

**BEFORE THE INDEPENDENT HEARINGS PANEL**

**UNDER**

the Resource Management Act 1991

**AND**

**IN THE MATTER OF**

the submissions of B & A Stokes on  
the Waimakariri Proposed District  
Plan (#214) and Variation 1 (#29)

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**SUPPLEMENTARY EVIDENCE OF  
JONATHAN CLEASE  
ON BEHALF OF B AND A STOKES**

**(Planning)**

2 August 2024

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**GREENWOOD ROCHE**

LAWYERS

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## **1 EXECUTIVE SUMMARY**

- 1.1 My evidence responds to the matters raised in the report prepared for Hearing Stream 12E of the Proposed Waimakariri District Plan (**PDP**) under section 42A of the Resource Management Act 1991 (**RMA**) (**Section 42A Report**). In particular, it addresses the feedback provided by Waimakariri District Council's (**WDC** or **Council**) planner Mr Peter Wilson, to the proposed rezoning of 81 Gressons and 1375 Main North Road (the **Site**) to Medium Density Residential (**MDRZ**), subject to an Outline Development Plan (**ODP**) (the **Proposal**).
- 1.2 I assess the three key outstanding matters identified by Mr Wilson and confirm that these matters can be readily addressed. I conclude that there are no effects-based issues that would prevent the relief sought, and that the Proposal will deliver a well functioning urban environment (**WFUE**), as defined in the National Policy Statement on Urban Development (**NPS-UD**).
- 1.3 I provided a detailed assessment of Proposal against the statutory framework in my evidence in chief (**EiC**). I have considered that assessment in light of the matters raised in the Section 42A Report, and my opinion regarding the alignment between the Proposal and that framework remains unchanged. I conclude that the Proposal readily aligns with the statutory framework and better gives effect to the directions contained therein than the Rural Lifestyle Zone (**RLZ**) in the notified PDP.
- 1.4 For completeness, I include a brief assessment of the alternative relief sought in the Stokes' submission that the Site is zoned Large Lot Residential (**LLRZ**). I conclude that whilst the LLRZ provides a better alignment with the framework than RLZ, MDRZ is ultimately better than both LLRZ and RLZ alternatives.
- 1.5 I attach an updated version of the ODP and associated narrative as **Appendix 1**. An assessment against the now operative Greater Christchurch Spatial Plan (**GCSP**) is attached as **Appendix 2**. A Section 32AA assessment is attached as **Appendix 3**.

## **2 QUALIFICATIONS AND EXPERTISE**

2.1 My full name is Jonathan Guy Cleese. I am employed by a planning and resource management consulting firm, Planz Consultants Limited, as a Senior Planner and Urban Designer. In summary, I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full member of the New Zealand Planning Institute. My experience is set out in full in my Evidence in Chief (EiC).<sup>1</sup>

## **3 CODE OF CONDUCT**

3.1 While this is not an Environment Court proceeding, I confirm that I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

## **4 RELIEF SOUGHT**

4.1 The Submitters relief as expressed in their submissions is set out in detail in my EiC.<sup>2</sup> The Stokes' preferred relief (which is supported by the suite of technical evidence briefs, including this evidence) is that their Site be rezoned to MDRZ.

4.2 For the purposes of assessment, this evidence, and the evidence of the submitter's other experts, is based on the following:

(a) MDRZ zoning applied across the entire Site.

(b) Subdivision to be in accordance with the ODP.<sup>3</sup> Following assessment of the Section 42A Report, an amended ODP and associated narrative are attached as **Appendix 1**.

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<sup>1</sup> Cleese EiC, at [2.2] - [2.4].

<sup>2</sup> Cleese EiC, section 4.

<sup>3</sup> Cleese EiC, Appendix A.

- (c) The ODP to show key links, blue networks, edge treatments, the large eastern green open space area (the **Eastern SMA / Open Space**), and protection of the wāhi tapu area.
- (d) The ODP to include a small community hub. The ODP narrative describes this area as containing approximately 1,000m<sup>2</sup> of convenience shops and community facilities such as a preschool or medical centre. It is proposed that this hub has a MDRZ zoning, with the ODP notation simply supporting a future resource consent application under the MDRZ rules for non-residential activities. A small neighbourhood centre sized area will not have any adverse retail distribution effects on the 12.8ha KAC located in Ravenswood.<sup>4</sup>
- (e) Edge treatments shown in the ODP narrative and associated cross-sections. It is anticipated that these outcomes will be implemented via subdivision consent conditions or notices rather than bespoke rules to amend built from standards (as that would require qualifying matter tests to be met).
- (f) Primary evidence submitted in support of the Proposal was based on an overall yield of approximately 1,500 units. Following consideration of the Section 42A Report, the submitters have confirmed that the yield across the Site will achieve a minimum of 15 households/hectare in line with the requirement in SUB-S3 of the PDP. For assessment purposes, this increase in minimum density equates to an overall yield of up to 1,900 households. The supplementary evidence of Mr Rossiter (transport) and Mr Hall (servicing) includes an assessment of the implications that such an increase might have on transport and servicing outcomes relative to their original assessment.<sup>5</sup>
- (g) Other than amendments to the planning maps to reflect the change in zone and the inclusion of the ODP and associated narrative, no other changes to PDP policy or rule frameworks beyond any minor consequential amendments are necessary.

