

Before an Independent Hearings Panel
Appointed by Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions on the Proposed
Waimakariri District Plan

and: Hearing Stream 12B: Rezoning requests

and: **Crichton Development Group Limited**
(Submitter 299)

Supplementary statement of evidence of Georgia Brown
(Planning) on behalf of Crichton Development Group Limited in
relation to Gladstone Road rezoning request

Dated: 11 July 2024

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**STATEMENT OF EVIDENCE OF GEORGIA BROWN ON BEHALF OF
CRICHTON DEVELOPMENT GROUP LIMITED**

INTRODUCTION

- 1 My full name is Georgia Ellen Brown. I am a senior planner practising with Novo Group Limited in Christchurch. Novo Group is a resource management planning and traffic engineering consulting company that provides resource management related advice to local authorities and private clients.
- 2 I prepared a brief of evidence dated 5 March 2024 (*rezoning evidence*) in relation to the submission by Crichton Development Group Limited seeking to rezone 145 and 167 Gladstone Road from Rural Lifestyle Zone (*RLZ*) to Large Lot Residential Zone (*LLRZ*).
- 3 For clarity, I confirm that the submitter is 'Crichton Development Group Limited'. Earlier Statements of Evidence and Memorandum of Counsel in relation to this submitter have referred to Crichton Developments Limited, and it is acknowledged that this reference was an error.
- 4 I attended Expert Conferencing on 26 March 2024 and was involved in the Joint Witness Statement on Urban Environment and Urban Growth and Development.
- 5 This brief of evidence summarises key points from my rezoning evidence and responds to Council's section 42A report and the Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council Date: 27 June 2024. In preparing this additional statement of evidence I have reviewed:
 - 5.1 Proposed Waimakariri District Plan, Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, Prepared by: Mark Buckley; Date 23 May 2024.
 - 5.2 Statement of Evidence of Mark Gregory on behalf of Waimakariri District Council, Transportation Planning, Date: 18 April 2024.
 - 5.3 Statement of Evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics).
 - 5.4 Mahaanui Kurataio Ltd Cultural Advice Report – J6369 – 145 and 167 Gladstone Road, Woodend Re-zoning Submission.
 - 5.5 Minute 27 – Hearing Stream 12D Late Further Submission, Hearings Streams 12C, E, F and 7 Timetable, Hearing Stream 12C Questions, Hearing Stream 12D and F Expert Attendance

- 5.6 Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, Date: 27 June 2024.
- 6 In addition to the above, I have also reviewed the following information from Hearing Stream 12D, noting it is directly relevant to this proposal:
- 6.1 Statement of Evidence of Tim Walsh (Planning) on behalf of Carter Group Limited and Rolleston Industrial Developments Limited, Dated: 5 March 2024.
- 6.2 Statement of Evidence of Jeremy Phillips (Planning) on behalf of Rolleston Industrial Developments Limited, Dated: 5 March 2024.
- 6.3 Supplementary Statement of Evidence of Tim Walsh (Planning), Dated: 13 June 2024.
- 6.4 Supplementary statement of evidence of Jeremy Phillips (Planning), Dated: 13 June 2024.
- 6.5 Summary of evidence of Jeremy Phillips (Planning), Dated: 1 July 2024.¹
- 6.6 Legal Submissions on behalf of Carter Group Property Limited and Rolleston Industrial Developments Limited, Dated: 20 June 2024.
- 7 The above evidence is relevant insofar that it provides a clear assessment as to how the definition of 'urban environment' is applied, and how this then engages the National Policy Statement on Urban Development ('NPS: UD'), in particular Objective 2, Objective 3, Policy 1a, Policy 2 and Clause 3.2. For the purposes of the following evidence, I agree with, and have adopted the evidence of Mr Phillips on the definition of the 'urban environment'.

CODE OF CONDUCT

- 5 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from

¹ Noting the 'Further Discussion' section of this summary in particular.

