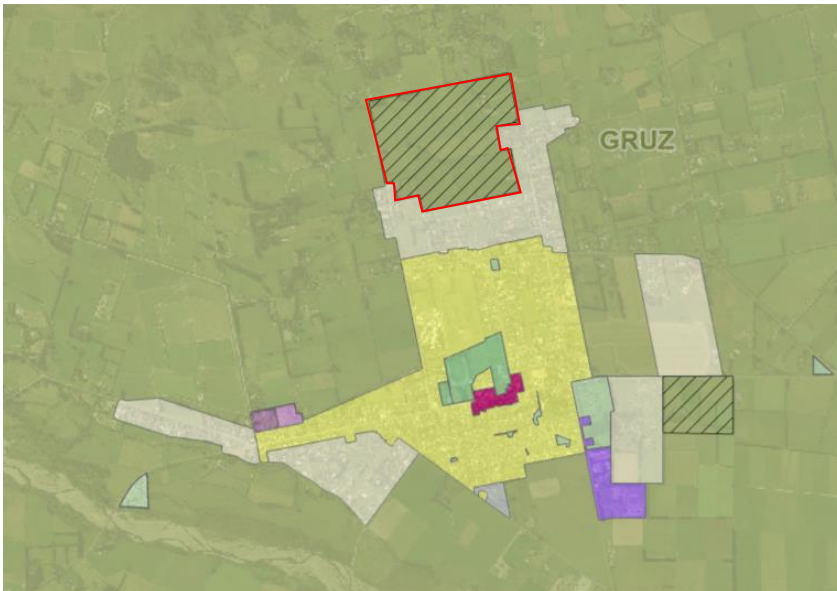


Figure 1: PWDP planning map, Oxford. Black hatched – LLR Overlay, Light grey – LLRZ Site outlined in red.

3. The reasons for the proposed rezoning are as follows:
  - a) The Site has been identified in a Council strategic spatial planning document, the RRDS, as generally suitable for LLRZ subject to appropriate detailed investigation and planning assessment processes.
  - b) The Site has attributes and qualities that make it suitable for large lot residential development:
    - i. The 51.32 ha Site has a regular shape and clear boundaries. It abuts existing areas zoned LLRZ on Queen Street and Ashley Gorge Road/ Victoria Street as well as lifestyle blocks on Bay Road and to the north of the Site. As such it can act

- as a logical area of transition from urban land to the RURZ land to the north and west of the site;
- ii. The Site comprises ten lots ranging from 0.8ha to 16.2ha. Nine of the lots are 8ha or less. The size of the individual lots constrain land use options under GRUZ zoning;
  - iii. the proposal provides significant additional LLRZ capacity both in relation to the Waimakariri District overall, western Waimakariri and the Oxford locality;
- b) The Site has longstanding pre-existing use rights including effluent spreading rights with an identified impact zone that impinges across a significant swathe of north Oxford residential properties and onto lifestyle blocks to the north of the property. This causes a potential clash between existing long standing residential properties and the rural type existing use rights with small alterations to residential houses requiring consent from the subject property landowner, and residential owners potentially being unhappy about activities and impacts that can occur on the land. Re-zoning will remove this potential conflict.
  - c) There are no physical constraints or natural, heritage or cultural values which limit development of the Site for large lot residential purposes.
  - d) The Site can deliver 80 lots ranging from 3010m<sup>2</sup> to 1.2100ha with an average of 5062m<sup>2</sup>. This means the proposal sits square with the subdivision standard of the notified PWDP.
  - e) It will contribute to a well-functioning urban environment within the context of Oxford and is consistent with the Council's strategic intentions contained in its DDS and RDDS Strategy growth documents.
  - f) The PWDP explains that Overlays are a response to distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. In respect of the Site, the detailed technical and planning assessments supporting this submission provide the justification for 'rezoning' the Large Lot Residential Zone Overlay with an underlying General Rural zoning to LLRZ.
  - g) LLRZ rezoning is the most appropriate, efficient and effective means of achieving the purpose of the Resource Management Act 1991:
    - i. The alternative of retaining General Rural zoning is not an efficient use of the Site in terms of its potential role in defining and managing the outward growth of Oxford;
    - ii. LLRZ zoning with an average lot size of 5062m<sup>2</sup> is a more efficient use of the land resource adjoining an urban area;
    - iii. There is a limited potential supply of LLRZ land at Oxford and very limited supply in Waimakariri as a whole (**Attachment 9**);
    - iv. The Council's s32 assessment with respect to LLRZ matters, to the extent it provides no assessment of the LLRZ Overlays, is incomplete and inadequate. The focus of the s32 is on Objectives and Policies and not on the structural planning

building blocks like zones and overlays that provide the delivery framework for those objectives and policies.

#### QUALIFICATIONS AND EXPERIENCE

4. My name is Pauline Fiona Aston (MA Cambridge University, England; M.Phil Town Planning, University College London; MNZPI; MRMLA). I have 40 years resource management and planning experience.
5. I am Principal of Aston Consultants Resource Management and Planning, and have operated my own consultancy practice, based in Christchurch, since 1995.
6. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
7. Aston Consultants works extensively in the Greater Christchurch area, with numerous clients with interests in subdivision, land development and land use planning matters. I am familiar with the Greater Christchurch planning environment, including the Proposed and Operative Waimakariri District Plans.
8. The key documents which I have had particular regard to in preparing my evidence are the following:
  - a) The Canterbury Regional Policy Statement (CRPS);
  - b) The Proposed Waimakariri District Plan (PWDP);
  - c) National policy Statement on Urban Development 2020 (NPS-UD 2020)
  - d) The National Policy Statement on Highly Productive Land 2022 (NPS-HPL)
  - e) Waimakariri District Development Strategy 2018;
  - f) Waimakariri Rural Residential Development Strategy (2019).
9. In preparing my evidence I have reviewed the reports and evidence of:
  - a) Mr Cameron Mars: servicing
  - b) Mr Steven Roberts: geotech
  - c) Ms Fran Hobkirk: contaminated land
  - d) Mr Andy Carr: traffic
  - e) Mr Mark Taylor: ecology
  - f) Mr Brook Yates: land supply and demand
  - g) Mr Stuart Ford: primary production

**SCOPE**

10. My evidence addresses the following:
  - a) Background
  - b) The key features of the re-zone proposal;
  - c) The suitability of the Site for re-zoning;
  - d) Land Supply and demand;
  - e) Planning assessment;
  - f) The statutory planning documents;
  - g) Section 32 evaluation;
  - h) Conclusion.