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<sup>4</sup> Hampson EIC at [9.18].

<sup>5</sup> Refer Hall Supplementary Evidence at [6.1] – [6.5] and Rossiter Supplementary Evidence at [5.10] – [5.17].

- (h) Development of the Site is to remain subject to the generic PDP provisions controlling matters such as subdivision, earthworks, activities within silent file areas, and the MDRZ.

## **5 SECTION 42A REPORT**

5.1 I have reviewed the Section 42A Report of Mr Peter Wilson and the associated technical reports for Council. In summary, it appears that there is broad agreement that the Proposal will not result in any unacceptable effects in relation to the following matters:

- (a) versatile soils;
- (b) geotechnical;
- (c) soil contamination;
- (d) ecology;
- (e) landscape / character / amenity outcomes;
- (f) wastewater and potable water servicing (subject to minor points of clarification addressed by Mr Hall); and
- (g) transport (subject to minor points of clarification addressed by Mr Rossiter).

5.2 Whilst being generally supportive, matters for further consideration were raised by mana whenua regarding cultural matters, and by Mr Jolly in relation to urban design. I discuss each of these topics in turn.

### **Cultural matters**

5.3 It has been helpful to receive feedback from mana whenua regarding this Site.<sup>6</sup> I acknowledge that, as stated, such feedback is preliminary and general / non-specific in nature.

5.4 The feedback emphasises the need to maintain Te Mana o te Wai in terms of careful management of springs, waterways, and groundwater. It also references the Ngāi Tahu Subdivision Guidelines, and includes a

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<sup>6</sup> Section 42A Report at [832].

range of other recommendations relating to ecology and stormwater management.

- 5.5 There is a comprehensive suite of regulations in play through the Canterbury Land and Water Plan and associated National Environmental Standards for Freshwater requirements to manage water quality and ecological outcomes. As described in my EiC, the ODP is based on ecological enhancement and restoration of these waterways and associated extensive open space areas, and alignment with the ODP outcomes is a key requirement of the subdivision standards. In that regard, I consider that the feedback provided by mana whenua has been appropriately addressed through the Proposal.
- 5.6 Further amendments have however been made to the ODP narrative to ensure greater alignment with the recommendations provided by mana whenua.
- 5.7 The Stokes recognise that further engagement with mana whenua as part of the subdivision process will be required.<sup>7</sup> Mana whenua input into the long-term management of the wahi tapu site in the northeast corner of the Site is likewise acknowledged and welcomed, with explicit recognition of this site set out in the ODP and associated narrative.

### **Urban design matters**

- 5.8 Mr Jolly appears to be largely supportive of the proposed layout and associated ODP (or at least does not identify any significant concerns).<sup>8</sup> He raises a number of questions regarding matters of detail. It is unclear whether Mr Jolly has reviewed the narrative that accompanied the ODP (**Appendix A** to my EiC). That narrative forms part of the proposed PDP provisions and therefore carries regulatory weight insofar as subdivision consent applications are required to be in accordance with the ODP and associated narrative.<sup>9</sup>
- 5.9 The narrative provides the requisite detail that Mr Jolly is seeking. It includes:

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<sup>7</sup> SUB-R5 and provisions relating to Sites and Areas of Significance to Māori.

<sup>8</sup> Section 42A Report at [861].

<sup>9</sup> Cleese EiC, Appendix 1, proposed rule DEV-GD-R1.

- (a) waterway cross-sections which show the required treatment of both the waterway and the adjacent land;<sup>10</sup>
- (b) similar cross-sections provided for both the collector road network and the eastern stormwater basins / open space, with the key to the ODP confirming which roads are collectors (black dashed lines) and which are local roads (grey dashed lines);
- (c) details regarding the scale and use of the proposed community hub;
- (d) the rationale underpinning the linear form of the proposed greenspace in the northwest corner, namely to enable the retention of an existing avenue of mature oak trees set between neighbouring lifestyle properties to the north and a naturalised Stokes Drain to the south;
- (e) direction as to the location of higher density housing typologies (within walking distance of the Ravenswood commercial centre and/or the substantial open space areas), grading to lower density around the northern edges.

