

**BEFORE THE WAIMAKARIRI DISTRICT COUNCIL
HEARINGS PANEL**

IN THE MATTER OF Submissions and Further
submissions by David Cowley on
the Proposed Waimakariri District
Plan.

AND

IN THE MATTER OF the Strategic Directions Chapter.

**STATEMENT OF EVIDENCE OF IVAN THOMSON ON BEHALF OF
DAVID COWLEY (ID244)**

1 May 2023

INTRODUCTION

1. My full name is Ivan Thomson and I hold the position of Senior Planner with Aston Consultants.
2. I have a Master's Degree in Urban and Regional Planning (M.Phil) from Reading University in England. I have 40 years' post graduate experience in urban and regional planning, and I am a Fellow Member of the New Zealand Planning Institute.
3. My experience includes 30 years at the Christchurch City Council including 12 years' involvement with preparation, hearings and appeals for the former Christchurch City Plan, four years leading an Area Plans program, with the remainder of my time there being in a leadership/management role, including the Christchurch Replacement District Plan.
4. I confirm that I have read the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023, and I have complied with that Code when preparing this written evidence and agree to comply with it when providing oral evidence. I also confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

SUMMARY

5. David Cowley ('the submitter') lodged submissions on both the Proposed Waimakariri District Plan (PWDP) and Variation 1 to that Plan (V1) as follows:

Amend Proposed Waimakariri District Plan Planning Maps by rezoning the land outlined in red on Figure 1 below ('the Site') comprising approximately 51 hectares, and any other neighbouring land as appropriate (including as outlined blue on Figure 1 below), from Rural Lifestyle (RL) minimum lot size 4ha to Large Lot Residential (LLR) with a minimum lot size 2,500m² average lot size not less than 5000m².

Alternative Relief:

Amend Proposed Waimakariri District Plan (PWDP) Planning Maps by rezoning the land outlined in red on Figure 1 above ('the Site') (appx 51 ha) and any other neighbouring land as appropriate (including the land outlined in blue on Figure 1), and as is in the interest of the submitter, from Rural Lifestyle to Large Lot Residential minimum lot size 1000m² average lot size not less than 2000m²; or a mix of the above zones, as appropriate.



Figure 1: The Site (outlined in red). Potential addition to rezoning outlined blue.

6. The land is outside of the Projected Infrastructure Boundary on Map A of the Canterbury Regional Policy Statement (CRPS) and is not identified as either Greenfield Priority Area or a Future Urban Development Area on Map A of that document. Nor is the land identified in

the Waimakariri Rural Residential Strategy and is therefore not recognised as a Rural Residential Area in terms of Policy 6.3.9 of the CRPS.

7. The rezoning of the land for LLR is potentially enabled by proposed Policy UFD P3 (2) which provides for new LLR zones outside of the identified areas subject to meeting certain criteria. Both the Canterbury Regional Council (CRC ID 316) and Christchurch City Council (CCC, ID 360) have sought, through submissions on the PWDP, the removal of UFD-P3 (3) on the basis that it does not give effect to the CRPS. The submitter lodged further submissions in opposition to these submissions (FS41).
8. The amendments sought by the CRC and CCC have generally been recommended for rejection in the Section 42A Report, and I agree with those recommendations.
9. The submitter supports the notified Policy (UFD-P3) as it gives effect to the National Policy Statement on Urban Development 2020 (NPS-UD), which is a superior document in statutory terms to the CRPS. My evidence supports this view for three main reasons:
 - a. The restrictive policy framework contained in the CRPS is not aligned to the more responsive approach to urban rezoning promoted through the NPS-UD;
 - b. In my opinion the restrictive planning policies of the CRPS have been shown to produce perverse outcomes whereby development proposals that have resource management merit have had to be declined on the basis they would not be giving effect to the CRPS;
 - c. While a Rural Residential Strategy has been recently adopted by the Waimakariri District Council, the decisions on that Strategy were not subject to any appeals on their merits. Policy UFD P3 (2) enables proposals outside of the areas identified in the Strategy to be tested on their merits.
10. The CCC does not explicitly appear to oppose UFD P3 in terms of potentially allowing LLR rezoning in areas that are inconsistent with the CRPS. It has expressed a general concern that the Proposed Plan *“potentially enables development in Greater Christchurch areas in the Waimakariri District that are outside of the future growth areas described in the Future Development Strategy ‘Our Space 2018-2048’ (FDS) and the CRPS”*. In regard to LLR its concern appears to be with the loss of highly productive land (see extracts of submission attached as **Appendix 1**). I note that the Cowley land is not HPL as defined in the NPS-

HPL. It is exempted under Clause 3.7 bii) because it is subject to a Council notified plan change to rezone it from general rural to rural lifestyle. I understand HPL matters will be considered at the hearings on the General Rural Zone.

11. In summary I support the recommendations of the Reporting Officer.

CONTEXT

12. The Site is approximately 51 hectares (ha) and under the Proposed Waimakariri District Plan (PWDP) is zoned Rural Lifestyle. The largest land parcel (46 ha) is used for dairy farming.
13. The rezoning will make provision for appx 51 ha of Large Lot Residential zoned land. The Site can deliver up to appx 80 lots within the LLRZ standards (2,500 m² minimum lot size and 5,000 m² average lot size). The rezone will add significant additional development capacity in relation to west Waimakariri, the Ohoka locality and Greater Christchurch.