**BACKGROUND**

11. The present owner of 25 Ashley Gorge Road, Morgan McIntosh Ltd, did not submit on the PWDP as he purchased the Site after the close of submissions to the PWDP on 26 November 2021. The previous owner did not lodge a submission on the PWDP seeking LLR rezoning, notwithstanding the LLRO.
12. Morgan McIntosh Ltd purchased the Site with the intention of developing the land as provided for by the LLR Overlay.
13. Mr Ben O'Grady, director of Morgan McIntosh Ltd has engaged with Survus who has given Mr O'Grady permission to use submission 250 to advance a case for LLRZ zoning for the Site **(Attachment 7)**.
14. The Rural zoned portion of 650 Bay Road has been included in the LLR zoning proposal because it is within the LLRO. The front portion is zoned LLRZ and includes a dwelling and the rear portion including accessory buildings/sheds is zoned General Rural in the PWDP.



Figure 2: location and zoning of 650 Bay Road (outlined with black and white line). Light grey – LLRZ; black hatched area – LLRZO



Figure 3: close up aerial photograph of 650 Bay Road

15. A full suite of technical reports and assessments have been prepared in support of the rezoning proposal.

#### THE KEY FEATURES OF THE REZONING PROPOSAL

16. The Site is approximately 50.25 ha, and under the Proposed Waimakariri District Plan (PSDP) is zoned General Rural with an LLRZ Overlay (**Figure 2**).

17. The Site is subject to a number of planning overlays relating to site development restrictions. I have identified these in this evidence when assessing the proposal against the PWDP.
18. All existing lots within the Site are small scale rural lots (0.8ha -16ha) as set out in **Table 1** below, and in addition the General Rural zoned portion of 650 Bay Road (appx. 1.25 ha):

Legal Description	Owner	Adress	Area (ha)
RS 1391	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	16.2024 (calculated)
RS 1560	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	7.9789 (calculated)
Part RS 1561	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	1.4163 (surveyed)
Part RS 1561	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	0.8093 (surveyed)
Part RS 1561	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	0.8093 (surveyed)
Part RS 1626	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	4.0468 (surveyed)
Part RS 1626	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	2.4584 (surveyed)
RS 1956	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	8.0937 (surveyed)
RS 2405	Morgan McIntosh Limited	25 Ashley Gorge Road, Oxford	7.8888 (surveyed)

Table 1: Lot sizes for 25 Ashley Gorge Road

19. The Site is located on Ashley Gorge Road and is bounded by Bay Road and Queen Street. **(Figure 4).**





Figure 4: The Site (appx, outlined in red) in context

- 20. The proposal concepts to provide a LLRZ zone with a minimum lot size of 3010m<sup>2</sup> and an average lot size of 5062m<sup>2</sup>. The proposal yields up to 80 lots (Figure 5).



Figure 5: Possible subdivision layout (excluding 650 Bay Road)



21. The proposal will be managed by an overall Outline Development Plan (ODP) (**Attachment 1**).
22. Local purpose reserves will follow the course of the NW-SE stream that traverses the Site approximately mid-site and for the small watercourse that traverses the NE corner of the Site. Provision is made for three stormwater detention basins as local purpose reserves to manage peak stormwater flows. These are shown in purple on **Figure 5**.
23. The development would be connected to the reticulated water, wastewater and power and telecommunications. Stormwater would discharge to ground and existing stormwater channel and streams.
24. Details of the servicing proposals are set out in the evidence of Cameron Mars.
25. Regional consents would be required as appropriate.

#### **SUITABILITY OF THE SITE FOR RE-ZONING TO LLRZ**

26. The suitability of the Site for re-zoning has three main elements in my view:
  - a) The strategic spatial planning around land use development that will address changing social, economic and demographic patterns;
  - b) The statutory planning framework reflected in the relevant regional planning documents as well as specifically the PWDP Objectives and policies;
  - c) The resource management matters that must be addressed to manage any potential risks or significant adverse environmental effects
27. I address the spatial planning thinking and proposals in my **Attachment 5** to this evidence and in overall planning assessment ('Planning Assessment'). I have concluded that this re-zoning submission follows directly from the RRDS proposals that anticipated the LLRZ Overlay in this area and a subsequent re-zone request. As such the proposal sits square with the spatial planning processes and proposals.
28. I address the relevant statutory documents in **Attachments 2, 3, and 4** and set out my conclusions from those assessments in my Planning Assessment.
29. Having reviewed the detailed expert reports on some of the relevant resource management matters, and having applied a planning lens to the remaining matters that in my experience come in to play for this proposal, I consider the key resource management matters arising from the rezoning and future development of the Site can be managed appropriately, and are far outweighed by the positive effects arising from any future LLRZ development.
30. The key resource management matters for this re-zoning in my opinion are:
  - a) Visual amenity
  - b) Reverse sensitivity
  - c) Versatile soils
  - d) Geotechnical
  - e) Contaminated land

- f) Flooding
- g) Traffic
- h) Servicing
- i) Ecological values

**Visual amenity**

31. The primary effect, in my opinion, of rezoning the Site and future development for housing is that the existing landscape will change from an open rural landscape of few structures and limited plantings to a residential landscape dominated by structures and amenity plantings. The present landscape on Site is currently dominated by grazing pasture, the watercourses and associated vegetation. Future low density residential development will introduce a very low density of dwellings and associated landscaping and accessory buildings. Given the low density nature of the proposal (minimum lots of around 3000m<sup>2</sup> and an average lot size of around and not less than 5000m<sup>2</sup>) I consider that an open and spacious character will be able to be maintained but that it will exhibit a much higher level of visual amenity and variety common to large lot residential developments.
32. Large lot residential lifestyle blocks are typically planted out and are well landscaped, particularly around the dwelling. In my view, this change in zone and associated change in landscape will provide a different but pleasant amenity and will be consistent with that expected as a transition area between a township and more rural environment.