5.10 I also confirm that the ODP and narrative are equally suitable for an increase in yield from 12 to 15 hh/ha, as a range of housing typologies was always anticipated. Additional small local parks are likely to be required to support a larger number of medium density housing forms, and as such I have added an additional reference to this matter in the ODP narrative. I do not consider that small local parks are something that need to be shown graphically on the ODP, as the location of such spaces is a matter of detailed design that is appropriately resolved as part of the subdivision consent process, as is common for other detailed aspects such as the orientation of individual lots and local road alignments.

5.11 Based on the EiC of Mr Lester (Landscape) and Ms Lauenstein (Urban Design), I consider the proposed ODP will deliver a high quality urban environment that integrates well with both Ravenswood to the south and Waikuku to the north. Subject to confirmation of the matters of detail

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<sup>10</sup> Also included in Lester EiC at Appendix 1.

discussed above and articulated in the narrative in **Appendix 1**, Mr Jolly does not raise any fundamental urban design concerns.

### **Planning matters**

5.12 The Section 42A Report does not identify any 'deal breaker' issues or insurmountable effects-based reasons to decline the relief sought. Mr Wilson does however consider that he lacks sufficient evidence on three discrete matters to be able to recommend approval at this point in time.<sup>11</sup> The three outstanding matters identified by Mr Wilson are:

- (a) downstream capacity for stormwater, both through the culverts under State Highway 1 (**SH1**), and beyond;
- (b) the yields that the subdivision will achieve, particularly in respect of the PDP requirements to achieve 15 households per hectare; and
- (c) the rule framework, and/or other mechanisms that will ensure the necessary upgrades occur prior to beginning development, and/or staged throughout the development.

5.13 I address each of these three outstanding matters in turn.

### **Stormwater infrastructure**

5.14 The management of stormwater is assessed in detail in the EiC of Mr Andy Hall. Mr Hall has provided further commentary on the specific concerns raised by Mr Wilson in his supplementary evidence.

5.15 In summary, avoiding adverse effects in the current stormwater capacity or function of waterways downstream from the Site has always been a key consideration in the design of the ODP and associated servicing solutions. The proposed stormwater network is designed to attenuate (hold-back and then slowly release) stormwater volumes on-site, such that discharges off-site (and downstream) are commensurate with the volumes currently discharged under pre-development conditions i.e. result in no material change to downstream conditions.

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<sup>11</sup> Section 42A Report at [887].



- 5.16 The proposed stormwater basins shown on the ODP are extensive, and are sized to enable stormwater generated on-site to be attenuated commensurate with a 1:50 Annual Exceedance Probability (**AEP**) event. Future subdivision applications need to be in general accordance with the ODP. I have added specific reference in the ODP narrative regarding the need for the stormwater facilities to attenuate to the 1:50 AEP, and to achieve consistency with pre-development flows.
- 5.17 The substantial attenuation means that the volumes discharged downstream are no greater than current discharges. This means that any existing down-stream stormwater capacity constraints will not be exacerbated by the Proposal. Conversely, it also means that there is no need to further analyse existing downstream capacity constraints as the solution means that there will be no material change to downstream stormwater flows.
- 5.18 Mr Aramowicz, for Council, appears to agree with the solution set out in Mr Hall's EiC, where he states that: "*based on existing WDC flood hazard modelling, and given the nature of the site, I expect that with careful engineering, the effect of any additional stormwater runoff from a future subdivision can be largely mitigated using onsite attenuation. Sufficiently large areas would need to be allowed for to manage the very large overland flow path which crosses the site*".<sup>12</sup>
- 5.19 The proposed extent of the basins is over 13ha, so the area set aside is indeed large. Mr Hall has reassessed the size of the basins to ensure they are sufficient for accommodating increased flows for MDRZ outcomes and the anticipated density of 15 hh/ha, and concludes that increases will be small and able to be accommodated within the Eastern SMA / Open Space area as shown on the amended ODP.<sup>13</sup>
- 5.20 Discharges from the Site are proposed to exit the basins via existing culverts under SH1 and as shown on **Figure 1** below.

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<sup>12</sup> Memorandum to Peter Wilson (Council Officer) from John Aramowicz, *Proposed District Plan Rezoning Requests Stream 12E – Servicing, Natural Hazards, Geotechnical Matters*, at [160].