PLANNING STATUS OF THE SITE

Chapter 6 of the Canterbury Regional Policy Statement ('CRPS'):

14. The most relevant policy in the CRPS is 6.3.9 which is concerned with Rural Residential Development. Under Policy 6.3.9 rural residential development further to areas already zoned in district plans as of 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to a list of criteria. A rural residential development area shall not be regarded as in transition to full urban development. The Site has not been identified a potential Rural Residential area in the Waimakariri Rural Residential Development Strategy 2019.

Operative Waimakariri District Plan

15. The Site is zoned Rural in the Operative Plan. The minimum lot size for subdivision and a dwelling is 4 ha.

Proposed Waimakariri District Plan

16. The Site is zoned Rural Lifestyle Zone (**LRZ**). The minimum lot size for subdivision and a dwelling in the LRZ is 4 ha.

NATIONAL POLICY STATEMENT – URBAN DEVELOPMENT 2020

17. One of the Objectives of the NPS-UD is to ensure regional policy statements and regional and district plans enable adequate opportunity improve housing affordability by supporting competitive land and development markets.¹ The NPS-UD is also aimed at improving the responsiveness of planning processes and supplying development capacity². In achieving these things it seeks to contribute to well-functioning urban environments which are defined³.

18. I consider that the current settlement planning framework for Greater Christchurch contained in Chapter 6 in the Canterbury Regional Policy Statement (CRPS) does not enable District / City Councils sufficient flexibility to respond to new proposals identified by the market to meet changing or unanticipated circumstance. I support the approach taken by the Waimakariri District Council in its inclusion of UFD P3 (and UFD-P2(2)). The Policy enables the Council to apply the responsiveness provisions of the NPS -UD (Policy 8 included) outside the ambit of private plan changes to enable development in locations (and on sites) that contribute to a well-functioning urban environment even though they have not been identified on Map A or are identified in a rural residential development strategy.

FS – DAVID COWLEY (SUBMITTER)

19. The CRC has requested an amendment to Policy UFD-P3 to provide for rural residential development in the part of Waimakariri District that is within the Greater Christchurch area only where it has been identified in an adopted Rural Residential Development Strategy and is in accordance with Policy 6.3.9. The CRC is concerned that clause 2 appears to provide for new Large Lot Residential development where it may not have been identified in an adopted rural residential strategy. This would be inconsistent with Policy 6.3.9 of the CRPS, which provides for rural residential development in Waimakariri District where it accords with a rural residential strategy.

¹ Objective 2

² Objective 6,c

³ Objective 1 and Policy 1.

20. Waimakariri District Council published its reviewed Rural Residential Strategy, prepared under the Local Government Act⁴, in June 2019.
21. The Cowley Family Trust sought that its land be identified as a RR area. Ohoka had been considered as a secondary growth area in the Draft Rural Residential Strategy but was subsequently removed by the Hearings Panel because of several constraints that were identified by the Officers. However, there was no opportunity to challenge the decision or information that was presented by the officers. Therefore, if the CRC submission is accepted, there would be no opportunity for a detailed merits assessment under the District Plan Review process either.
22. I consider that the absence of UFD-P3(2) would effectively exclude any possibility of a merits assessment of all or part of the Site for LLR zoning, or any other land in the District.
23. Also there are unlikely to be opportunities for the Council to reconsider the merits of zoning proposals outside the current proposed areas until new plans are prepared and have statutory weight under the new Natural and Built Environment Act. I consider that to be inconsistent with, and not give effect to, the NPS-UD.
24. The CCC submission (360.9) is the smaller scale and highly modified nature of the lifestyle blocks may not lead to the most productive use of highly versatile soils. These are matters yet to be considered at a later hearing.

CONCLUSION

25. I agree with the approach taken by the Council in its inclusion of UFD-P3(2) to enable new LLR development proposals outside of the areas identified in the Proposed Plan to be considered on their merits.
26. This does not mean undermining the underlying principles of the current urban growth or RR strategy contained in Chapter 6 and the Rural Residential Strategy, but enabling growth that supports those principles in a more responsive manner than the current regional

⁴ Although I have not been able to verify this in the Document.

framework allows. In my opinion this is consistent with the overall intent of the NPS-UD to ensure that the regional and district planning frameworks are responsive to development proposals that promote well-functioning urban environments.

APPENDIX 1

Extracts from Christchurch City Council Submission 360

23. The Council is concerned that the proposed Plan does not sufficiently recognise the significance of highly productive land or provide direction on how rural lifestyle development activities are to be managed to recognise that significance, for example in respect of Large Lot Residential Zones. This omission means that in the case of a plan change proposal to rezone highly productive rural land to Large Lot Residential Zone, there would be no strategic direction or policy support to direct such a proposal away from highly productive land, or to prevent the fragmentation of such land and to decline the proposal. The smaller scale and highly modified nature of the lifestyle blocks may not lead to the most productive use of highly versatile soils.

24. The Rural Lifestyle Zone provisions rely on the land being used for 'primary production,' which may include, according to the definition, forestry or quarrying. The land may also be used for a rural industry. Such uses, however, may not represent the most appropriate way of managing highly productive land.

25. The Council suggests that reference to highly productive land and/or versatile soils is made more explicit in the proposed District Plan and that the list of permitted activities is reviewed in order to make the best use of that land and protect its highly productive characteristics. Amendments are, therefore, suggested to 'General Objectives and Policies for all Rural Zones' RURZ, 'Rural Lifestyle Zone' RLZ and 'Large Lot Residential Zone' LLRZ objectives, policies and rules to protect the highly productive land/versatile soils from fragmentation and unsuitable 'primary production' activities such as forestry or quarrying.