**Reverse sensitivity**

33. In my view there is a very low risk of reverse sensitivity occurring. I base that opinion on the combination of the low-density nature of any future residential development, the two roads bordering the Site creating a clear boundary and separation to the Site by providing increased setback between the Site and existing rural activities. Additionally it is relevant that on the southern and eastern edge of the Site is low density residential development now.
34. Oxford is a rural township with extensive urban edges that transition to the rural area now.
35. In my experience, low density residential development does not give rise to reverse sensitivity effects as people seek out a rural/residential lifestyle in locations that are typically dominated by a rural setting.
36. The proposed LLRZ will conversely resolve an existing reverse sensitivity issue associated with the longstanding pre-existing use rights including effluent spreading rights held by the owners of 25 Ashley Gorge Road, with an identified impact zone that impinges across a significant swathe of north Oxford residential properties and onto

lifestyle blocks to the north of the property. This causes a potential clash between existing long standing residential properties and the rural type existing use rights with small alterations to residential houses requiring consent from the subject property landowner, and residential owners potentially being unhappy about activities and impacts that can occur on the from the land.

### Highly Productive Land

37. The site is identified as having Class 2 and 3 Soils under the Land Resource Inventory Land Use Capability (Figure 5).



Figure 5: LUC 2-3 land (Canterbury Maps) Light green – LUC3; bright green – LUC2

38. The Site is presently farmed but in a very “light-handed” manner that does not draw on the quality of the soils. It is used in a low intensity manner and does not support or generate high levels of production from crops or animals. Morgan McIntosh Ltd took ownership of the property in October 2022. Prior to this it was a small dairy farm, running 148 cows which were wintered off site due to wet winter conditions on site. The operations included effluent spreading.
39. The Site is identified in a Council strategic spatial planning document (RDDS) and is subject to a urban type zone overlay (LLRZO) in the PWDP. As such that makes the Site exempt from the NPS-HPL which I address more fully later in my evidence.
40. Mr Ford has provided evidence addressing the poor economics of farming a Site that is relatively small in area, and limited by its geo-physical properties compared to development for residential purposes.

### Geotechnical

41. An investigation by Tetrad in support of the original submission is addressed by Mr Roberts in his evidence. That investigation concluded that the Site is, in general, suitable for its intended use, with satisfactory conditions for future residential building development. The Report includes some recommendations for earthworks and the design and inspection of foundations.
42. The Geotechnical Investigation noted the Site is located within proximity to several active faults. The faults have reasonably long Recurrence Intervals (RI) between approximately 3000 to 12000 years. However, these active faults are not identified in the PWDP as major faults. The investigation notes there may be other unrecognized active faults in the region and in particular the Starvation Hill fault.
43. Relying on Mr Robert's advice, I do not see any elevated risks for geotechnical matters for the proposal.

### Contaminated land

44. The results of an Investigation by Momentum Environmental is addressed by Ms Fran Hobkirk in her evidence. That investigation concluded that the NESCS applies to the majority of Site due to the potential/actual HAIL activities identified in the report. The investigation did not include 640 Bay Road which is a very small rural residential sized site with an existing dwelling and associated accessory buildings.
45. It is recommended that these potential/actual HAIL areas be further investigated and remediated, as necessary, as part of enabling (pre-construction) works prior to any bulk earthworks or other soil disturbance activities. No further investigation has been recommended at the district plan hearing stage.
46. I support that approach to the management of potential issues of land contamination.

### Flooding

47. The PWDP identifies the Site with Overlays for:
  - a) Non-Urban Flood Assessment Area
  - b) Urban Flood Assessment Area
48. The Survus Servicing Report notes the Site is within the Waimakariri District Council Flood Hazard Maps as being subject to inundation during the 0.5% AEP and the flood hazard category is low (shallow depth and low velocity).
49. In my experience such flood risks can be suitably managed at subdivision consent stage and with suitable earthworks, ground contouring and the setting of minimum floor heights.

### Traffic

50. Carriageway Consulting prepared a Transport Assessment (TA) for the proposed re-zoning based on an additional approximately 79 residences. This is addressed by Mr Carr in his evidence. His overall conclusion is that the proposal can be supported from a transport

perspective and the development can be accommodated on the adjacent roading network without capacity or efficiency issues arising. The current traffic flows are very low and the development will result in comparatively little traffic. Intersections will operate with low queues and delays and will operate a good level of service.

51. The TA notes the development will likely comply with most of the transport requirements in the PWDP, based on the ODP. Only two minor non-compliances are noted and these can be supported from a traffic perspective and addressed at subdivision stage.
52. Due to the low density large lot residential setting, no footpaths are proposed on the ODP. This is acceptable from a traffic perspective as the current level of infrastructure for walking and cycling is considered appropriate i.e. wide grass berms and low traffic flows. While there are no footpaths, cycling and pedestrian links are shown on the ODP, which are considered to provide positive links to the surrounding roads.

