

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 12D: Ōhoka rezoning request

and: **Carter Group Property Limited**
(Submitter 237)

and: **Rolleston Industrial Developments Limited**
(Submitter 160)

Summary of evidence of Tim Walsh

Dated: 1 July 2024

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SUMMARY OF EVIDENCE OF TIM WALSH

- 1 My full name is Timothy Carr Walsh.
- 2 I prepared the following statements in support of the submitters rezoning request:
 - 2.1 Statement of evidence dated 5 March 2024; and
 - 2.2 Supplementary statement of evidence dated 13 June 2024.
- 3 As per my evidence in chief, I consider the Ōhoka rezoning proposal stands or falls on the application of, and consistency with, the NPS-UD.
- 4 The NPS applies because Waimakariri District Council is a tier 1 local authority and the planning decision sought by the submitter affects an urban environment (Clause 1.3(1)). I consider the relevant urban environment is Greater Christchurch as indicated on Map A of the RPS. Incidentally, this was the interpretation of Selwyn District Council in respect of its recent district plan review¹. As I note in my supplementary evidence, the RPS helpfully and pragmatically defines the extent of the 'Christchurch' tier 1 urban environment. If we accept that the Greater Christchurch sub-region defines the extent of the 'Christchurch' tier 1 urban environment, we avoid a protracted (and likely subjective) exercise to otherwise determine its extent. Further, I consider that there would be no risk or adverse consequences of adopting this interpretation. Unanticipated or out of sequence urban growth proposals must have merit to be approved. The planning experts agree that the responsive planning provisions of the NPS simply allow for consideration of unanticipated or out of sequence proposals, not that they must be approved.
- 5 I consider the proposal satisfies the responsive planning provisions because it provides significant development capacity, contributes to the well-functioning urban environment of Greater Christchurch, and enables development that is well-connected along transport corridors. On this basis, Council must be responsive to, and have particular regard to, the development capacity provided by the proposal.
- 6 Based on the evidence on Mr Akehurst, Ms Hampson and Mr Sexton, I consider it very likely that a development capacity shortfall exists within the urban environment of the district (particularly outside the main towns) in the medium term, and potentially in the long term (particularly if proposed expansion of Kaiapoi is deemed inappropriate). I agree with Ms Hampson where she says that a *"local authority planning for growth poorly, will be one that keeps its sufficiency in the medium-term slim and is likely having to remedy a*

¹ See paragraph 4.3 of the Selwyn District Council 'Re-zoning Framework' s42A report dated 24 September 2021.

shortfall about three times over the life of the district plan"². I consider that Council's approach to urban growth planning does not satisfy the requirements of the NPS-UD. Despite this, the rezoning proposals before the Panel provide the opportunity to plan strategically for urban growth. The Ōhoka proposal assists by providing development capacity generally, and specifically in the western part of the urban environment which has high demand relative to other areas in the district and provides for people who are not attracted to the lifestyle offered in the main towns. The existing Ōhoka settlement is centrally located in the western part of the urban environment and is therefore well-located to accommodate this demand. Further, the proposed development area is located within a relatively unconstrained area of the urban environment. The site is readily available for development and comprises a large contiguous area of land adjacent the existing urban area, that can be developed in a well-planned and timely manner.

- 7 As per my evidence in chief, I note:
- 7.1 The site has low exposure to natural hazards.
 - 7.2 The potential costs associated with the loss of productive land are outweighed by benefits of providing development capacity.
 - 7.3 The distance of Ōhoka from coastal areas and the ability to manage flooding risk contribute to the resilience of the development area to impacts of climate change.
 - 7.4 The proposal supports future residents in reducing their GHG emissions and is preferable to providing the required capacity with additional rural residential / lifestyle development which would be more carbon intensive.
 - 7.5 The site can be serviced with all the necessary infrastructure.
 - 7.6 The proposal provides local convenience for an expanded local population.
 - 7.7 The proposal will lead to an improvement to waterway ecology.
 - 7.8 The proposal provides good connectivity and accessibility at the local scale, and acceptable levels beyond (including by way of public transport).

² Supplementary evidence of Ms Hampson, paragraph 72

- 7.9 The proposal maintains the existing characteristics of the Ōhoka settlement and urban area while providing a compact and consolidated urban form.
- 8 For these reasons, and others discussed in my evidence, I consider the proposal is consistent with NPS-UD.
- 9 I have reviewed the evidence and legal submissions of the Oxford Ōhoka Community Board. It has not changed my views on the proposal. I note the concerns raised by Ms Barkle in relation to the impact of changes to existing character and amenity values. Previous development proposals in Ōhoka have faced similar criticism. In May 2019, a proposal to include the northern part of the site in the Rural Residential Development Strategy was rejected based on opposition from submitters (22 of 47 submissions). The concerns related to "*local drainage and flooding issues and concerns that further growth might negatively impact Ohoka's small village character*"³. It is unclear whether the drainage and flooding issues were assessed by experts. However, in relation the rezoning proposal, Messrs O'Neill, McLeod and Throssell have addressed these aspects, and I prefer their evidence to that of Messrs Bacon, Roxburgh and Keenan where they disagree. As for impacts on village character, while this *may* have provided grounds for refusal in 2019, the NPS-UD (which came into effect in 2020) anticipates that urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations (Objective 4). To the extent that the appreciation of the status quo by some may be diminished by the proposal, Objective 4 and Policy 6 recognises the potential for change and that this is not necessarily an adverse effect. I consider the proposal would provide a high amenity living environment for significantly greater number of people.

Dated: 1 July 2024

Tim Walsh

³ Draft Waimakariri Rural Residential Development Strategy 2019 - Summary of Submissions, Officers' Recommendations and Hearing Panel Recommendations Report, Panel recommendation on page 15