RESPONSE TO SECTION 42A REPORT

6 Having reviewed the s42A officer's report, and the officer's preliminary response to written questions on Large Lot Residential Rezoning, I consider that the main issues that remain in contention are as follows:

6.1 The definition and extent of the urban environment, and the applicability of the NPS-UD to the rezoning proposal:

Mr Buckley does not consider that Large Lot Residential Zone (LLRZ) is a part of the 'urban environment' and therefore the provisions of the NPS-UD are not applicable to the proposal. The implication of this position is that the proposal cannot be considered on its merits given the directive provisions of the Canterbury Regional Policy Statement (CRPS) that seek to avoid unanticipated growth or new areas of Rural Residential. I do not agree with Mr Buckley, for the reasons provided further below, in short, I adopt the interpretation of the urban environment being 'Greater Christchurch' as per the evidence of Mr Phillips. On that basis, I consider the provisions of the NPS-UD (including, but not limited to, objective 6 and policy 8) are relevant to the proposal.

6.2 Residential development capacity:

Mr Buckley considers that development capacity shortfalls within the district are not required to be provided at a fine-grained level, including for Woodend. Further he does not consider that there is sufficient demand for LLRZ in Woodend as against the rest of the District. For the reasons outlined in Ms Hampson's and Mr Twiss's evidence and elaborated on below, I do not accept this position.

6.3 Acoustic matters and reverse sensitivity:

Mr Buckley considers that the proposal will result in reverse sensitivity effects, despite the proposed mitigation measures and without any evidence contradicting the submitter's expert acoustic evidence by Mr Trevathan.

6.4 Cultural Values:

Mr Buckley has not provided an assessment of the cultural advice received from Mahaanui Kurataio Limited which is generally not supportive of the proposal. In my view, the other cultural layers and provisions in the Proposed District Plan could effectively and appropriately apply to this site.

6.5 Transport:

This section responds to the comments made by the Council Transport expert, Mr Mark Gregory. Overall, Mr Gregory is supportive of the proposed rezoning subject to recommended conditions, or rules which could be imposed. These conditions are discussed further within the evidence.

- 7 The following sections of this evidence address the above matters in further detail.

The 'urban environment' and applicability of the NPS-UD

- 8 Within the s42A report, Mr Buckley states that "*while the proposed rezoning is consistent with the NPS-UD in potentially being able to contribute to a well-functioning urban environment, it is inconsistent with Policy 6.3.9*"². The Hearings Panel subsequently issued a set of questions for Mr Buckley³, including an overarching question, relevant to this proposal, as to how Policy 6.3.9 of the CRPS should be reconciled with the provisions of the NPS-UD, including Policy 8.
- 9 As set out within Mr Buckley's response to the Hearings Panel questions, he no longer considers LLRZ to form a part of the 'urban environment' and consequently does not consider that Policy 6 or 8 of the NPS-UD are applicable. As such, he did not demonstrate how Policy 6.3.9 of the CRPS should be reconciled. Given the implications this would have for this rezoning request, defining the extent of the relevant 'urban environment' is of fundamental importance in terms of interpreting and applying the provisions in the NPS-UD.
- 10 I attended the Planners Joint Witness Conferencing on the definition of 'urban environment'. At paragraph 10 of the 'Urban Environment' JWS (dated 26 March 2024) it states that "[s]ome experts expressed a view that the Greater Christchurch sub-region defines the extent of the Christchurch Tier 1 urban environment". I am one of those expert planners.
- 11 As set out earlier, I adopt the evidence of Mr Phillips which concludes: "*Adopting Greater Christchurch as the urban environment can be readily justified with reference to the NPS-UD definition of a 'Tier 1 [or Tier 2] urban environment', given these are expressly identified in the NPS-UD Appendix. Tier 1 and 2 urban environments need not be assessed under the general definition of 'urban environment' and its two components, which instead*

² Para 466 of Mr Buckley s42A

³ Minute 27 – Hearing Stream 12D Late Further Submission, Hearings Steams 12C, E, T and 7 Timetable, Hearing Stream 12C Questions, Hearing Stream 12D and F Expert Attendance

determines whether areas not within the Appendix are 'Tier 3 urban environments'⁴.