#### **Servicing**

53. Mr Mars of Survus has prepared a Preliminary Services Design Report (Servicing Report) for the proposed rezoning. Overall, the Servicing Report concludes the Site is capable of development from a servicing perspective.
54. There are three options for wastewater servicing that can be investigated, finalised and designed at subdivision stage; gravity sewer, low pressure sewer; and gravity sewer and pump station. These have been discussed with Council staff.
55. Due to the nature of subsoils across the Site and the seasonally high groundwater, stormwater generated by future development will be required to discharge to one of the three water courses on site, which are all part of the Council's drainage network.
56. Three stormwater management areas (SMAs) are proposed in the ODP. The SMAs will provide treatment and attenuation, prior to discharging to the watercourses.
57. Overall, stormwater of any future development can be managed appropriately.
58. The Servicing Report assumes an on demand potable water supply is possible, however this will need to be confirmed by Council or if a restricted supply is required.
59. Access to telecommunications and power is available.
60. In my opinion there are no servicing issues arising from the proposal.

#### **Ecological values**

61. Aquatic Ecology has prepared an Ecology Report for the proposed rezoning. It assesses aquatic ecology values, habitat quality and terrestrial ecology of the Site.
62. Of the two waterways (Unnamed Stream flowing past the old homestead and Frahams Creek), it was Frahams Creek which provided better physical habitat quality. The relative difference in habitat quality was reflected in higher ecological stream health scores in Frahams Creek, but they only reached a 'fair' standard based on national standards. The fish fauna was composed of two native species, the shortfin eel, and upland bully, both unthreatened species. Riparian plantings will benefit instream habitats values in a number of ways, not limited to bank stability,

and shading, but with widths equal or greater than 10 m, increasing biodiversity around and within waterways. Due to the proposed large proportion of pervious soils and the use of detention basins to attenuate storm volume, detrimental effects of storm flows is not considered to be detrimental to aquatic ecology.

63. A total of 21 bird species were identified across the proposed development area, of which nine were native. Bird abundance was heavily dominated by exotic birds. With the development of the proposed stormwater retention basins, and riparian planting around waterbodies and waterways, it is probable that the diversity and abundance of native birds will increase.
64. The proposed development area contained a population of native lizards (skinks). Some of the lizards will be required to be translocated a short distance to intended stormwater management areas. At those locations, it is recommended that some lizard habitats be constructed under the supervision of a herpetologist.
65. The primary conclusion of the report is that provided the waterways are retained and development setbacks are respected, the development is likely have less than minor detrimental impact on aquatic ecology values in the development area. The Report has several recommendations:
- a) Naturalisation of waterways in the development area,
  - b) Minimum buffer strip widths of 10 m on each side of both waterways, measured from the wetted margin during baseflow conditions.
  - c) The planted riparian zones along each waterway should be as continuous as possible to maximise bird and invertebrate dispersal.
  - d) Lizard habitat enhancement areas should be created. The Herpetologist has advised that for the development to proceed a site-specific lizard management plan and associated Wildlife Act Authority permit will be required.
66. In my opinion it is appropriate to reflect the ecological outcomes being sought in the ODP and its commentary. These are shown in the proposed ODP and narrative at **Attachment 1**.

## LAND SUPPLY AND DEMAND

67. I consider that rezoning the Site gives effect to, and is consistent with, the spatial planning outcomes contained in the RRDS. That spatial planning proposal has been backed up by the LLRZ Overlay in the PWDP. Both set out a positive direction for the different and urban future use of the Site.
68. Both documents confirm LLRZ as an appropriate development albeit it is evident from the Rural s32 Report that the onus is on an applicant/ submitter to make the detailed planning and technical case for re-zoning.
69. That said, I'm not convinced that a re-zoning can only be, or indeed must be, justified in a situation of pent up or unmet demand. If that were so, it would suggest to me that the planning for future housing needs in Oxford has failed. I say that relying on the NPS-UD approach of requiring District Plans and spatial plans to ensure at least sufficient capacity of zoned and developable land for more than the 10 year life of a District Plan. I see the Government's approach to housing as expressed in the NPS-

UD as much less about a rigid calculate and allocate approach than it is about agility and responsiveness in future proofing supply. The NPS-UD clearly in my view takes away unnecessary and inflexible and slow moving planning barriers on the supply side.

70. I accept that the NPS-HPL requires that *“the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment”* (Cl.3.6.5). In my assessment, the Site is exempt under Cl. 3.5.7 is not HPL. In any case, it meets the criteria in Cl 3.6 for rezoning HPL for urban purposes. (see section on NPS-HPL below).
71. The report by Mr Brook Yates of Bayleys Canterbury (**Attachment 9**) confirms that:
- a) there is a lack of these type of lots that have recently been available within the District; and
  - b) there is demand for 5000m<sup>2</sup> lots from persons who would otherwise have to consider 4 ha lots to get the facilities, space and non-urban location they're looking for.
72. I consider that his report supports the re-zoning proposal as it is evidence of an unsatisfied demand.
73. In terms of supply, the PWDP makes very limited provision for LLR development. The only areas additional to the existing developed LLR zoned areas, are the LLRO areas. These are rural residential growth areas identified in the RRDS 2019, and make provision for a total of approximately 385 rural residential lots adjoining four smaller settlements (Oxford, Swannanoa, Waikuku and Loburn)<sup>1</sup> for the next ten years ( ie. until 2029).
74. At Oxford, there is some existing LLR zoned but undeveloped land, namely 3 and 2 Campbell Lane (2 x 4 ha blocks) and 3064 Oxford Road (5.79 ha) and 3050 Oxford Road (9.62 ha). These blocks have been zoned for some time but remain undeveloped. Of course, rezoning per se does not guarantee land will be developed for its rezoned purpose. In the case of the Morgan McIntosh Ltd land, the cost of the rezoning process is significant, and this in itself is a clear signal of the owner's intent to make the land available for large lot residential development as soon as the rezoning is confirmed.
75. There is one other LLRO area at Oxford, on the southeast side of the township, on the south side of Oxford Road. Jamie Tapp (submitter 37) has requested that this overlay include all of 3025 Oxford Road (only appx. half of the property is included in the LLRO). As far as I am aware, this is the only submission relating to this LLRO.

