

**BEFORE THE WAIMAKARIRI DISTRICT COUNCIL HEARINGS PANEL**

**IN THE MATTER** of the Proposed Waimakariri District Plan

**AND**

**IN THE MATTER** of Survus Submission 250 - LLRZ Rezoning Hearing Stream 12C

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**REBUTTAL EVIDENCE OF FIONA ASTON**

**ON BEHALF OF SURVUS**

**5 July 2024**

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## **1 QUALIFICATIONS AND EXPERIENCE**

- 1.1 My qualifications and experience are as set out in my evidence in chief.
- 1.2 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 7 of the Environment Court Practice Note 2014 as stated in my evidence in chief.

## **2 SCOPE AND SUMMARY OF EVIDENCE**

- 2.1 This evidence responds to the s 42A Report by Mr. Buckley, and the subsequent responses provided by him to the Panel's questions.
- 2.2 In his original s.42A Report, Mr. Buckley has recommended that the submission to re-zone the 50.25 ha Site at 25 Ashley Gorge Road and 650 Bay Road (1.25ha) from General Rural Zone (GRUZ) with an LLRZ Overlay to LLRZ ('the Site' – see Figure **1**) be rejected and that the Overlay be removed from the Planning Maps.
- 2.3 In his response to questions from the Panel, Mr Buckley's overall recommendation is that the rezoning be approved [p.33]. This is on the basis that the land has been identified in the LLRZ Overlay for future urban development when using the interpretation for urban in the NPS -HPL. I support this recommendation.
- 2.4 Having read Mr. Buckley's assessment as to whether the exemption in Clause 3.5.7 (b)(ii) of the NPS-HPL applies [ p.31 of his response], his view appears to be that this is not on the basis of the Rural Residential Development Strategy (RRDS), essentially because the RRDS does not identify specific boundaries of land for LLRZ development.
- 2.5 Given the apparent internal inconsistency of opinion as to whether or not the exemption in Clause 3.5.7 (b)(i) of the NPS-HPL applies, I considered it appropriate to address this question in as detailed a manner as possible. In my opinion, the exemption is met because the site has been identified for future urban development as that term is defined in the NPS-HPL.
- 2.6 I have discussed the issue of the exemption with Mr. Buckley, the aim being to see if it could be resolved via conferencing and a joint witness statement. Mr. Buckley did not consider a JWS to be appropriate given the issue of the exemption is subject to legal opinion.
- 2.7 Out of an abundance of caution, I have also assessed the Site against Cl. 3.6 of the NPS-HPL. Requirements a) to c) are all met.

### 3 SUMMARY OF RE-ZONING PROPOSAL

- 3.1 Submission 250 to the notified Proposed Waimakariri District Plan (PWDP) sought Large Lot Residential zoning (LLRZ) for the PWDP LLR Overlay areas. These include land between Ashley Gorge Road and Bay Road, Oxford that had been zoned GRUZ in the notified Plan and subject to a LLRZ Overlay (LLRZO) (**Figure 1**).



**Figure 1:** location and zoning

650 Bay Road (outlined with black and white line). Light grey – LLRZ; black hatched area – LLRZO.

### 4 DOES THE EXEMPTION IN CLAUSE 3.5(7)(b)(i) OF THE NPS- HPL APPLY?

- 4.1 This question requires an examination of the development and purpose of the Council's Rural Residential Strategy 2019 (RRDS) and how the RRDS has identified future LLRZ land.
- 4.2 The NPS-HPL defines "*identified for future urban development*" as land that is:
- a. *identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or*
  - b. *identified:*
    - i. *in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*
    - ii. *at a level of detail that makes the boundaries of the area identifiable in practice*

- 4.3 To be clear, LLRZ is a form of urban development for the purposes of the NPS-HPL. It is an urban zone as defined in the NPS-HPL:

**urban**, as a description of a zone, means any of the following zones:

c. *low density residential, general residential, medium density residential, large lot residential, and high density residential (emphasis added)*

- 4.4 There is no doubt the Council's Rural Residential Strategy 2019 (RRDS) is a strategic planning document for the purposes of the definition of "identified for future urban development". That document followed on from the district-wide and broader District Development Strategy 2018 (DDS) that set out the district's overall future growth scenarios and options. The RRDS took the DDS to a greater level of detail with its focus on what was needed in a strategic sense for what is now LLRZ. It was adopted in 2019 and formed part of the background to the upcoming PWDP that was notified on 18 September 2021.

#### **Is the Site identified as Suitable for Commencing Urban Development Within 10 years?**

- 4.5 In my opinion it is necessary to examine how the RRDS determines that the land subject to this submission is suitable for commencing urban development over a ten-year timeframe. I can identify three elements to an assessment of whether any identified land or area is fit for purpose or appropriate:
- (a) Whether the process of formulating and determining options for growth to provide for future urban development was suitable for its strategic purpose; and
  - (b) Whether appropriate consideration was given to the consistency of any decision with higher order planning documents such as the RPS; and
  - (c) Whether the assessment of options addressed the site factors and site context factors necessary for determining suitability of the land.
- 4.6 With respect to process matters, Mr Buckley at his discussion of the RRDS in section 4.1 from para 49 summarises the strategic approach taken by the Council in identifying future LLRZ needs.
- 4.7 Having read the background reports supporting the PWDP, I think it is necessary to provide a fuller synopsis of the considered approach taken by the Council in strategically assessing and providing for growth for LLRZ, and the measures that were foreshadowed in the RRDS as being necessary beyond the Council strategic exercise to give effect to the RRDS. I have identified a number of elements to this strategic exercise that leads to determining if re-zoning is appropriate:

### Council initiatives:

- Assess future growth needs by location and by land development type using the Waimakariri Capacity Growth Model (WCGM)
- Establish need for additional LLRZ capacity (WCGM work)
- Establish growth location criteria
- Assess possible growth locations against criteria
- Confirm growth locations/ directions in RRDS
- Set out a mechanism by which the forecast growth can be put in place (PWDP and private plan changes)
- Confirm RRDS growth locations by LLRZ Overlay in PWDP

### Private landowner initiatives

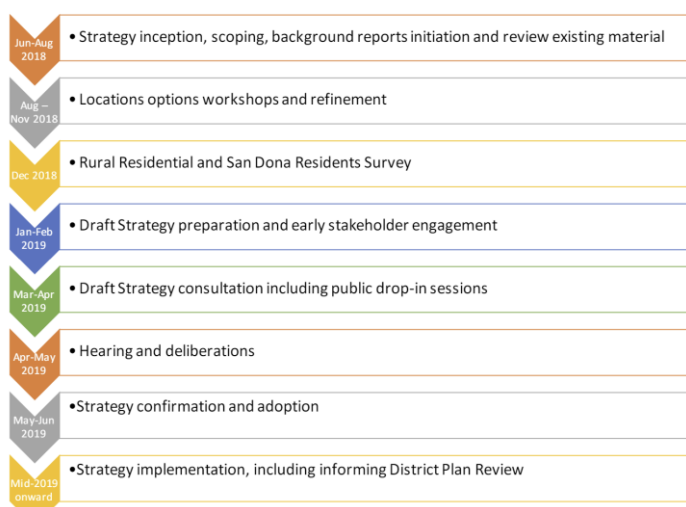
- Private proposals for specific sites/locations to be identified as suitable LLRZO areas in the RRDS (submissions on RRDS)
- Private proposals to re-zone the RRDS identified lands (submission or plan change)
- Prepare detailed site assessments for each location
- Prepare ODP for the land

### Council decision

- Re-zone land/ not re-zone the land.

4.8 The project steps are summarised in Figure 1 of the RRDS (Figure 2 below) and the specific inputs set out on pp 9-10 of the RRDS. The process followed for Oxford is set out at pp15-16 of the RRDS. I read that to show a robust, comprehensive and considered assessment of options to identify areas or land that is suitable to support growth.