<sup>13</sup> Hall Supplementary Evidence at [6.4].



Figure 1. ODP extract showing stormwater culvert locations

- 5.21 Mr Hall notes that the main existing culvert to the south of the Preeces Road intersection is undersized and therefore does not currently cope with existing pre-development flows i.e. in heavy rain the stormwater backs up onto the Site.<sup>14</sup>
- 5.22 The establishment of substantial basins in the Eastern SMA / Open Space area will play a key role in attenuating stormwater up to a 1:50 AEP event, before discharging it via a controlled release through that existing culvert at a pre-development rate. In that regard, the Proposal will not exacerbate any existing issues created by the culvert, any effects of which would be limited to the Eastern SMA/Open Space area of the Site.
- 5.23 Although he considers that the Proposal will appropriately manage stormwater and flood risk, Mr Hall nevertheless identifies that there would be benefits in resolving the existing shortcoming with WDC / Waka Kotahi infrastructure.<sup>15</sup> The subdivision consent process is the correct stage for resolving the funding and timing of these sorts of detailed matters, noting that the solution is simply a larger culvert, which is

<sup>14</sup> Hall Supplementary Evidence at [1.7].

<sup>15</sup> Hall Supplementary Evidence at [8.2].

neither technically challenging nor particularly expensive in the context of 3-waters infrastructure.

### **Minimum density**

5.24 The Stokes have confirmed that they are willing to meet a minimum yield of 15 hh/ha. This has been reflected in amendments to the proposed ODP narrative regarding both the target minimum yield and the need for additional local parks to support higher density housing typologies. The evidence of Mr Hall and Mr Rossiter confirms that 3-waters and roading infrastructure respectively can accommodate this increase in overall yield.<sup>16</sup>

### **Infrastructure funding and regulation**

5.25 Mr Hall sets out the process by which the delivery of infrastructure is funded and secured.<sup>17</sup> As a planner, in my experience infrastructure is provided for as follows:

- (a) Infrastructure located within the Site, or that is necessary to connect the Site to existing reticulated networks e.g. via pipe extensions, is provided by the developer at the developer's cost. The design of such infrastructure is confirmed through the subdivision consent process, with reference to any relevant Council infrastructure design standards. Once built, network infrastructure, local roads, and greenspace are typically vested with the Council, with rates used for funding their ongoing operation/maintenance costs.
- (b) Development Contributions (**DCs**) are also paid at the time of subdivision (generally as a condition of consent / s224 certificate stage) and prior to titles being issued. DCs are levied in accordance with Council's DC policy, and the funds are used in line with projects set out in the Long Term Plan. DCs are used to fund an increase to the capacity of wider Council-held infrastructure in response to additional demand placed on such infrastructure through urban growth.

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<sup>16</sup> Hall Supplementary Evidence at [6.2] and Rossiter Supplementary Evidence at [5.17].

<sup>17</sup> Hall Supplementary Evidence at [5.24] – [5.29].

- (c) In addition to DCs, councils also have the ability to recoup infrastructure costs through the use of Financial Contributions (FCs). FCs are a tool enabled under S77E RMA and S108(2)(a) RMA, and take the form of a rule in a district plan (with the ability to apply for a resource consent to breach the rule i.e. not make the payment). The PDP as notified did not contain any FC rules. Variation 2 to the PDP (notified 22 February 2024) seeks to introduce a new chapter that sets out the FC provisions. As with the balance of the PDP this variation will be subject to submissions and as such the final form of the provisions are yet to be determined. Proposed rule FC-R2 triggers the need for a FC assessment for subdivision proposals seeking to create more than two allotments. Subdivision is permitted where the required money is paid, and conversely is a fully discretionary activity where payment is not made. Of particular relevance to the concerns raised by Mr Wilson, the ability for Council to obtain FCs for 3-waters infrastructure is set out in rule FC-S2:

*As part of the District Council Financial Contribution Calculation Assessment for drinking water, wastewater and stormwater the following calculation methodology will be used:*

- *assess whether the upgrade, extension or new infrastructure required already accounted for in growth component allowed for in the Development Contributions policy;*
  - *assess the increase in capacity of the upgrade, extension or new infrastructure required and only charge the proportion needed to service the proposed development;*
  - *where required to be installed on Council land and agreed to by the Council, the 100% estimated cost of all materials, installation and commissioning of a water supply booster pump and associated infrastructure to maintain water pressure in any building three or more stories in height; and*
  - *assess provision of on-site stormwater management, and if sufficient to manage a 10 year storm, either no or a reduced financial contribution will be required.*
- (d) The proposed FC rule therefore provides a mechanism by which any infrastructure costs incurred by Council in servicing new

growth areas can be 'topped up' where such costs exceed those able to be recouped through the separate DC processes.