<sup>1</sup> RRDS page 3 - [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0035/69686/Rural-Residential-Development-Strategy.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0035/69686/Rural-Residential-Development-Strategy.pdf)



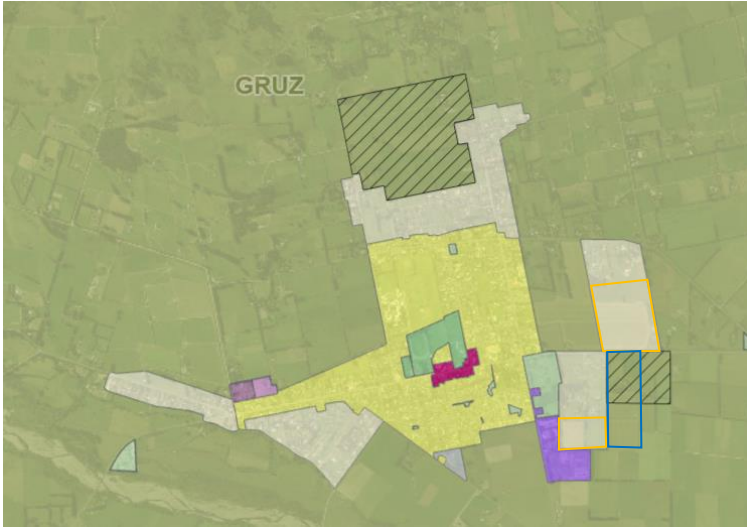


Figure 6: Planning Map Oxford. Black hatched – LLRO; light grey – LLRZ; outlined in gold – undeveloped LLR zoned land; outlined in blue – land subject of Tapper submission (3025 Oxford Road)

#### PLANNING ASSESSMENT

76. Proposals outside Greater Christchurch are assessed against Chapter 5 of the CRPS.
77. I assessed the relevant CRPS Objectives and policies in **Attachment 2** attached to this evidence. From that assessment I have concluded that the re-zoning proposal satisfies the CRPS direction for location, design and function of development (Objective 5.2.1), integration of land use and regionally significant infrastructure (Objective 5.2.2), transport network (Objective 5.2.3) and their associated policies.
78. The extent to which the rezoning achieves the relevant PWDP objectives and policies is set out in my assessment at **Attachment 4** attached to this evidence.
79. The proposal sits square with the PWDP approach to growth and development at Oxford as it is subject to an Overlay that foreshadows or provides for a future LLRZ land use. The PWDP identifies the LLRZ zone as *(a)reas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Medium Density Zone and General Residential Zone and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.*(How the Plan Works: General Approach).
80. The PWDP frames an Overlay as an area that *spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions* (How the Plan Works/ Relationship Between Spatial Layers).
81. The *distinctive values, risks or other factors* that apply to this part of Oxford in terms of LLRO are that it has already been identified as a suitable 'candidate' for LLR

development subject to a site specific assessment of a range of technical matters under the RMA (servicing, geotech, site contamination etc). The proposed rezoning is supported by a good range of technical evidence that are appropriate in my experience to such a proposal; they demonstrate that the Site is well-suited to its proposed re-zoned purpose of LLRZ.

82. The Council's s32 Evaluation Report addresses the Overlay in this way:

*Large Lot Residential Zone Overlays are identified on the Map and the discussion on the consultation and reasons for the inclusion of these Overlays are included in the Rural Chapter Section 32 Report.*

83. The Rural s32 Report at Section 5.3 Proposed Objectives and Policies page 33

*...the provisions applying to Large Lot Residential Overlay areas, that implement Policy UFD-P3, are considered. These areas, while shown as an overlay for a potential change in zoning to Residential Large Lot, are currently General Rural or Rural Lifestyle Zones. Policy UFD-P3 describes the circumstances where future Large Lot Residential Development can occur, and identifies the criteria (including and particularly locational criteria) under which a change in zoning can be considered.*

84. In my view Policy UFD P3 does not explain why the Overlay has been specifically chosen for this area in terms of its PWDP context, rather it simply ties its reasoning back to the outcomes and direction of the RRDS:

***UFD-P3 - Identification/location and extension of Large Lot Residential Zone areas***

*In relation to the identification/location of Large Lot Residential Zone areas:*

*1. new Large Lot Residential development is located in the Future Large Lot Residential Zone Overlay which adjoins an existing Large Lot Residential Zone as identified in the RRDS and is informed through the development of an ODP;*

85. In addressing the scale and significance of the policies the s32 Evaluation at s6.1 states:

*The approach to Large Lot Residential Overlay areas is new. The identification of areas and the provision of a specific policy provides clarity and sets out the expectations for any rezoning proposal on land identified as an Overlay area.*

86. It is clear in my reading of the s32 Evaluation that the future use of the Site as LLRZ has passed a type of gateway test as to its suitability as part of the RRDS process (which I summarise below) That is why I say in my PWDP assessment in **Attachment 4** that the re-zoning is a neat fit within the PWDP policy framework. It is because of that that I believe the appropriate focus for this hearing is on the effects of the re-

**Commented [A1]:** Is it worth mentioning the process undertaken by Council to identify growth directions for LLRZ in the RRDS - pages 12-13. Seems fairly robust.

zoning, not so much its fit with the policy framework. However, it is clearly consistent with UFD3.