- 12 On this basis I consider anything and everything within 'Greater Christchurch' is considered the 'urban environment' with respect to the NPS-UD. Therefore, the key 'locality and market' related provisions in the NPS-UD (being Objective 2, Objective 3(a), Policy 1a, Policy 2 and Clause 3.2) are engaged, and Policy 8 is also engaged subject to meeting its requirement to add significantly to development capacity and contribute to well-functioning urban environments.
- 13 This interpretation differs to the approach of the s42A author, who does not consider 'Large Lot Residential Zone' to form a part of the urban environment. In response to the Panel's overarching question 1⁵, Mr Buckley states, *'with respect to the NPS-UD definition of "urban environment" and the interpretation of "urban in character", I do not consider that LLRZ is predominantly urban in character. With properties having an average density of 5,000m², no curb and channelling, streetlights, businesses, and community services, which I consider form part of the character of an urban environment and are generally absent from LLRZ areas in the district'*. Additionally, Mr Buckley does not consider LLRZ rural.
- 14 I disagree with the view of Mr Buckley and consider it to be a narrow approach which only creates risk of insufficient capacity in other areas of the District (policy 2), a failure to meet different needs, types and location of households (policy 1a), competition within the housing market (objective 2), a failure to enable more people to live in areas of the urban environment where there is high demand for housing relative to other areas (objective 3(c), and would preclude unanticipated plan changes despite those being anticipated by the NPS-UD (policy 8). Lastly, this interpretation also creates the risk of inconsistency as to where the urban environment starts and stops, or otherwise a requirement to repeatedly redefine it for different proposals.
- 15 I also note that with respect the PDP, the LLRZ is a residential zone contained within the residential chapter of the PDP. Were it not considered 'urban' this zone should have been located in the rural chapter, as there is no other sensible place in the PDP for it be contained.
- 16 Based on the above, I disagree with Mr Buckley's interpretation of 'urban environment' as it relates to LLRZ. I consider Greater Christchurch is the relevant urban environment. The application site is located within Greater Christchurch and therefore the NPS-UD must be given effect to by the PDP. This includes giving effect to

⁴ Para 8 of Mr Phillips 'Summary of Evidence' for Hearing Stream 12D.

⁵ Minute 27

the locality and market provisions identified in paragraph 12 above and otherwise avoiding the consequences of insufficient capacity (set out in paragraph 14 above). Policy 8 also assists insofar as it enables a pathway for plan changes that would add significant development capacity even if they would be unanticipated by planning documents, and as set out in Ms Hampson's evidence the proposal engages this additional policy in a Woodend context.

CRPS and NPS-UD

- 17 Given Mr Buckley does not consider the NPS-UD applicable to LLRZ, he has not provided a clear response as to how Policy 6.3.9 of the CRPS should be reconciled with the provisions of the NPS-UD, including Policy 8.
- 18 As stated within my rezoning evidence, the CRPS has not been fully updated to give effect to all provisions in the NPS-UD and thus it is not entirely consistent with the NPS-UD. At para 452 of the s42A report, Mr Buckley states *"I do not agree with Ms Brown's assessment that the RPS is inconsistent with the NPS-UD, as the 2022 RPS review including housing bottom lines in line with Policy 2 and Clause 3.6(2)(a)."*
- 19 I agree with Mr Buckley that the review of the CRPS in 2022 included the provision of housing bottom lines in objective 6.2.1a and this was acknowledged within my evidence⁶. However, this alone does not mean that the CRPS is now consistent with the NPS-UD.
- 20 Various reports prepared by Canterbury Regional Council on Plan Change 1 to the CRPS (PC1) recognise that PC1 was not to give full effect to the NPS-UD and further changes to the CRPS would be required to give full effect, including the introduction of the criteria listed in Clause 3.8. The CRPS is currently under review and consequently in the interim any plan change request needs to be considered in light of the NPS-UD.
- 21 As stated at paragraph 58 of my primary evidence, where there is conflict with a more recent higher order planning document, that inconsistency is required to be reconciled by reading the earlier lower order document together with the later high order document, in a way that does not undermine the higher order document.
- 22 As set out in my evidence above, the NPS-UD requires that demands for different localities and markets need to be met, and thus Policy 6.3.9 of the CRPS, which was not updated as part of PC1 to the CRPS (the lower order document) should not preclude decisions providing more capacity in response to those requirements in the NPS-UD. Further, the NPS-UD specifically allows for

⁶ Para 53 – 56 of my evidence

unanticipated development if and where Objective 6 and Policy 8 are engaged. Objective 6 requires local authority decisions on urban development that affect urban environments are: (a) integrated with infrastructure planning and funding decisions; and (b) strategic over the medium term and long term; and (c) responsive, particularly in relation to proposals that would supply significant development capacity. Policy 8 requires local authorities to be responsive to plan changes that would add significant capacity and⁷ contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents; or out of sequence with planned land release.

