

**Before the Hearings Panel  
At Waimakariri District Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** the Proposed Waimakariri District Plan

**Between** **Various**

**Submitters**

**And** **Waimakariri District Council**

**Respondent**

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**Council Officer's preliminary response to written questions on Hearing  
Stream 12D - Ohoka rezoning submissions**

**Date: 27 June 2024**

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**INTRODUCTION:**

- 1 My name is Andrew Willis. I am a planning consultant engaged by the Council to respond to the Ohoka rezoning submissions.
  
- 2 The purpose of this document is to respond to the list of questions from the Hearing Panel on Hearing Stream 12D in response to my s42A report. In preparing these responses I note that I have not had the benefit of hearing questions or comments from the Panel at the hearing on the various pieces of evidence. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.
  
- 3 Following the conclusion of this hearing, a Reply Report will be prepared outlining any changes to my recommendations as a result of evidence provided at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.
  
- 4 I am authorised to provide this evidence on behalf of the Council.

**Date:** 27 June 2024



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Paragraph or Plan reference	Hearing Panel Questions and Responses
Para 31 & 163	<p>You state:</p> <p><i>Relevantly, if some of the other rezoning submissions in those hearings are adopted then this would mean more capacity is available than is shown by the submitters' and Council's experts (including the supporting modelling).</i></p> <p><i>I note that if the Panel considers insufficient capacity is provided, then there are a range of rezoning submissions before the Hearing Panel which could be accepted to provide this additional capacity. In my opinion, the Hearing Panel needs to assess the merits of the various rezoning proposals before them on a comparative basis. I understand that this analysis will be provided in the s42A report for Hearing Stream 12E by Mr Wilson.</i></p> <p>Is there an overall Report/Table that shows the total extent of land that has been requested for rezoning to urban/residential? Will this be provided by Mr Wilson for HS12E?</p>
	<p><b>Response</b></p> <p>I understand that a table will be provided as part of Mr Wilson's Hearing Stream 12E s42A report which identifies the various rezoning proposals and their capacity.</p>
Para 35	<p>You state:</p> <p><i>I note that RIDL's supporting evidence raises concerns over future development opportunities in Kaiapoi and other locations in the District, and if the anticipated residential capacity is unable to be provided at Kaiapoi or elsewhere, this arguably strengthens RIDL's argument that insufficient development capacity has been provided by the Council under the NPS-UD</i></p>

	<p><i>and needs to be provided at Ōhoka. I consider that RIDL's concerns over development opportunities in other locations in the District are valid RMA concerns. As such, while RIDL benefits from this assertion, I do not consider it amounts to pure 'trade competition'.</i></p> <p>Has RIDL lodged any further submissions opposing any other rezoning requests?</p>
	<p><b>Response</b></p> <p>I have reviewed RIDL's submission and checked with the Hearing Stream 12C and Hearing Stream 12D s42A authors and have not found any RIDL further submissions opposing any other rezoning requests.</p>
<p>Para 92</p>	<p>You state:</p> <p><i>I accept the evidence of Mr Binder. I also note that there is currently no mechanism proposed in the submission or submitters' evidence that would require the submitter to provide the bus service proposed for the full 10 years.</i></p> <p>In your experience are you aware of any mechanism that might be built into a District Plan to require a public transport service to be established prior to development occurring, and to then be maintained - even if such a service proves to be non-viable?</p>
	<p><b>Response</b></p> <p>I have not drafted nor been directly involved with the application of such a mechanism. I am aware of rules delaying residential development until such time as 3-waters infrastructure is in place, however those rules do not require the ongoing provision of a temporary service.</p>

	<p>In theory, the District Plan could include a rule as part of subdivision consent requiring 10-years of public transport to be delivered, which could be enforced by way of a resource consent condition or a covenant. My concern with such an approach is that consent conditions and covenants can be altered or removed upon application, and it is not possible to undo the subdivision and development once constructed if the public transport service is discontinued.</p> <p>I also understand that a performance bond could be agreed with the developer and understand that these are sometimes used for roading projects. My concern with these is that roading projects are more finite – the works are undertaken and then completed, rather than spanning a 10-year period and then being discontinued.</p>
Para 113	Is downstream flooding an issue that needs to be addressed at this hearing, i.e. is it a determinative issue for the rezoning request?
	<p><b>Response</b></p> <p>While Mr Bacon addressed flooding matters on site and from 200-year events, his evidence did not address downstream flooding from the effects of increases in impervious coverage in smaller 5 year or 50-year events. Rather, this was covered in the stormwater evidence of Mr Roxburgh.</p> <p>Mr Roxburgh addressed downstream effects in his evidence (refer to paragraphs 28, 29, 30, 31 and 32). Ultimately, he concluded that because the downstream impacts of the increased runoff volume had not been assessed, and given the vulnerability of the community immediately downstream, he could not be confident in the viability of the proposal.</p>

	<p>I am unclear if this is a 'determinative issue' for the rezoning request.</p> <p>Based on the evidence of Mr Roxburgh, there is insufficient information to confirm the significance of the downstream impacts.</p>
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