87. The preferred rural residential growth directions in the RRDS were chosen following a site selection which took account of a wide range of key environmental, social and infrastructure constraints and opportunities at a District level.
- Factors considered include the location of any historic and archaeological sites; biodiversity sites and biodiversity values; versatile soils; soil drainage; intensive farms; slope of land; irrigation areas; natural hazards including fault lines, liquefaction susceptibility areas, tsunami evacuation areas, flooding risks, overland flow paths, and groundwater levels; and major electricity pylons and other infrastructure assets such as wastewater ponds.
- The location of any cultural sites, silent file areas, wāhi tapu and wāhi taonga sites were considered with particular reference to the significance of Ngāi Tahu objectives, issues and policies for natural resources and environments management in the region, as set out in the Mahaanui Iwi Management Plan (IMP)...
88. Two internal Inquiry by Design workshops were then held to identify potential rural residential sites. Sites were excluded if they were
1. Within high flood hazard areas
  2. Within undeveloped areas inside of the existing Projected Infrastructure Boundary (PIB) of the District's main eastern towns
  3. On the direct edges of main towns outside of the Infrastructure Boundary thereby foreclosing more intensive long-term urban development
  4. Not connected to existing rural residential nodes or small settlements
  5. Not able to economically connect to the network scheme for wastewater
  6. Within the Christchurch International Airport noise contour
  7. Within areas that would compromise the operational capacity of the Rangiora Airfield<sup>2</sup>
89. The final sites selected also excluded land subject to 'special circumstances' at Fernside (within Ashley River Breakout area), Mandeville (already subject to an Urban Growth Boundary and with groundwater and overland flow issues) and Tuahiwi (Maori Reserve land with historical agreements that influence ongoing use and development).
90. Rural residential growth directions were identified for five smaller settlements in the Draft RRDS, of which four were confirmed (including Oxford) following a submissions and hearings process.
91. In summary I consider that:
- a) The NPS-UD does not need to be assessed as Oxford township comprises a housing and labour market of less than 10,000 people and so does not constitute an '*urban environment*', nor is the area "*predominantly urban in character*". However, the planning principles reflected in the NPS-UD are of universal application. In my opinion they can be applied as 'sound planning' that contribute

<sup>2</sup> RRDS pp 9-10 [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0035/69686/Rural-Residential-Development-Strategy.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0035/69686/Rural-Residential-Development-Strategy.pdf)

to well-functioning urban environments, provide at least sufficient development capacity to meet housing needs (in terms of price, type and location), and support competitive land and development markets.

- b) The Rural Chapter s32 at 3.2.2 argues that the provision of LLRO helps meet NPS-UD requirements:  
*To the extent necessary, the Rural Chapter gives effect to the NPSUD, in particular in relation to the provisions that address future areas for rural residential development through providing Large Lot Residential Development Overlays (page 21).*
- c) In my opinion the re-zoning submission sits square with all these considerations as set out in the proposal.
- d) Rezoning the Site is, in my view, effective at achieving the CRPS objectives that seek to provide for consolidated, well-designed and sustainable growth around existing urban areas, additional housing choice and effective transport networks and servicing. I do not consider the proposal will give rise to reverse sensitivity effects.
- e) I consider the proposal is consistent with the objectives and policies of the Land and Water Regional Plan (**LWRP**) relating to land uses responding to socio-economic and community demand, ground water resources, no direct discharges, and appropriate servicing. I assessed that Plan at **Attachment 3** of this evidence.
- f) The proposed rezoning will, in my assessment, be consistent with the objectives and policies of the PWDP where they relate to Natural Hazards, Strategic Directions: Urban Form and Development, Residential Development and Subdivision (**Attachment 4** attached to this evidence). The Council has prepared the RRDS 2019 as a strategic development spatial plan indicating where future development should be located in the Oxford area. This rezoning request is simply seeking exactly what the Council have already indicated is appropriate (very low density residential development).
- g) The site-specific context of developing rural land for LLRZ on highly productive soils is not inconsistent with the direction of the NPS-HPL. I discuss this in my evidence on Statutory Considerations.
92. I see the Council's approach to providing for growth and development as being systematic and considered commencing with non-statutory spatial planning exercises. I have assessed these spatial planning documents at **Attachment 5**.
93. The DDS 2018 is a district-wide look in to the future. The approach to growth and urban form at Oxford that is required to provide for a 40% increase in the number of households by 2048 is said to be:

developing existing vacant land and/ or intensifying or changing the density in existing zoned areas, particularly rural residential use at the fringes of the town to the east. Some greenfield growth in Oxford is proposed to the south (page 19).

94. To achieve this the DDS requires provision for an additional 30-40ha of feasible residential greenfield land and some intensification including intensification in existing LLRZ areas. This strategy suggests the loss of some LLRZ land in the next 30 years.
95. That is supported by a focussed assessment in the RRDS 2019 of a popular form of land use and housing demand in the Waimakariri District for large lot residential development.
96. The RRDS in Figure 6 clearly identifies north Oxford as one of the preferred directions for rural residential growth (**Figure 6**).



Figure 6: Rural Residential Development Strategy 2019: Figure 6

97. At Part 3-RRDS-Making it Happen, the Strategy states:  
*Most likely the Proposed Waimakariri District Plan will apply a 'Rural Residential Growth Area Overlay' (or similar) which indicates that the area is identified for rural residential development and subsequent rezoning. This will be accompanied by District Plan provisions to enable this approach. Upon notification of the Proposed Waimakariri District Plan, landowners interested in developing their land have the opportunity to submit on the Proposed Waimakariri District Plan, requesting that the land be rezoned rural residential.*  
*The Rural Residential Development Strategy site selection process involved determination of constraints at a relatively high level. Therefore, landowners interested in having their land rezoned will need to provide more detailed assessments to support their submission (or as part of a separate private plan change application) that demonstrate their land is suitable for rezoning for rural residential use.*