- 23 Based on the primary evidence of Ms Hampson, the proposal is considered to provide significant development capacity despite the potential yield appearing small numerically. As stated by Ms Hampson at paragraph 81.6 of her primary evidence, *"even this small net additional capacity in Woodend makes a significant contribution. The Proposal increases feasible and RER capacity in the LLRZ in Woodend by 108% (from an August 202 baseline). Overall, I consider that the Proposal meets the test of significance under Policy 8 of the NPS-UD"*. I adopt Ms Hampson's evidence and agree that the proposal will provide significant capacity within the Woodend locality. By way of comparison, I note that for Plan Change 67 to the prior operative Selwyn District Plan, residential rezoning providing for 131 dwellings was found to constitute significant capacity in a West Melton context, notwithstanding this being a small quantum in a Greater Christchurch context.
- 24 Lastly and for completeness, it is recognised that the approach to reconciling the NPS-UD and the CRPS has been accepted by independent decision-makers at other hearings in the Selwyn District. To this extent, I consider the above approach an appropriate method to reconciling the conflict between the two documents.

NPS-UD Summary

- 25 Based upon the above, the s42A report and Mr Buckley's subsequent response to the Panels Questions has not changed my views towards the proposal and the NPS-UD as expressed within paragraphs 41 to 47 of my primary evidence. To this effect those conclusions remain relevant.
- 26 For completeness, I note that Mr Buckley has confirmed within his s42A report that the *"proposed rezoning is consistent with the NPS-UD in potentially being able to contribute to a well-functioning urban environment"*. As set out within my primary evidence, I agree with this statement.

⁷ My emphasis underlined

Residential Development Capacity

- 27 Relying on the primary evidence of Ms Hampson, I consider that the proposal will assist in addressing a likely shortfall in capacity in Woodend/Pegasus in the medium term and provide significant development capacity for larger residential properties. The proposal meets the test of Policy 8 of the NPS-UD as it would add significant development capacity and contribute to a well-functioning urban environment.
- 28 Mr Rodney Yeoman, reviewed Ms Hampson's evidence on behalf of the Council. I note at paragraph 4.21 of his evidence he concludes that *"I consider that on the merits of this submission, that from an economic perspective that the zoning to LLRZ would be appropriate. However, as acknowledged above there will be other aspects of the proposal that should be considered"* and at paragraph 6.1 Mr Yeoman again concludes that *"In my opinion, the economic merits of the submitted rezoning to LLRZ presented by Prosser and Crichton submissions are such that the benefits are likely to outweigh the costs. However, the overall positive outcome for each rezoning is relatively small"*.
- 29 Mr Buckley has not accepted or adopted this conclusion of Mr. Yeoman, and without providing reasons has instead relied upon other statements within Mr. Yeoman's evidence, for example at paragraph 459 Mr Buckley states *"While Mr. Yeoman agrees with most of Ms Hampson's conclusions, he concludes that any LLRZ shortfall within the district does not need to be in Woodend, as the market demand is not finely localised. I agree with Mr. Yeoman's conclusion, as stated in section 4.2, the development capacity assessment under the NPS-UD does not stipulate that capacity has to be provided on a fine scale, which has not been done, or that the capacity has to be of a certain property size, rather provide a variety of type, price and locations of different households"*.
- 30 I don't consider this is a 'conclusion' of Mr Yeoman's statement. Notwithstanding, I consider this an incorrect analysis of the NPS-UD. I consider the Panel may be alert to this matter also, noting their question to para 452 of Mr Buckley's s42A:

In response to Ms Hampton economic assessment that there is a shortfall in LLRZ development capacity for Woodend, you state that "...Council is not required to provide development capacity at a specific location or for a specific property size". You make similar comments at para 459.