*Figure 1 demonstrates the project development process.*



**Figure 2:** extract from RRDS

- 4.9 I set out in more detail in my evidence in chief at paras 87–90 some of the specific inputs to the identification of suitable areas for LLRZ.
- 4.10 The steps identified above are a standard planning approach to providing for growth and it is one I support. The logic to all this in my mind is that there has been a deliberate approach starting from determining a strategic need to provide for growth (more LLRZ land), moving to a tactical response (growth directions and overlays) that is given statutory effect in the PWDP, and concluding with a consideration of re-zoning merits based on expert advice and evidence.
- 4.11 The second element I identified to determine if an area is suitable for future urban development is consistency with higher order planning documents.
- 4.12 In brief I say that the RRDS has approached the question of future urban growth in the RRDS in its correct statutory context. In Part 1 Introduction p 4 it states: *"it is necessary to take into account regional planning initiatives and frameworks"*. At pp 8-9 the RRDS sets out a fulsome description of the *"wider strategic planning context"*. This makes specific reference to the Greater Christchurch UDS planning context including the Our Space Report, as well as the RPS locational and design regional policies constraining future development. In that regard it extended the scope of the RRDS to the entire District, not just the Greater Christchurch area. It also confirmed that implementation of the RRDS lay in the upcoming District Plan Review.
- 4.13 This strategic exercise took place at a point in time and, relevantly for this discussion, it was done without both the NPS-HPL and the current version of the NPS-UD being in place<sup>1</sup>. That said, the Council did turn its mind to versatile soils and limitations on primary production, and obviously it was focussed on future growth. So in the round these key matters were, in my assessment, part of the DDS/RRDS development process, but in a different form. The strategic planning exercise and the strategies produced in my view are not weakened or missing essential components when applied in today's statutory context.
- 4.14 My third element for determining if the RRDS adopted a robust and appropriate basis to determine that any land or area is suitable for future urban development is to see how the RRDS dealt with site factors and site context factors.
- 4.15 The RRDS at page 10 sets out seven key location criteria used to short-list suitable future land where these criteria were not present, and to exclude land subject to the criteria:
1. *Within high flood hazard areas*
  2. *Within undeveloped areas inside of the existing PIB of the District's main eastern towns*

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<sup>1</sup> NPS UD 2016 was in force at the time the RRDS was developed.

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.*
- 4.16 In seeking to provide for a future 385 LLRZ lots by 2029 the Council identified growth locations that were at the time considered suitable for rezoning having been tested against a range of criteria including the presence of versatile soils, soil drainage; intensive farms; slope of land; irrigation areas; natural hazards including fault lines, liquefaction susceptibility areas, flooding risks, overland flow paths. (pp9-10 RRDS) (emphasis added).
- 4.17 I note Mr Buckley incorrectly states at his para 415 that the loss of primary production, versatile soils and HPL were not part of the consideration for identification of the proposed development areas. In my opinion that is inaccurate and misleading as they are identified at pp9-10 of the RRDS and because the Overlays are taken directly from the RRDS and therefore are based on the work that fed into their identification in the RRDS. Logically the identification of the Overlays had to have been a considered decision with the knowledge that LUC 2-3 land was present in this case. Mr Buckley acknowledges this in his answers to the Panel's questions.
- 4.18 For Oxford, the RRDS contains a section on Strengths and Constraints (pp15-16) that acted as a final sieve on options leading to the conclusion about growth directions: *In light of these local constraints and opportunities, rural residential development will be enabled to the north and southeast of Oxford, as shown in Figure 6.*
- 4.19 I note the very directive language used here that having determined that the growth directions are suitable for urban development "*rural residential development will be enabled*."(emphasis added). Having followed a comprehensive and robust process the Council was very firm in its view that all identified growth options were fit for purpose or appropriate for LLRZ development.
- 4.20 In my opinion, the Council through its strategic planning document the RRDS has in a comprehensive and robust manner stepped through the three elements I have used to assess how the Council determined that any growth option identified land was suitable for urban development in my para 34 above.

#### *Implementing the RRDS*

- 4.21 I set out in detail in my Evidence in Chief at paras 79 – 86 the approach taken by the Council in providing for growth and development in the PWDP subsequent to the RRDS:

- (a) The Overlay is 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).
- (b) The distinctive values, risks or other factors that apply to this Site 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.
- (c) The Rural s32 Report at Section 5.3 Proposed Objectives and Policies page 33 says:
- ...the provisions applying to Large Lot Residential Overlay areas... implement Policy UFD-P3,*

Policy UFD-P3 describes the circumstances where future Large Lot Residential Development can occur and identifies the criteria under which a change in zoning can be considered. I observed at my para 84 that the Policy 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;*

*The Rural 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.*

- 4.22 I made the point at para 86 of my evidence-in-chief that I read the s 32 Evaluation to say that the future use of the Site as LLRZ has passed a type of gateway test as to its suitability for re-zoning as part of the RRDS process. I have worked through that in detail in this rebuttal evidence.
- 4.23 I note that UFD-P3.2 specifies additional criteria for proposed LLR locations not provided for in the RRDS – presumably because these additional locations have not been assessed against or passed the RRDS 'gateway' tests.<sup>2</sup>
- 4.24 I consider that the appropriate focus for any submission relating to LLRZO land is on the effects of the re-zoning, not so much its fit with the policy framework. The Survus

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<sup>2</sup> *UFD-P3 Identification/location and extension of Large Lot Residential Zone areas...*



submission with respect to 25 Ashley Gorge Road is clearly consistent with UFDP3 which only requires adjacency to LLRZ and the development of an ODP. Both requirements are met for this site.

4.25 It is fair to conclude that all growth proposals were tested in a rigorous manner such that it is clear that in adopting the selected growth locations the Council had concluded that they were suitable for future urban development.

4.26 For the avoidance of doubt, I note that the RRDS adopts the term "locations" in its assessment of growth area candidates, and it has repeated references to the suitability of these locations. A sample of these references are (emphasis added):

- *Taking a strategic approach to proactively manage rural land for rural residential use by enabling 'clustered' locations for development also helps to protect the balance of our rural land for productive and rural character purposes (Foreword p1).*
- *we need to be mindful of known environmental and other constraints and opportunities on a location-by-location basis, to safeguard our people and land, while taking into account the wider planning framework within which we operate (Foreword p1).*
- *...this Strategy now enables a number of growth locations for further rural residential development that are considered suitable for rezoning (Foreword p1).*

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*2. new Large Lot Residential development, other than addressed by (1) above, is located so that it:*

- a. occurs in a form that is attached to an existing Large Lot Residential Zone or Small Settlement Zone and promotes a coordinated pattern of development;*
- b. is not located within an identified Development Area of the District's main towns of Rangiora, Kaiapoi and Woodend identified in the Future Development Strategy;*
- c. is not on the direct edges of the District's main towns of Rangiora, Kaiapoi and Woodend, nor on the direct edges of these towns' identified new development areas as identified in the Future Development Strategy;*
- d. occurs in a manner that makes use of existing and planned transport infrastructure and the wastewater system, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required, to an acceptable standard; and*
- e. is informed through the development of an ODP.*

- *This Strategy is underpinned by expert advice, technical information, and importantly, what you have told us you value about our District through a number of forums including your submissions on the draft Rural Residential Development Strategy (Foreword p1)*
- *This Strategy identifies growth locations for rural residential development across the whole Waimakariri District to meet a projected demand of approximately 385 rural residential households over the next 10 years (p3)*
- *it is necessary to take into account regional planning initiatives and frameworks, as well as issues, strengths and constraints that determine the suitability of particular growth locations. This ensures positive and sound outcomes are achieved for the community. However, this Strategy does not rezone land in its own right. It identifies growth locations that are considered suitable for rezoning and the District Plan Review is then the vehicle for implementation (p4)*

4.27 I do not see any merit in trying to distinguish between the terms "location" (RRDS) and "area" (NPS) in terms of whether the RRDS delivers an outcome that can be applied to the definition of an area "identified for future urban development". The terms are synonymous.

4.28 The purpose of the RRDS was to identify those areas/ locations that were suitable for future urban development. They have been confirmed in the LLRZO for north Oxford.

4.29 There is in my opinion a compelling logic to the strategic work done on future LLRZ provision in Waimakariri, and how that work has been translated into LLRZO and UFD-P3 provisions in the PWDP as foreshadowed in the RRDS in its Part 3: Making it Happen. I consider that the RRDS is a strategic planning document that has identified areas of land suitable for commencing urban development over the next 10 years. This is supported by the summary on the Council's web site of the purpose and timeframes for the RRDS:

*This Strategy provides the framework for the future provision of land zoned for rural residential purposes in the Waimakariri District. It identifies growth locations for rural residential development across the whole District to meet a projected demand of approximately 385 rural residential households over the next 10 years.*

4.30 For completeness, I note that the RRDS has adopted a 10-year (2019- 2029) implementation period, which is consistent with a 10 year timeframe expressed in the definition of "identified for future urban development" in NPS-HPL.