98. The submission is following this approach and is the detailed assessment of the Site anticipated by the RRDS.
99. In the PWDP that is the statutory planning document looking out 10 years and beyond, and which is the formal basis of providing at least sufficient development capacity, the Council chose to only provide signals as to how and where to provide for urban growth; it did not step out with specific zoning proposals to be tested in the submission process notwithstanding its significant investment in area-based or topic-based spatial plans that are now a statutory requirement for addressing housing needs. So having done the work, having got community buy-in, having settled on an integrated and co-ordinated set of development proposals, it seems to me the Council stepped away from completing the strategic planning exercise it commenced.
100. This proposal needs to be seen as consistent with the Council's strategic directions; I see it is the final step of an urban growth jigsaw for Oxford that is already in place. What I take from that is there can be no dispute over the location of the Overlays (subject to submission and decisions on such through the Hearings process). This LLRZ Overlay is not uncertain in terms of location and purpose.
101. The Overlay is a means of delivering the desired urban growth outcomes of the PWDP for Oxford over its life. The Council has not taken the final step of rezoning the Overlay land. I presume that is because the cost of the technical work required to support the rezoning should be a private cost, borne by the owner of the land, rather than the Council.
102. The logical conclusion is that, as a site with a notified Overlay, in terms of location, its role in relation to the adjoining urban area and the sustainable management of resources the Site not only qualifies for future urban growth but is effectively beyond challenge in a policy sense. What is left is the detail around specific site suitability for its residential purpose and any mitigation of potential adverse effects. That has been the focus of my evidence and the supporting technical reports.
103. My conclusion is that the proposal based on its ODP, contains a package of sound planning measures that provide for sound urban resource management outcomes for the site consistent with its status as an LLRZ Overlay.

## STATUTORY CONSIDERATIONS

### National Policy Statement on Highly Productive Land 2022

104. The Site contains LUC Class 2 and 3 land (**Figure 7**). The presence of such land requires consideration of the NPS-HPL.
105. The issue of the NPS-HPL and its relationship with various zones and submissions requesting re-zoning has been addressed in staff memos to the Hearings Panel (NPS-HPL officer memorandums dated 22/7/23 and revised version dated 26/7/23).

106. The issue has been addressed in my evidence for Survus (Submission 250) and McAllister (submission 8) before the Hearings Panel earlier in the hearing schedule (**Attachment 10**). For efficiency reasons I adopt that evidence as it specifically references, inter alia, the Ashley Gorge re-zoning proposal but subject to some additional points that I think can be made for the specific site and planning context of 25 Ashley Gorge Road.

107. At the heart of my NPS-HPL evidence was my position at para 10 with respect to LLRZ land that:

*I disagree with the [staff] Memos that PDP General Rural Zone Large Lot Residential Overlay Zones (LLROZs) are subject to the NPS-HPL. In my opinion they are exempt under cl. 3.5.7bi) because these areas are identified in a strategic planning document as an area suitable for commencing urban development over the next 10 years at a level of detail that makes the boundaries of the area identifiable in practice. The PDP is a strategic planning document which provides direction for the form and location of urban development including LLR development over the life of the PDP – the next 10-15 years, including identifying areas suitable for LLR development by way of the LLRO zone.*

108. I set out in some detail my reasoning for that position in my discussion of the NPS-HPL above.

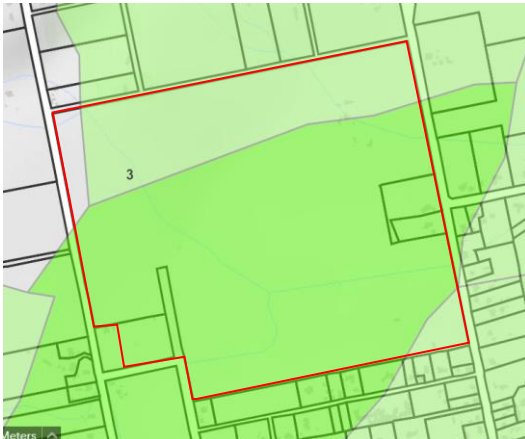


Figure 7: Soil quality (source – Canterbury Maps). Light green/grey – Class 3, lime green – Class 2). Site outlined in red.

109. I note that I did not identify that the NPS defines a “strategic planning document” as “*any non-statutory growth plan or strategy adopted by local authority resolution*”. I did discuss the RRDS 2019 which is, clearly in my view, such a strategic planning document (and so is the DDS 2018).

110. There can be no dispute that the RRDS does identify locations for LLRZ in Oxford by way of indicative arrows. What I would say now on reflection is that those locations are clearly defined by the Infogram (**Figure 8**). The boundaries are clear on at least three sides for the northern Oxford LLRZ option. I would now contend that the LLRZ growth option for north Oxford is



identified at a level of detail that makes the boundaries of the area identifiable in practice. The Infogram is clearly contained on the south, west and east sides by existing urban land, by Bay Road and by Ashley Gorge Road. The only boundary not clearly established is the northern extent but Somerset Drive provides a suitable outer limit in any event. However as I say in my evidence on the NPS-HPL above that the RRDS was looking for locations for 385 households for the whole district; as such the scale of growth is not without a limit.

111. The LLRZO included in the PWDP is directly consistent with the location shown in the RRDS. That, in my opinion, explicitly confirms that the boundaries of the growth area were capable of being “*identifiable in practice*”.
112. I consider it unhelpful to adopt a paint by numbers approach to identifying future development areas. This is a plan review; it’s a once in 10 year opportunity to provide at least sufficient development capacity for LLRZ in this case. The strategic planning put in place by the Council is given effect to by private submission (as in this Survus submission) and in the decisions of the Council in its PWDP and the use of a LLRZ Overlay. All these steps and processes are related and inter-linked in providing for growth. That is how I prefer to assess if the area for growth is identifiable.
113. I prefer to take in to account all the relevant material and ask if, when taken together, the strategic direction and intention is clear. I believe that it is clear. It is, in my view, derived from the household capacity analysis undertaken in the DDS which gives a sense of scale by numbers, the specific needs for LLRZ zoning identified in the RRDS given some LLRZ land is earmarked for more intensive development, a clear sense of the geography of Oxford (where else to the north could LLRZ feasibly extend), and then draw on the specific boundaries drawn by the LLRZ Overlay in the PWDP.
114. The boundaries are identifiable if Figure 6 RRDS is examined at a smaller scale using the cadastre and topography of north Oxford and applying a planning lens as to conventional growth area boundaries (roads, existing developments and natural features).