There appear to be several provisions in the NPS-UD that would suggest otherwise. For example, Objective 3(c), Policy 1(a)(i), Policy 2, Clause 3.2, clause 3.24 and clause 3.25.

Can you please reassess your position in light of these and other provisions of the NPS-UD.

- 31 In responding to this question, Mr. Buckley sought additional comment from Mr. Yeoman, which stated *"in my opinion, the sufficiency assessment in the NPS-UD does not require councils to consider residential demand for individual zones, or even individual locations in the urban area (see Policy 2, 3.2 or 3.27). These assessments are framed using higher order geographies, mostly in terms of Urban Environment – i.e. is there sufficient capacity in the urban area to meet the demand? However, Policy 1 requires decisions that contribute to urban environments to provide a "variety of homes". But there is nothing that says that you should assess sufficiency of demand or capacity for each zone'.*
- 32 I disagree with Mr Yeoman's above statement. I consider that the NPS-UD clearly dictates that residential sufficiency for different localities needs to be met through a number of policies. Policy 1(a) is very clear in that decisions need, as a minimum, have or enable a variety of homes that meet the needs, in terms of type, price, and location⁸, of different households.
- 33 Policy 2 states that local authorities must at all times provide at least sufficient development capacity to meet expected demand for housing. Clause 3.2 requires sufficiency for different types and locations. Thus, I consider the NPS-UD does direct that sufficiency shall and can be assessed on a locality basis. If this was not the case, the variety of homes sought through Policy 1(a) would not be enabled.
- 34 This is emphasised further within Ms Hampson's further evidence where she *"disagrees that any decisions on additional capacity for MDRZ in Woodend/ Pegasus (or in Rangiora or Kiapaoi) can and will address demand for LLRZ in Woodend (or elsewhere)."* As Ms Hampson explains:
- 34.1 Rural residential housing is recognised as a distinct segment of the housing market (including in the RPS).
- 34.2 The fact that there are multiple locations of LLRZ already established supports the fact that there are different attributes to those locations that appeal to different households seeking a rural residential living environment.
- 34.3 LLRZ areas on the fringes of the three main townships offer very convenient access to the amenities of a large townships and cannot be compared with say LLRZ provided in West Eyreton or Swannanoa.
- 35 Lastly, and notwithstanding the above, I reiterate that when reading Mr. Yeoman's evidence in full, he reaches a different conclusion to

⁸ My emphasis underlined

the economic merits of the proposal to what the reporting officer, Mr Buckley has adopted.

- 36 Of relevance to this, I note that Mr Buckley, in his assessment of the Prosser submission (submission no 294), appears to have correctly interpreted Mr Yeoman's conclusions, stating that from an economic perspective there is some merit in rezoning the property to LLRZ⁹. It is unclear why he has adopted the conclusion for Prosser's, and not for this submitter.
- 37 Based on the above, both economic experts, Ms Hampson for the submitter and Mr Yeoman for the Council, have reached a conclusion that there are economic merits to the rezoning submission and that the proposal will fulfil a shortfall.

Reverse sensitivity / acoustic effects

- 38 At paragraph 453 of the s42A, Mr Buckley states that '*I do not agree that the development of housing along the edge of the Woodend Bypass, even with sound insulation would not lead to some reverse sensitivity effects in accordance with Policies 5.3.7(2) and 6.3.5(5).*', and at paragraph 465 where states '*I am not convinced that placing a subdivision up against the edge of a motorway will not result in some reverse sensitivity effects, despite the proposed mitigation measures*'. I am unclear how Mr Buckley has reached this position, noting that there has been no peer-review of the submitters' Acoustic Evidence by an expert for the Council.
- 39 The primary evidence of Mr Trevathan demonstrates that with mitigation in place, in the form of the acoustic bund, future single-storey dwellings on the site can achieve the required internal noise levels in the PDP with minimal upgrades required. He notes that if two-storey dwellings are proposed, the expected noise levels at the upper-level façade would be higher. However, it is his opinion that the internal noise level would still be able to be readily achieved¹⁰.
- 40 Mr Trevathan has provided supplementary evidence in response to the matters raised by Mr Buckley within the s42A report, which provides further detail as to the appropriateness of the proposal from an acoustic perspective. I adopt and rely upon Mr Trevathan's supplementary evidence.
- 41 At paragraph 454 Mr Buckley states '*I do not agree that sufficient assessment has demonstrated that the proposed rezoning will not be inconsistent with Policy UFD-P10 and Objectives TRAN-O1 and TRAN-O4, as no information has been provided a proposed property layout showing the proximity of sections/dwellings to the bypass*'.