4.31 From reading the Buddle Findlay opinion included as Appendix 5 to the s 42A Report, the opinion is expressed that there must be a high level of **certainty** that urban development

will commence within 10 years. This opinion is supported by reference to the guidance document prepared by the Ministry for the Environment on the NPS-HPL in March 2023.

- 4.32 While the need or otherwise for certainty and the weight to be given to this guidance document will be matters addressed in legal submissions, from a planning perspective I consider it important to emphasise i.e. state the obvious that the purpose of the RRDS was not to rezone land. Rather, the RRDS specifically stated that this was to be achieved by a process under the RMA. As with any process under the RMA, there is always going to be varying degrees of uncertainty as to whether a rezoning sought through either a submission or private plan change will be successful. In my view, setting a "high level of certainty" threshold for commencing urban development would appear to me to be significantly different to a factual question of whether land has been identified as "suitable" for urban development.

**Is the Site identified at a level of detail that makes the boundaries of the area identifiable in practice?**

- 4.33 The second leg of the definition of "identified for future urban development" requires close examination as well. Is the land/area identified in a strategic planning document, the RRDS, "at a level of detail that makes the boundaries of the area identifiable in practice?".
- 4.34 I say that the RRDS does just that. It identifies land that is suitable for future urban development, and I say it is identified at a level of detail that makes the boundaries of the area/location identifiable in practice.
- 4.35 I reiterate my opinion above that I do not see any merit in trying to distinguish between the terms "location" (RRDS) and "area" (NPS) in terms of whether the RRDS delivers an outcome that can be applied to the definition of "identified for future urban development". The terms are synonymous.
- 4.36 At his para 54 Mr Buckley explains how the RRDS growth locations are to be given effect to in the statutory planning process.

*[54.] As an outcome of the RRDS, those properties that were identified were included in the Proposed Plan as LLRZ Overlay Zones. Chapters 3.5 and 5.3 of Rural s32 report discuss circumstances in which the LLRZO areas can be considered for rezoning. The s32 framework anticipated that where sufficient information was later provided that these areas could be rezoned.*

- 4.37 The level of detail used to identify the north Oxford growth area is appropriate to each document.
- 4.38 The RRDS is strategic in nature, and its maps are appropriate for such a document. It clearly shows in its Figure 6 the northern growth area between Ashley Gorge Road and Bay Road (**Figure 3**). The growth area may be shown as a graphic arrow common in such

documents, but on the ground, in a real-world view, the boundaries are clearly set by those two roads and by Queen Street and Somerset Drive. It includes the submitter's site. It is identifiable in practice.

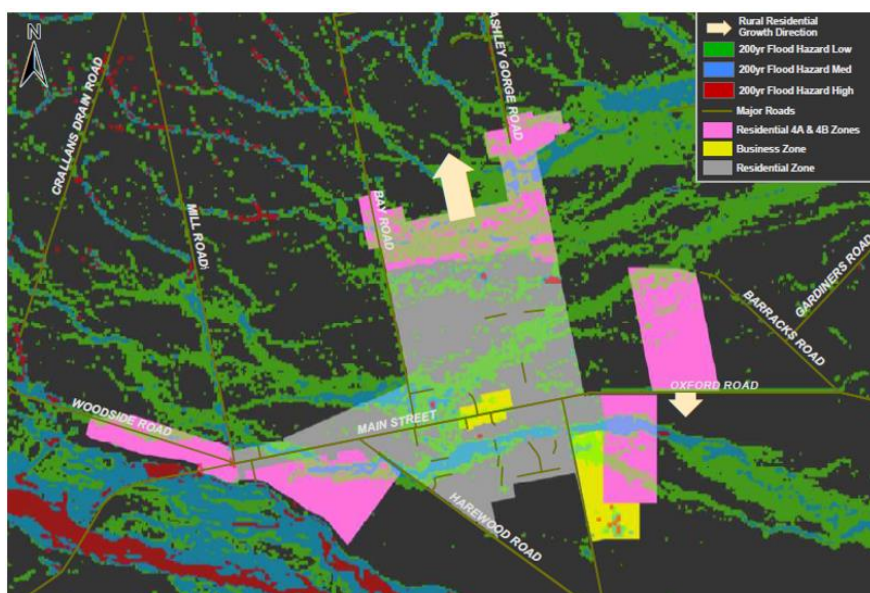


Figure 3: RRDS Figure 6

4.39 Mr Buckley seems to accept this point as he confirms at para 54 of his s 42A Report that as an outcome of the RRDS, *"those properties that were identified in the RRDS were included in the Proposed Plan as LLRZ Overlay Zones."*

4.40 Also at his para 417, he specifically says with respect to the Ashley Gorge Road site: *"[a] general growth direction was identified in the RRDS, which could be reasonably assumed to include the property"*.

4.41 My view is that there was sufficient detail for the final (as opposed to notified) RRDS to identify specific properties as preferred rural residential areas. The notified RRDS was subject to a submissions and hearing process. That process attracted numerous submissions from landowners requesting that their land be included as a preferred rural residential area. These submissions were for the most part site specific and cadastral based, as they related to individual properties. The hearing panel recommendation report (attached) which summarises submissions states with respect to Oxford (page 9):

*The key landowner of the property within the growth direction to the north is in support of the proposal for further rural residential development here.*

4.42 The Report states (page 10):

4.43 *...the panel accepted the officer recommendation that the original growth directions to the north and southeast identified in the draft RRDS are retained in the final Strategy, noting landowners' support for rural residential development in these directions*

- 4.44 This indicates to me that the then owner of 25 Ashley Gorge Road participated in the RRDS draft and the final RRDS confirmed the north Oxford growth direction between Bay Road and Ashley Gorge Road based on the landowner support for this (and other reasons outlined in the RRDS).
- 4.45 I accept that the RRDS did not provide a cadastral basis to the growth direction, but I hold the view that it did not need to in order to meet the second part of the definition of "identified for future urban development". What "identifiable in practice" means is a different test, and can, for example, relate to any later stage in giving effect to the strategic planning document. The reality being that in practice the boundaries of the LLRZ Overlay have been identified in the PDP, consistent with the intent as stated in the RRDS for the rural residential growth directions to be implemented through the PDP (and presumably potentially, if proposed by landowners, private plan changes). I quote from the Implementation section of the RRDS which clearly anticipates the later rezoning stage in giving effect to the strategic planning document.

*The purpose of the Rural Residential Development Strategy is to determine directions for rural residential growth.*

*The Waimakariri District Plan Review process is the key vehicle through which the Rural Residential Development Strategy will be implemented. The Proposed Waimakariri District Plan, with revised objectives, policies and rules relating to rural residential development, is intended to be publicly notified in mid-2020.*

*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.*

## **Summary**

- 4.46 In my evidence above, I have examined the process of preparing the RRDS and confirmed that the strategic plan-making process, the consideration of higher order planning documents, and land/area selection criteria used were specifically directed at the question of suitability of land or areas in any growth direction for LLRZ. On the evidence now available to the Hearing Panel this suitability for re-zoning has been confirmed both by the submitter's experts on a broad range of relevant matters, and the Council staff and peer reviewers.
- 4.47 In my opinion the NPS-HPL cannot be engaged as a means to "wind back the clock" to start afresh and replace what was a quite rigorous public and evidential process to provide for future growth at north Oxford.
- 4.48 In my opinion the Site qualifies as an exemption to the NPS-HPL under clause 3.5(7)(b) (i) and (ii) in that the Site is identified for future urban development and at a level of detail way that makes the boundaries of the area identifiable in practice.

**5 DOES A REZONING OF THE SITE MEET THE CRITERIA IN CLAUSE 3.6 OF THE NPS-HPL?**

5.1 While firmly of the opinion that the exemption applies, I include below an analysis of the proposed rezoning against the criteria in Clause 3.6 (1) (a) –(c) of the NPS-HPL

**(a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020**

5.2 Cl. 3.2 of the NPS-UD requires every Tier 1, 2, and 3 local authority to provide at least sufficient development capacity in its region or district to meet expected demand for housing in existing and new urban areas (my underlining). In my opinion, the Site if zoned LLR will be part of the Oxford urban area and within an urban environment as defined in the NPS-UD. I discuss this in depth later (under 'NPS-UD').

5.3 The NPS-UD requirement to provide at least sufficient development capacity is set as an on-going requirement ie there must be sufficient development capacity for each year over the short, medium and long term. The requirement rolls over every year so that any land that is developed and taken out of the potential capacity must be replaced, as a minimum, in the following years or there must be extra capacity within existing zoned land.