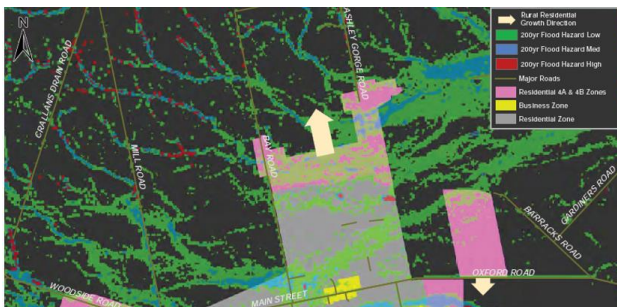


Figure 8: LLRZ Growth Options RRDS Figure 6

115. Overall, I consider it unhelpful to adopt a pedantic approach to the identification of future large lot residential areas. From this assessment I think it is very clear that the Site has been identified for future urban development in both the strategic planning documents as defined by

the NPS-HPL, and in the PWDP, and its boundaries are sufficiently clearly defined at an appropriate level of detail to avoid any doubt as to the strategic long term use of this site.

116. As such I conclude that the Site is exempt from the NPS-HPL under clause 3.5.7(b)(i) of the NPS-HPL.
117. For completeness, I also am of the view that the Site is exempt from Clause 3.5.7(b)(ii) of the NPS-HPL in that the PWDP is a “notified plan change” for the purposes of this sub-clause. I adopt that position on the basis that the LLRZO effectively is a re-zoning of the Site from rural to urban land use. It is a Large Lot Residential Zone Overlay (my underlining) i.e. it is categorised as a form of Large Lot Residential zone.

Commented [A2]: I got a bit lost here?

#### PROPOSED WAIMAKARIRI DISTRICT PLAN

118. The site is zoned RURZ with a LLRZO Overlay.
119. It is subject to several other planning overlays:
- a) Non-Urban Flood Assessment Area
  - b) Urban Flood Assessment Area
  - c) Scheduled Natural Character Freshwater Bodies
  - d) Geographic Areas (Ecological)
  - e) Ecological District: High Plains
  - f) Oxford Observatory Light Protection Area
120. The technical reports in support of the submission assess the ecological and flood risks of the Site. I assessed the proposed re-zoning against the Objectives and Policies of the PWDP (**Attachment 4**) attached to this evidence.
121. In my opinion the proposal is consistent with the general PWDP outcomes and directions set by those Objectives and Policies in terms of growth and development.
122. I have concluded that the proposed rezoning is also entirely consistent with the PWDP objectives and policies for LLRZ zones. The proposed residential density aligns with the LLRZ zone standard (a minimum lot size of 3010m<sup>2</sup> and an average lot size of 5062m<sup>2</sup>).
123. In that regard the proposed rezoning will achieve the LLRZ zone outcomes i.e open and spacious peri-urban character at the rural interface.

#### FURTHER SUBMISSIONS

124. Two further submissions were received in support or opposition on the Survus submission 250 for rezoning the LLRZ Overlay to LLRZ.
125. FS 80 was from CIAL. I characterise that as a “form” opposition to the broad request to re-zone all LLRZ Overlay sites rather than the Oxford site specifically, noting that Oxford is not within the general areas of interest for CIAL as they relate to noise sensitive activities and airport operations.

126. FS 85 was from Bellgrove Rangiora Limited. That is an east Rangiora development approved under Fast Track consenting and is unlikely to relate specifically to this Oxford site.
127. In my opinion I cannot see a relevant interest by either further submitter on the Ashley Gorge Road re-zoning proposal.

### SECTION 32:

128. A section 32 analysis is set out at **Attachment 6** of this evidence.
129. That analysis looked at three options for the future development of the Site. These were:
- a) Option 1: status quo/do nothing: do not rezone the Site from RURZ to LLRZ.
  - b) Option 2: rezone the whole 50ha site for large lot residential use.
  - c) Option 3: resource consent: land use and subdivision consent for ad hoc subdivision through a non-complying subdivision and land use consent for residential use.
130. The s32 Evaluation concluded that:
- a) Option 2, being to rezone the Site LLRZ, is the only response of the three options considered that responds appropriately to the clear strategic intention signalled in the RRDS 2019. Option 1 of retaining the RURZ and Option 3 being development by resource consent singularly fail to deliver on the spatial planning outcomes, and fail to give effect to the LLRZ Overlay in the PWDP.
  - b) The identification of the whole 50ha, and the adoption of the proposed ODP, is the only way to provide a scale of development that supports, and logical site boundaries to facilitate, co-ordinated, integrated and comprehensive development that sits well with the Proposed Plan's objectives of securing compact and consolidated urban forms in any re-zoning.
  - c) The economic, social and environmental benefits of the outcomes sought by the submission outweigh the potential costs.
  - d) The overall efficiency and effectiveness of the re-zone outcome is high, in comparison the alternative options which are low (Option 1 and 3).
  - e) The proposed rezoning is considered to be an appropriate, efficient and effective means of achieving the purpose of the Resource Management Act 1991.

### CONCLUSION

131. The PWDP must make a timely provision for LLRZ zoning, in order to meet the need for a variety of homes in terms of price, type, and location, for different households; and deliver at least sufficient capacity for housing demand as signalled in the DDS and RRDS.
132. The Ashley Gorge Site is an ideal site for this purpose, in terms of site characteristics, serviceability, urban form and location.

**Attachments:**

**Attachment 1:** ODP and Narrative

**Attachment 2:** Assessment of CRPS

**Attachment 3:** Assessment of LWRP

**Attachment 4:** Assessment of Proposed District Plan Objectives and Policies

**Attachment 5:** Assessment of DDS/RRDS

**Attachment 6:** Section 32

**Attachment 7:** Survus letter agreeing to O'Grady re-zone

**Attachment 8:** Survus PDP submission 250

**Attachment 9:** Bayleys letter