⁹ Para 157 of s42a report.

¹⁰ Para 17 of Mr Trevathan's evidence

- 42 I disagree with Mr Buckley's opinion that the proposal is inconsistent with TRAN-O1 and TRAN-O4 on the premise that "*no information has been provided a proposed property layout showing the proximity of sections dwellings to the bypass*". TRAN-O1 is for an integrated transport system, and as set out within my rezoning evidence, the proposal will support and not adversely impact upon, the integrated transport system. The future layout of the zoning is not required to demonstrate consistency with this objective at this point in time.
- 43 With respect TRAN-O4, the objective states "*adverse effects on the District's transport system from activities, including reverse sensitivity, are avoided, remedied or mitigated*". Based on the evidence of Mr Trevathan, which I adopt and rely upon, mitigation in the form of the visual and acoustic buffer will ensure the proposal will not result in adverse effects, including reverse sensitivity, on the transport system. Mr Buckley has provided no evidence to the contrary.
- 44 UFD-P10 is to '*avoid residential activity that has the potential to limit the efficient and effective operation and upgrade of critical infrastructure, strategy infrastructure, and regionally significant infrastructure, including avoiding noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone*'. The proposal includes mitigation that will ensure noise levels are of a level that the Plan already considers acceptable for residential activity in proximity to such infrastructure. To this extent, based on the expert evidence of Mr Trevathan, the proposal will not have the potential to limit the efficient and effective operation of the infrastructure.

Cultural advice

- 45 Cultural advice was provided to the Council on the proposal from Mahaanui Kurataio Limited on behalf of Te Ngāi Tūāhuriri. I note that they were not a further submitter to the submission. Comments on the cultural significance of the site, and the advice provided, are discussed in paragraph 5.12 of Mr Buckley's report, albeit he does not comment or reach a view on the cultural advice provided. It is not clear why cultural input was sought by the Council for this proposal alone, noting that other rezoning proposals are located within cultural value overlays within the PDP. Notwithstanding, Mr Buckley notes at paragraph 436 that '*it is reasonable to assume that the other rezoning requests (Parsonage Road and Gladstone Road) within the catchment are subject to the same advice*'. I agree with this statement.
- 46 The advice received considers that the application site is within an area of high cultural significance as it is bordered by Silent File Areas on each side of it. The advice also comments that there is an existing archaeological midden/oven site located in the south-eastern part of the site. The advice was also concerned with

increased development including the impacts of works within the waterway, increased impervious surfacing, and cumulative environmental and cultural effects on the cultural landscape.