5.4 The RRDS identified that at least 385 rural residential lots for the period 2019-2029. That equates to 39 lots per year. This is consistent with Mr Yeoman's estimate of demand for 30-40 lots per annum (Appendix J of the s42A report):

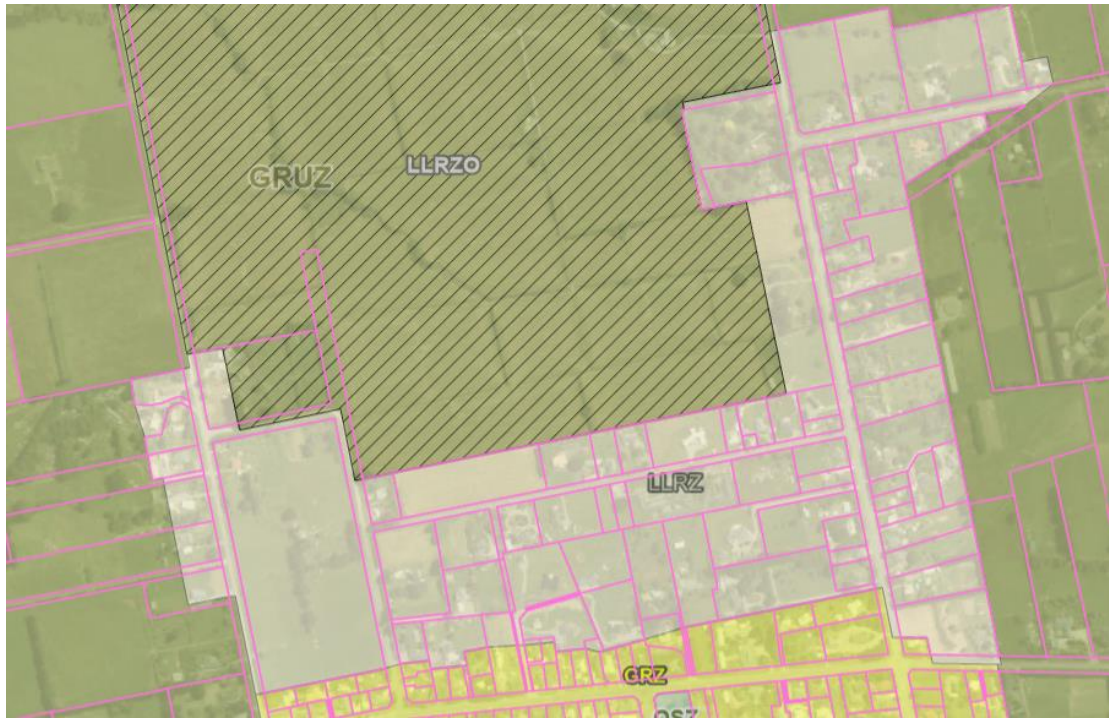
*[2.31] I conclude that it would be conservative to assume that the demand for LLRZ maybe within the range of 30-40 per annum in the medium term, or a total of 300-400 over the next ten years. This compares to the supply of 143 in the existing LLRZ. This means that there may be a need for more capacity (indicatively an additional 150-250 dwellings) in the medium term, potentially by as early as 2028.*

5.5 Mr Yeoman has estimated that in 2024 there are 143 LLRZ lots available for development. That pool of land represents less than four years spare capacity. It will not provide sufficient spare capacity over the next ten years. The level of spare capacity in 2024 or in any year should be 385 lots if the Council plans for LLRZ uptake to be 39 lots/ year on year for the next ten years or the medium term.

5.6 Decisions on the PDP are likely to be late 2024/early 2025 and its provisions will provide for a 10-year planning period i.e. to 2034/35, a period equivalent to the medium-term period in the NPS-UD. As far as I am aware, there have been no areas zoned LLR since 2019. So, based on 39 lots per year, at least a further 337 lots are required by decisions on the PWDP to add to the existing pool of 143 lots to provide at least sufficient capacity of 385 lots over the medium term (2024-2034) as required by the NPS-UD.

- 5.7 This requirement for spare capacity expressed this way is a fixed in time number and is true only if there is no uptake of or development in the pool of available land that forms the capacity needed to meet the NPS-UD requirements. If every year up to 40 lots are taken up as Mr Yeoman suggests is a reasonable forecast, then an additional 40 lots needs to be fed in yearly to the capacity pool of land, or a larger pool of land is set aside to provide additional capacity over several years, so that at all times there is sufficient capacity.
- 5.8 In the context of a clear undersupply situation, as well as the status of the Site as a LLRZO, there can be no doubt whatsoever that the rezoning is required to provide sufficient development capacity to meet demand for housing, which in accordance with Policy 1 must meet needs, in terms of type, price, and location, of different households.
- 5.9 The proposed Ashley Gorge Road LLRZ is required to provide sufficient development capacity to meet demand for housing. It was one of the areas identified in the RRDS as required to provide a limited supply of 385 rural residential lots for the period 2019-2029,
- 5.10 There is no discussion in the s42A Report on the planning issues of what is needed in the medium, or long term for Oxford in terms of LLRZ land supply. Mr Yeoman addresses LLRZ supply and demand for the district as a whole, but primarily focusses on Greater Christchurch in his report at Appendix J of the s42A Report. He does not address the Survus submission nor this proposal at Ashley Gorge Road in his Report.
- 5.11 The urban re-zoning options for Oxford are addressed by Ms McLung in her s42A Report.
- 5.12 I note at Oxford, there is some 'theoretical' remaining capacity in the order of approximately 60 LLRZ lots within some of the existing LLRZs (**Figure 4**). The West Oxford LLRZs in particular include a few larger as yet undeveloped LLRZ land parcels (four in the 4 – 9.62 ha size range). As far as I am aware these blocks have been zoned Residential 4A for a lengthy period and are predominantly held in single ownership.
- 5.13 The Ashley Gorge proposal will introduce a new landowner and will add some competitiveness to the LLRZ land market. In that regard this will help deliver on outcomes in the NPS-UD.