- 47 I acknowledge the cultural advice received in that 'it is in an area of high cultural significance being bordered by Silent File Areas', the PDP has scheduled the site as being within a Ngā Tūranga Tupuna overlay, and I recognise that the description of the SASM013 states it is a "cultural landscape encompassing an area of high coastal settlement (in both contemporary and ancestral senses). It comprises significant clusters of recorded archaeology of Māori origin and silent files"¹¹.
- 48 Notwithstanding, the PDP does not seek to 'avoid' development within the Ngā Tūranga Tupuna overlay, more so it seeks to manage the effects of development on cultural values. For example, relevant policy SASM-P4 seeks to recognise the historic relationship of Ngāi Tūāhuriri through a range of different mechanisms including managing earthworks on site and around watercourses, utilising accidental discovery protocols and cultural monitoring, facilitating opportunities to enhance customary use through planting and landscaping. The matters of discretion (SASM-MD2) enable consideration of cultural values at the resource consent stage. This includes, but is not limited to, consultation with Te Ngāi Tūāhuriri, and an assessment of the proposal its effects and appropriate mitigation.
- 49 Under the PDP, Earthworks and land disturbance within the Nga Tūranga Tupuna Overlay would require resource consent as a restricted discretionary activity subject to SASM-R4, and consideration of the matters of discretion at SASM-MD2 would be given. Similarly, subdivision of a site within the Ngā Tūranga Tupuna overlay also requires a restricted discretionary activity consent with consideration given to the matters at SUB-MCD7 – Mana Whenua.
- 50 In terms of the effects on waterways, as stated within paragraph 23 of my primary evidence, the PDP includes rules to control the extent of development that can occur within the vicinity of the waterway. An infringement of this rule would again trigger consultation with Te Ngai Tūāhuriri and consideration of the relevant cultural values.
- 51 With regards the location of the midden/oven site located in the south-eastern corner of the site. There appears to be an archaeological reference to this on the New Zealand Archaeological Association Database¹². I have reviewed the Heritage New Zealand Archaeological Database and have been unable to find the record or reference to this. In any event, this may be located in the area of

¹¹ Proposed Waimakariri District Plan – Part 2 District-wide matters – SASM-SCHED1 – Sites and areas of significance to Maori.

¹² www.nzaa-archsite.hub.arcgis.com

the site that will be affected by the NZTA designation for the Woodend Bypass (noting it covers a portion of the south-east corner of the site), and regardless the effects of this stie could be protected and managed through the existing provisions of the PDP in relation to subdivision and/or development of the site.

- 52 Lastly, it is recognised that the proposal will enable an opportunity for increased indigenous planting and landscaping on the site, in the form of the landscaped buffer, above and beyond what may otherwise result if the Rural Lifestyle Zone was retained as proposed.
- 53 On this basis, I consider that the proposal will be able to manage cultural values through detailed design subdivision and resource consent stages and that the existing Nga Tūranga Tupuna overlay provisions in the PDP are adequate to achieve this.

Transport

- 54 The following section addresses other areas of the s42A report.

Transport – ODP Provisions

- 55 Based on the Statement of Evidence of Mr Mark Gregory on behalf of the Council, I understand that he is supportive of the proposal subject to the following conditions:
- 55.1 Gladstone Road is modified to meet the requirements of a residential context
- 55.2 Approval be conditional on the implementation of the Woodend Bypass
- 55.3 That the ODP include a future west-east road connection, serving future connection to Copper Beech Road.
- 56 I have discussed these matters with Mr Wayne Gallot who provided Transport evidence on behalf of the submitter. The points listed in paragraph 55.1 and 55.2 above could form 'conditions' of the ODP, albeit it is considered that up to four allotments could be constructed prior to the implementation of the bypass noting that this could occur as of right under the proposed PDP zoning. For clarity and completeness, the ODP already demonstrates a future west-east road connection to Copper Beech Road. Therefore, the condition referenced in paragraph 55.3 is not necessary.

NZTA Waka Kotahi feedback

- 57 NZTA Waka Kotahi did not lodge a submission of relevance to the proposal, nor did they lodge any further submission. It is acknowledged that Mr Buckley sought comment from NZTA as part

of his response to the Panels' Questions. I consider that no weight should be afforded to these comments.

Conclusion

- 58 In conclusion, the proposal provides for a consolidated and logical development which will contribute to a well-functioning urban environment, and Mr Buckley accepts that the proposal will contribute to a well-functioning urban environment.
- 59 The proposal will help to address the shortfall in capacity of LLR in the Woodend/Pegasus locality for the medium term, and support the provision of housing variety and choice in the Greater Christchurch urban environment.
- 60 The rezoning is the most effective and efficient option for this site when considering the costs and benefits of the status quo set out in the Section 32AA assessment of my primary evidence.
- 61 The s42A report and Mr Buckley's response to the Panel's Questions has not changed my above view. The proposal is an efficient and effective use of the land and is able to be connected to existing services in an efficient and feasible manner. The proposal will contribute positively to the amenity and character of the surrounding environment, is consistent with Part 2 and is the most appropriate zoning of the subject land.

Dated: 11 July 2024

Georgia Brown