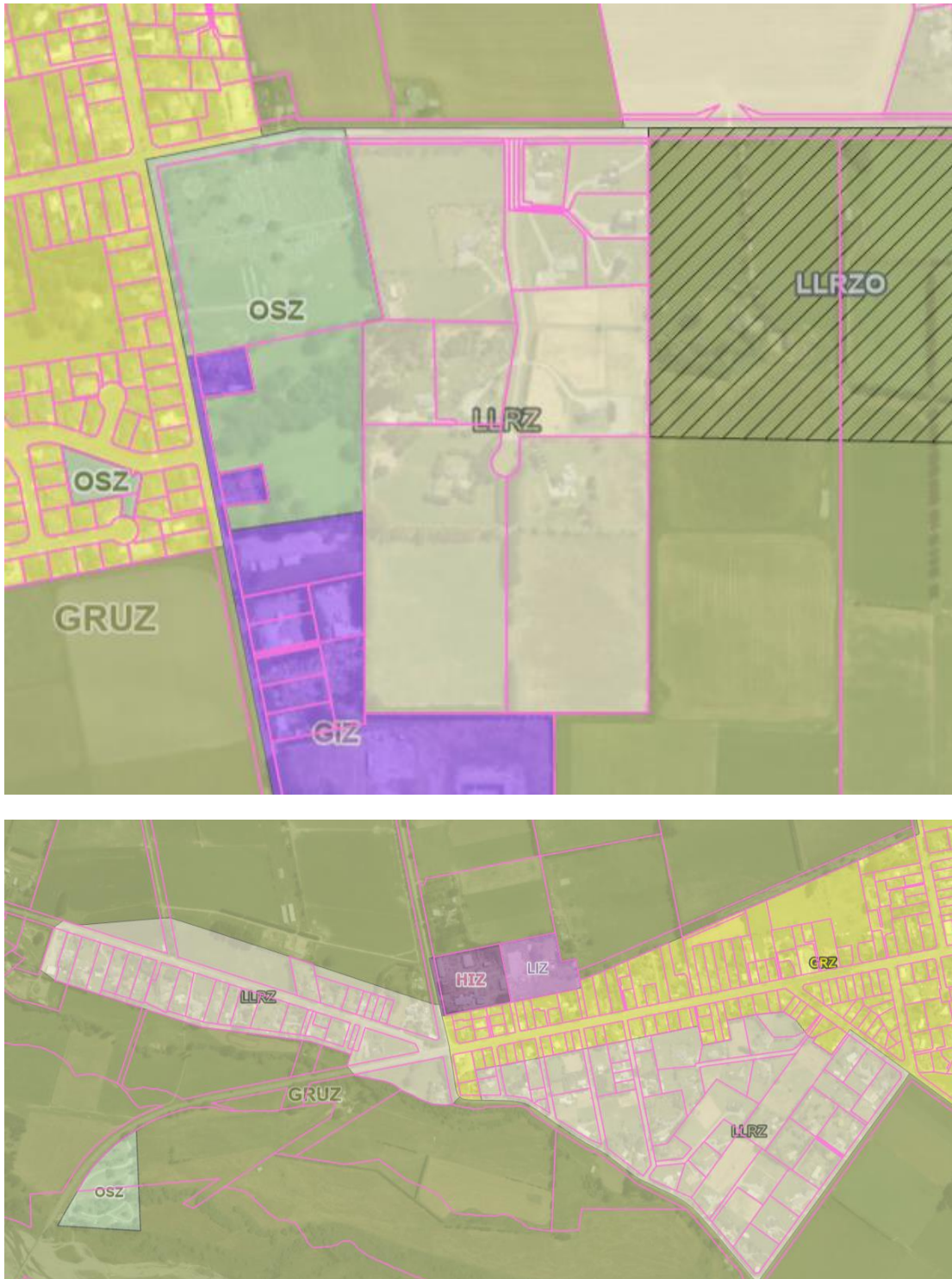


Figure 4: Oxford LLRZs shaded light grey.

- 5.14 Mr Yeoman offers a partial way forward in his para 2.32 for the shortage of existing LLR capacity to meet demand where he suggests “[p]roviding more capacity via live zoning of some of the overlay areas to LLRZ or approving more capacity would be conservative, and would improve sufficiency of supply for this type of residential property.”

- 5.15 Looking specifically at Oxford, the report by Livingstone and Associates Ltd/ Community Housing Solutions "*Housing Demand and Need in Waimakariri District – Research Report (2020)*", which is part of the background documentation for the PWDP, contains a detailed and useful analysis of households within sub-areas of the District including future growth for the Oxford sub-area. The sub-areas are based on Statistics NZ statistical area units (Figure 2.1) not the finer grained mesh block level.
- 5.16 Table 3.8 in the Livingstone Report shows projected growth of households by sub-areas based on Statistics NZ data, not the WCGM.

	Oxford
2018	800
2023	890
2028	970
2033	1,030
2038	1,080
2043	1,130
2048	1,180
<b>Change</b>	
18 to 28	170
28 to 38	110
38 to 48	100

- 5.17 This table shows a steady increase in households in the Oxford sub-area confirming a pattern of growth, not decline, but at a level of between 17 and 10 new households each year out to 2048.
- 5.18 This confirms to me that some future provision for growth at Oxford needs to be made. LLRZ lots will help meet the NPS-UD requirement that a range of housing types and locations around Oxford are provided. The proposed re-zoning will yield 83 lots so it comfortably provides for Livingstone's anticipated growth in households but fully in line with the expectations of at least sufficient development capacity directed by the NPS-UD.
- 5.19 I have reviewed the s42A Report for Hearing stream 12A to get a sense of what plan enabled land supply may ensue from the PWDP process. I note that Ms McClung is recommending that only one block of GRUZ land to be re-zoned GRZ (also HPL). That is the Mehrtens block at 63 Harewood Road which may yield 48 residential lots. I also note the questions from the Panel about the possible re-zoning of other land within the township suggesting to me that the issue of supply is not settled.

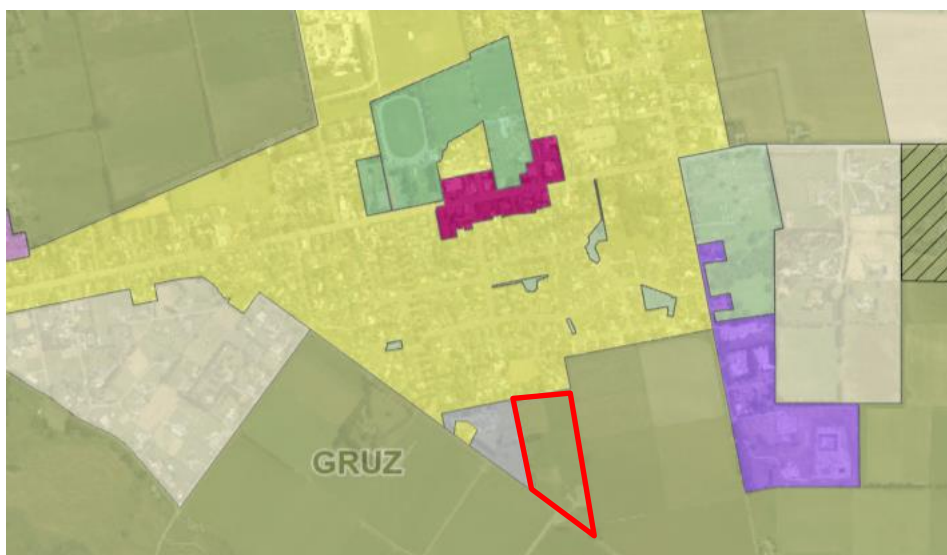


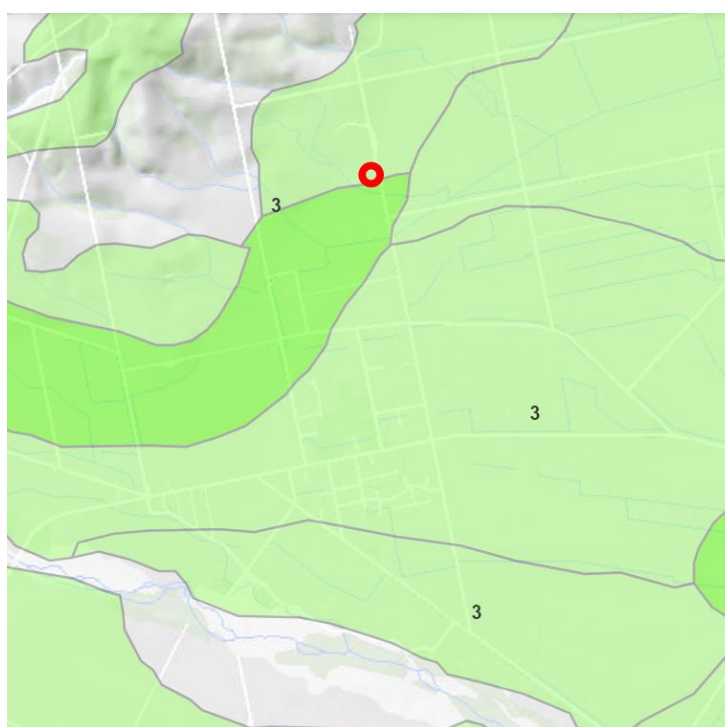
Figure 5: PDP planning map for Oxford (partial). 63 Harewood Road outlined in red.

- 5.20 With respect to LLRZ my reading of Mr Buckley’s report, and as confirmed in his Table 3 at para 538, only two re-zoning proposals, both at the eastern end of the District are being recommended for LLRZ re-zoning. These will yield 30 lots at Cones Road, and 57 lots at Gressons Road. Both are within the Greater Christchurch Urban Area and have their own specific considerations in terms of delivering strategic housing supply including under Chapter 6 of the CRPS.
- 5.21 Mr Buckley does not recommend any re-zoning of land for LLRZ outside the Map A CRPS/Spatial Plan Greater Christchurch Urban Area boundary. Only providing additional capacity at Cones and Gressons Road does not provide for the needs of the balance of the District in my opinion. It does not get close to providing the 300-440 lots required over the medium term to provide at least sufficient development capacity that is identified by Mr Yeoman as being necessary. I further note Mr Yeoman’s advice (para 5.2) that there is a request to zone the Gressons Road LLRZO as a higher density residential zone – General Residential or Medium Residential. If approved, this would reduce the LLR land supply for the short and medium term to a total of just 30 lots in addition to the existing zoned capacity, a high proportion of which, seems unlikely to be realised over the life of the District Plan (the next ten years).
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity**
- 5.22 It is clear to me that a relevant consideration in any assessment of the re-zoning against the NPS-HPL must be set against the overall context of Oxford in relation to the quality of soils it sits on and that surround it. This context is not referenced in the s42A Report. All growth options will need to consider the NPS-HPL except where the land is already zoned for residential use, or for other urban purposes, or is clearly identified as a growth option in a strategic planning document. In this regard the conundrum of providing for growth and

the presence of LUC 1-3 soils is not dissimilar to the issue identified by the Panel in its question to Ms McLung in relation to natural hazards for residential re-zonings in Oxford. The Panel's question focussed on the lack of "clear ground" free of natural hazards for urban growth:

a. *The Panel is finding it difficult to reconcile your position [at para 143-144] of not recommending rezoning this land to GRZ, given our understanding that large areas of Waimakariri that are proposed to be zoned GRZ or MRZ and allow for greater levels of development than in the ODP are subject to natural hazards.*

5.23 **Figure 6** clearly establishes that Oxford sits within a sea of HPL LUC 2-3 land. There are no areas that could feasibly be developed that will not encounter such land and require consideration of the NPS-HPL.



**Figure 6:** LUC 2-3 land at Oxford (Canterbury Maps)

5.24 I do not argue that this situation requires any lesser consideration of the NPS-HPL. It certainly requires careful consideration of how the tension between the imperatives of enabling future growth contained in the NPS-UD is set against the protections of high-quality land contained in the NPS-HPL given the soils context of Oxford.

5.25 It does concern me as a planner that the s42A Report seems to give a primacy to the NPS-HPL and the avoidance of the loss of potential primary production so that it acts to disqualify land that on all other fronts is suitable for re-zoning. My understanding is that there is no primacy between the NPS instruments. Both are relevant for consideration of growth options on HPL. I read the NPS-HPL to contain provisions that enable consideration of HPL land on its merits and provides for a broader judgement and overall assessment of

what decision will better provide for Part 2. That I consider is the purpose of clause 3.5(7), 3.6 and 3.8-10 of the NPS-HPL.

- 5.26 In the case of LLR zones, there is clearly no other reasonably practical options for providing for the required development capacity at Oxford. Intensification of existing urban areas cannot accommodate LLR sized sites; all land adjoining the Oxford township is HPL; and the Site has low productive capacity (see Evidence in Chief of Mr Ford and Mr. Walton's peer review) so there are unlikely to be other suitable sites adjoining Oxford of a comparable size that have a lower productive capacity.

**(c) *the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.***

- 5.27 Mr Buckley states in his s42A report that "*the property comprises predominantly LUC Class 2 and 3 soils and is of sufficient size to be considered for primary production;*"

- 5.28 In my opinion this conclusion to disqualify the submission as not meeting Clause 3.6 (1) (c) of the NPS-HPL runs counter to the expert advice on the matter.

- 5.29 Mr Ford's evidence for the submitter evaluated the full range of benefits of the proposed rezoning of the land that can be weighed up against the full range of costs of the loss of HPL. His conclusion at his para 17 was that:

*...the environmental, social, cultural and economic benefits of rezoning the site at 25 Ashley Gorge Road Oxford outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production and meets the requirements of Clause 3.6 (1) (c) of the NPS-HPL93.*

- 5.30 Mr Walton as the Council's expert peer reviewer summarises the primary production characteristics of the Site in these terms:

*2. The productive capacity of the 49.7 block is severely limited by poorly drained soils, cold winter temperatures including snow. The current land use is very low intensity with insufficient investment in plants, fencing and tracks to maintain the property to a high standard.*

*3. The geophysical size and location of the block also limit the potential of the property to remain as a viable dairy or dairy grazing unit. It is obvious that the old dairy farm was abandoned some years ago, probably due to the lack of scale. It is surrounded by small block properties on two side and roads on the other two. The proximity to the Oxford town boundary is incredibly obvious with over adjoining 20 neighbours.*

5.31 His conclusion sits hand in hand with Mr Ford's position. Mr Ford states in his evidence:

*It is my opinion that this proposal could meet the rules and objectives of the national policy statement on highly productive land (NPS-HPL) under clause 3.6, sub clause 1(c) in that the benefits outweigh the costs. It is my opinion that this is a sensible and practicable application that whilst on the surface does not meet the NPS-HPL due to its zoning, the location, environmental and social factors more than outweigh the current loss of 49.7 ha of poor performing pasture and tired infrastructure.*

5.32 The s42A Report from Mr Buckley does not reflect this congruence of opinion from the agricultural experts. Mr Buckley has focussed on the productive potential of the land but has stepped past the expert opinion of Mr Ford that the economics of lifting production will not be matched by potential returns on that investment. Mr Ford and Mr Walton agree that there are significant limiting site characteristics that are not clear from the soil classification. I understand the two experts clearly saying that these characteristics (wetness, drainage, scale and surrounding land uses creating potential reverse sensitivity issues and an inability to be incorporated into a larger farming operation) cannot be set aside in assessing the best actual and potential use of the site.

5.33 At his para 427, Mr Buckley states that the '*highest and best use of the land would be for dairy support*'. That is consistent with Mr Ford's opinion but is only true in terms of possible primary production. What Mr Ford and Mr Walton are saying, on my reading of their evidence, is that all things considered, there is actually a better, more productive use possible if the land is developed as LLRZ. Mr Ford concludes that the sum of potential production from LLRZ lots will potentially be greater than the Site's present low level of productivity and will better provide for sustainable use of the land and climate resiliency.

5.34 There is in my opinion a fundamental disconnect between the advice of the peer reviewer for primary production (Mr Walton) and Mr Buckley's position. Mr Buckley in his s42A report has not referenced Mr Walton's review which is very closely aligned to the expert opinion of Mr Ford for the applicant. He has in fact substituted his opinion about the primary production potential of the Site. He has relied on his own opinion, not that of the expert peer reviewer, to recommend rejecting the submission on the grounds of loss of primary production potential. Mr Ford has provided rebuttal evidence in this issue.

5.35 In my opinion a clear case has been made out by the relevant experts that the benefits of re-zoning the land outweigh the loss of primary production potential. As such the proposed re-zone meets the requirements of Clause 3.6 (1) (c) NPS-HPL.

## **6 APPLICATION OF THE NPS-UD**

6.1 Mr Buckley's revised position is that the NPS-UD applies to all parts of the district (as per the High Court authority in *Southern Cross Healthcare v Eden Epsom Residential Protection Society*) but that the LLRZ and LLRZO are not urban in character and accordingly are not an urban environment as that term is defined in the NPS-UD.

6.2 Mr Buckley's reasoning is because they do not possess the characteristic features of an urban environment - average lot size is 5000m<sup>2</sup>, and they don't have kerb and channelling, street lights, or businesses and community services. He does appear to recognise that the situation is not clear cut, and that LLRZs adjoining existing urban areas are more likely to exhibit some elements of urban character and also be more able to contribute to a well-functioning urban environment because they are near centres with employment opportunities and public transport. I consider the north Oxford LLRZ sought by the submitter is a case in point. It is within easy walking distance (under 1km) from the Oxford town centre.

6.3 Whether an area has urban characteristics and is an 'urban area' extends beyond a consideration of urban form to whether an area performs an urban 'function'. This is clearly the case for the proposed North Oxford LLRZ. The Site will be a low-density residential zone on the edge of the township which will be integrated with and connected to the township, including in terms of reticulated services and active transport links. The additional residential population (appx. 182 persons based on 2.2 persons per household) will provide further support for town-based services and facilities.

6.4 Parts of the NPS-UD relate to planning decisions which affect an urban environment, I am unclear whether in light of the *Southern Cross v Eden and Epsom Residential Protection Society* decision, these provisions are applicable to all parts of the district including areas which are not an 'urban environment'. In any case, in my opinion, Oxford including the proposed LLRZ is an urban environment.

6.5 The NPS-UD defines urban environment as follows:

*Urban Environment: means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- a. is, or is intended to be, predominantly urban in character; and*
- b. is, or is intended to be, part of a housing and labour market of at least 10,000 people*

6.6 The planner's *Joint Witness Statement – Urban Environment* did not reach consensus on which parts of (or if all of) the Waimakariri District constitutes an 'urban environment'.

6.7 I note that the PWDP includes a definition of Urban Environment which sets out the NPS-UD definition as above and clarifies that it includes Oxford town.

*For Waimakariri District, the urban environment described in (a) and (b) comprises the towns of Rangiora, Kaiapoi, Woodend (including Ravenswood), Pegasus, Oxford, Waikuku, Waikuku Beach, The Pines Beach, Kairaki, Woodend Beach, the small towns of Ashley, Sefton, Cust, Ohoka, Mandeville, and all Large Lot Residential Zone areas and Special Purpose Zone (Kāinga Nohoanga).*

- 6.8 This definition has been the subject of submissions, referenced in the Strategic Directions and Urban Form and Development s42A reports. Changes are recommended as below, to amend the wording 'urban environment' to 'urban centre'.

*167. The definition for Urban Environment is from the NPSUD. In addition, it also lists those areas within the district where the urban flood maps apply. The application of the Urban Environment definition will need to be amended to ensure that conflicts in meaning do not occur when used within the Urban Form and Development chapter. This is covered in the Section 42A report for Urban Form and Development.<sup>3</sup>*

- 6.9 In my opinion, Oxford including the Site is an urban environment. My reasoning is set out below.

**a. is, or is intended to be, predominantly urban in character**

- 6.10 Oxford existing and proposed urban zones are already (existing developed urban areas) or 'intended to be' (undeveloped urban zoned areas and areas proposed for urban rezoning including the LLRZO areas) predominantly urban in character.

The LLRZ is described as:

*LLRZ-01*

*Purpose, character and amenity values of Large Lot Residential Zone*

*A high quality, low density residential zone with a character distinct to other Residential Zones such that the predominant character:*

- 1. is of low density detached residential units set on generous sites;*
- 2. has a predominance of open space over built form;*
- 3. is an environment with generally low levels of noise, traffic, outdoor lighting, odour and dust; and*
- 4. provides opportunities for agriculture activities where these do not detract from maintaining a quality residential environment, but provides limited opportunities for other activities.*

- 6.11 This description is consistent with the National Planning Standard (NPS) definition of LLRZ as:

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<sup>3</sup> S42A Report Strategic Directions

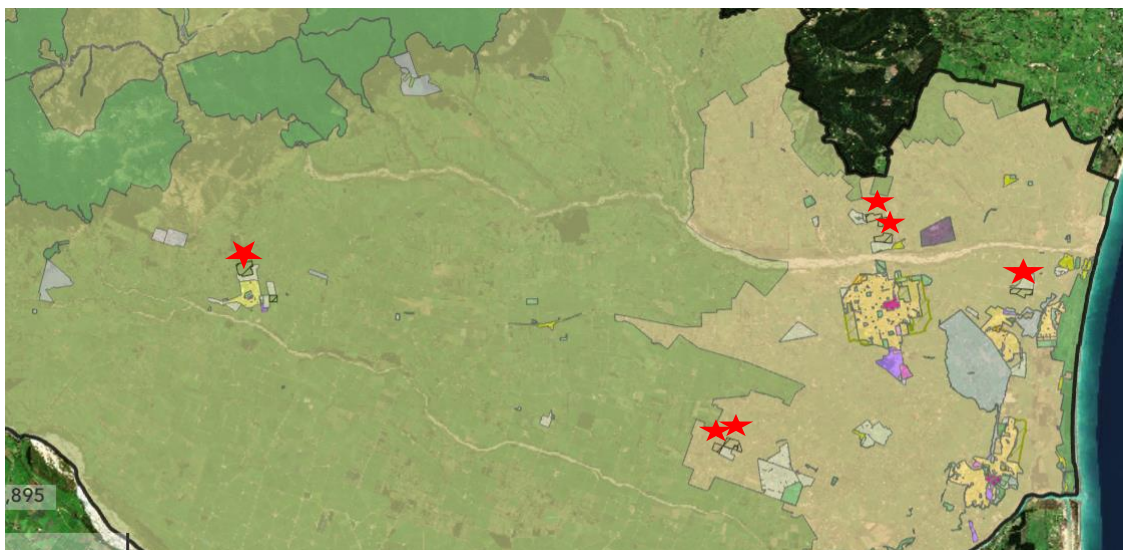


*Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.*

- 6.12 Whilst the LLRZ provides for agricultural activities these are only capable of being entirely 'hobby' or for partial 'self-sufficiency' reasons given that the new LLRZOs must achieve a net density of 1-2 households per hectare (RES-P14) and minimum lot size of 2500m<sup>2</sup>. The primary function of the LLRZ and LLRZOs is to provide for low density residential living in a relatively 'quiet' setting. The LLRZs and Overlays are distinct from the Rural Lifestyle Zone which applies to the eastern portion of the district's rural area, with a purpose consistent with the NPS definition of the RLZ as:

*Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.*

- 6.13 The PWDP LLRZs are the Operative Waimakariri District Plan Residential 4A and 4B zones. The LLRZOs are the rural residential growth areas identified in the RRDS (**Figure 7**). The LLRZOs are all located adjoining existing LLRZs which in the case of Oxford, in turn adjoins the General Residential Zone. The LLRZOs are required to be fully reticulated so are all close to existing reticulated settlements which have capacity to service the LLRZOs (according to the RRDS).



**Figure 7:** PWDP planning map – LLRZs light grey; LLRZOs black hatched + identified with red star

6.14 The RRDS describes the district’s rural residential areas as “*proving to be hugely popular in offering a semi-rural, manageable lifestyle that provides space and a sense of community... which... cater for the needs of those wishing to live within a rural or semi-rural setting, therefore enabling living choices for the people of Waimakariri District.*”<sup>4</sup>

6.15 The LLRZOs are all attached to existing LLRZs and are close to existing settlements (Oxford; Swannanoa and Mandeville; Rangiora; and Waikuku, Pegasus and Ravenwood respectively). Their setting is semi-rural in that they will be located on the edge of these existing settlements adjoining and with a partial outlook onto rural zoned land; and the lot sizes enable some, albeit very limited, primary production.

6.16 In my opinion, because of a combination of the required lot size and their location, and function, the LLRZOs when rezoned LLRZ and developed will become predominantly urban rather than rural in character – they will be a form of ‘urban zoning’. This is consistent with the NPS-HPL which is very clear on this point:

*urban, as a description of a zone, means any of the following zones:*

*low density residential, general residential, medium density residential, large lot residential, and high density residential.*

***b. is or is intended to be part of a housing or labour market of at least 10 000 people.***

6.17 In my opinion, Oxford is part of the Greater Christchurch housing and labour market which constitutes a housing and labour market of at least 10 000 people.

6.18 The Livingstone report<sup>3</sup> at s 5.4 examines the subarea workplace geography by enquiring as to the workplace location of households that are employed. Table 5.4 of that report shows the extent to which people in the Oxford subarea find work locally (in the sub-area, the Waimakariri District or Christchurch City). I have captured the key data from Table 5.4 in my table below. I have combined the tenure types (renters and owner occupiers) and the income bands as that is not a relevant consideration here.

	Household Workplace							
	Sub-area		Waimakariri		Chch City		Total	
	No,	%	No	%	No	%	No	%

<sup>4</sup> RRDS pages 1&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)

<sup>3</sup> Livingston and Associates Ltd/ Community Housing Solutions Ltd: [Housing Demand and Need in Waimakariri District – Research Report \(2020\)](#)

<b>Oxford sub-area</b>	270	31%	410	47%	190	22%	870	100
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- 6.19 This Livingstone analysis shows that 69% of Oxford sub-area households in employment work outside the Oxford Sub-area. Even accepting that some of those households will have work in rural parts of the District outside the sub-area, the table confirms the significant connection Oxford has with a broader labour market that taking Waimakariri and the City together is far larger than 10,000 people.
- 6.20 Appendix 3 of the Livingstone Report provides a finer grained analysis of workplace for Oxford sub-area residents. Appendix 3 confirms that 12% of Oxford sub-area owner occupier residents found work in Rangiora, and 46% of owner occupier residents found work in Christchurch City. Of the Oxford sub-area residents who rented, 46% worked in the City and 4% of renters worked in Rangiora.
- 6.21 When comparing the workplace location between Waimakariri district and the City the data shows the split to be 52% and 48% for renters, and 53% and 46% for owner occupier households.
- 6.22 Oxford meets criteria b. of the urban environment definition being part of a larger labour market of more than 10,000 people.

### **NPS-UD Objectives and Policies**

- 6.23 I support Mr Buckley's conclusion at his para 411 that:
- The proposed rezoning is consistent with Objective 1 and Policy 1 of the NPS-UD, through providing a range of properties, near where community services are available and where it can connect into existing services.*
- 6.24 I also consider that the proposed re-zoning is consistent with and helps achieve Objectives 3, 4 and 6 and Policy 2.
- 6.25 I agree with Mr Buckley that the Site will help Oxford to achieve a consolidated urban form [para 413] and that development of the Site will provide a concentrated and contiguous development with Oxford [para 414]. As such it is also consistent with RPS provisions.

### **Regional Policy Statement**

- 6.26 Mr Buckley and I agree that the proposed rezoning is consistent with the RPS. I included an assessment as Attachment 2 of my Evidence in Chief.

## Peer reviews

6.27 My assessment of the peer review reports is that no significant issues arise, and the Site can be serviced and set out to provide significant amenity and ecological qualities consistent with the purpose of the LLRZ zone. Mr Buckley notes at his para 418 that:

*Overall Council staffs' assessment of the ODP is positive. The ODP and narrative provides a good understanding of the proposed development.*

6.28 The potential issues raised are, in my opinion, more appropriately addressed at subdivision stage. They do not raise red flags about site suitability for re-zoning. In my view there is nothing in those matters that cannot be addressed at subdivision and land use stage.

6.29 For completeness I note that the following matters fall in to matters of subdivision consent detail. They do not lead me to consider that the proposed re-zoning cannot, in respect of those matters, be supported:

6.30 Traffic permeability and connectivity is addressed by Mr Carr in his rebuttal and in the attached amended ODP Narrative. At his para 5 he states

*"... I note that there is a reasonable degree of agreement between myself and Mr Gregory. He sets out that the scale of trip generation will not give rise to efficiency issues (his paragraph 21) and ultimately is able to conclude that he supports the submission (his paragraph 28). ...*

6.31 I support Mr Carr's recommendation that there be one change to the ODP narrative, to add that "Wide legal road reserves of High Street and Bay Road create the opportunity for further enhancement of walking and cycling routes, especially between the site and the town centre and Oxford Area School". This will ensure that non-car linkages are addressed in detail at the time that subdivision consents are sought.

6.32 The issue of lots and RoWs is a subdivision detail; the lot layout was only indicative to show what was possible and to establish a possible lot yield consistent with LLRZ lot standards. Any proposed layout will be checked against the District Plan subdivision standards at the appropriate time.

6.33 The stormwater basins are a key fixed feature of the ODP but their location and size depends on final subdivision design and road design and layouts. As such in my view they will be influential in shaping the subdivision and can be addressed at the consent stage. The ODP narrative identifies as a fixed feature:

- b. *Attenuation of peak stormwater flows in [stormwater](#) detention areas subject to specific design and conditions of subdivision consent*

- 6.34 The ecologist's peer review concerns about the treatment of the banks and edges of the drains traversing the Site can be managed and aligned to Council's expectations and standards as part of the subdivision/ land use consent process. SUB-MCD2.8 provides as a matter of control (emphasis added):

The extent to which areas of significant [indigenous vegetation](#) or significant habitats of [indigenous fauna](#), [the natural character of freshwater bodies, springs, watercourses, notable trees, historic heritage items, or wāhi taonga](#) are protected and their values maintained.

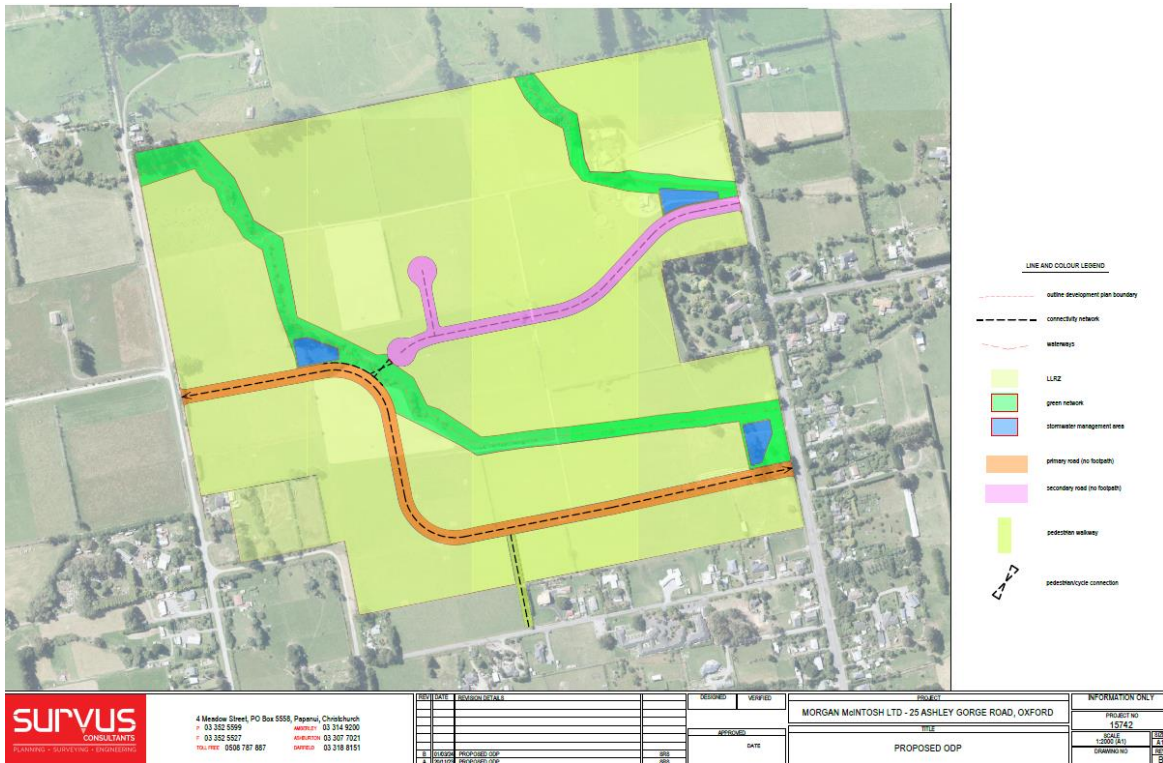
- 6.35 The ecologist's concerns about materials and plant choice again is a subdivision/ land use detail.
- 6.36 The ODP and proposed amended narrative are attached to my rebuttal as **Attachment 1**.

Fiona Aston

05 July 2024

Attachment 1- Fiona Aston Rebuttal evidence: Amended ODP Narrative

25 Ashley Gorge Road Outline Development Plan



Land Use Plan

The design and layout of development is dictated by Bay and Ashley Gorge Roads determining the west and east boundaries. To the south is the urban area of Oxford. To the north Somerset Drive provides a further area of transition to the rural area.

The dominant views are to the north and north-west to the foothills. The land is mostly flat with two dominant Council drains traversing the Site diagonally from the NW to the SE and providing opportunities for ecological enhancement and a green link incorporating a cycleway and walkway; they add interest and drive specific roading and lot layout features to the ODP.

Movement Network

The Site will be accessed by two local roads heading north out of Oxford township. Access in to the Site is restricted to the two main roads through the Site with limited private access to both Bay and Ashley Gorge Roads.

Future consideration needs to be given to reducing the posted speed limits on the existing local roads as development proceeds.

The local roads connecting to Oxford provide direct links for pedestrian and cyclist access to the amenities and facilities of Oxford. A pedestrian link is also proposed linking the primary internal road to Queen Street. **Wide legal road reserves on High Street and Bay Road create the opportunity for further enhancement of walking and cycling routes, especially between the site and the town centre and Oxford Area School.**

The local purpose reserves to be laid off against the two drains (anticipated to be 10m wide on either side of the Drain) provide opportunities for walking access through and across the Site.

### **Open Space and [Stormwater](#) Reserves**

Local purpose reserves are to be laid off against the two drains diagonally traversing the Site providing for some public open space suitable also for recreation activity. It is anticipated that the drains will be naturalised with riparian planting.

Three stormwater areas help create further areas of open space that will also assist in maintaining and enhancing the ecological values and biodiversity in the Site. These can be vested as Local Purpose Reserves serving recreation and open space functions or as Stormwater Reserves

### **[Water](#) and [Wastewater](#) Network**

The Site will be reticulated from the Oxford water supply either directly or on a restricted supply basis.

The Site can be serviced for wastewater but is subject to confirmation by the Council as to capacity at the treatment facilities for the Oxford Sewerage scheme.

### **Fixed Outline Development Plan Features for the Ashley Gorge Road ODP**

- Green links adjoining the Council drains
- [Water body setbacks and buffers](#)
- Attenuation of peak stormwater flows in [stormwater](#) detention areas subject to specific design and conditions of subdivision consent
- Two primary [road](#) connections to Ashley Gorge Road and one primary access to Bay Road.