- (e) Where there is sufficient capacity in the wider network to accommodate additional demand, these three well-established processes are sufficient for delivering the infrastructure necessary to service that development. As set out by Mr Hall and Mr Rossiter, this is the case with the Site where servicing is not reliant on any major upgrades to off-site infrastructure.<sup>18</sup> As such it is able to be delivered through standard subdivision consent and DC mechanisms.
- (f) There is however a third scenario that comes into play where the wider existing infrastructure network does not have sufficient capacity. Examples include the need for major upgrades to a wastewater treatment plant, or to upgrade and signalise a major intersection beyond the development site to cope with the additional traffic. Where the need for such upgrades is both critical to enable the development to proceed, and where the delivery of such infrastructure is expensive and/or technically complex, it can be appropriate to adopt a cautious approach to ensure land is not rezoned where the ability to service it is implausible or faces considerable uncertainty. In such situations, common planning tools include either the inclusion of a staging rule that caps the number of households until a specified upgrade has occurred, or confirmation being necessary prior to zoning that delivery of the requisite upgrades are able to be delivered e.g. through a confirmed developer agreement with Council that sets out timing and funding arrangements. Because no major off-site upgrades are needed for the Proposal beyond normal pipework extensions, there is no need for rezoning the Stokes' land to be staged or predicated on the delivery of critical infrastructure improvements.

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<sup>18</sup> Hall Supplementary Evidence at [5.20] – [5.21]; Rossiter Supplementary Evidence at [1.8]. The Section 42A Report confirms that there is capacity in the Woodend wastewater treatment plant and water supply networks. Connection to this infrastructure will require the installation of additional pipework beyond the Site, however as set out in Mr Hall's EIC, such pipework can be routed through existing vested road corridors and would be installed at the applicant's expense. This pipework is not extensive or technically challenging and as such is a matter that is readily confirmed via standard subdivision consent processes.

5.26 In addition to funding mechanisms, Mr Wilson raises concerns regarding the adequacy of the rule framework to ensure any necessary infrastructure is installed. As the infrastructure upgrades are simple pipework extensions, the standard subdivision provisions can be relied upon to provide the regulatory 'teeth' to ensure the Site is appropriately serviced. Whilst the subdivision chapter remains open to amendment via submissions, the notified framework included the following mechanisms:

- (a) Subdivision is a controlled activity where all standards are met (SUB-R2). Servicing is a matter of control (SUB-MCD6) and includes explicit consideration of potable water, waste water, and stormwater systems.
- (b) Subdivision within a flood hazard area is a restricted discretionary activity (SUB-R4). Consideration of hazard mitigation and management (including exacerbation of off-site effects) is a matter of discretion (SUB-MCD5). Of note, matter SUB-MCD5(2) is "*the extent to which necessary overland flow paths are maintained, including consideration of any culvert development or road access that may impede overland flow*", which provides Council with the appropriate regulatory tool to consider culvert sizing and flow path design as part of the subdivision consent process.
- (c) Subdivision is required to comply with the relevant ODP (SUB-S4). Applications that are not compliant have a fully discretionary activity status. An ODP and associated narrative for the Site is proposed to be added to the Development Areas chapter.
- (d) Potable waters supply is to be demonstrated through connection to either a reticulated community supply or private supply (designed to meet specified standards) through SUB-S9. Applications that cannot demonstrate such a connection are non-complying (community) or discretionary (private system).
- (e) Connection to an adequate fire-fighting water supply is required (SUB-S11). Applications that cannot demonstrate such a connection are non-complying.

- (f) Connection to a reticulated wastewater system is required (SUB-S12). Applications that cannot demonstrate such a connection are non-complying.
- (g) Connection to a reticulated stormwater system or disposal to ground is required (SUB-S15). Applications that cannot demonstrate such a connection are non-complying.

5.27 In summary, the infrastructure to service the Site is not technically challenging and the design solutions are readily plausible. The notified subdivision rules provide a robust regulatory framework for assessing the detailed design and delivery of the necessary infrastructure. Either consents can be declined (if the servicing solution is inadequate), or s224 certification can be withheld if installation of the systems does not occur to required standards. Either way, there are clear processes in place to prevent new titles being issued (and houses built) prior to the necessary infrastructure being installed. Additional bespoke rules regarding infrastructure provision are not therefore considered to be necessary for this Site.

## **6 STATUTORY FRAMEWORK**

6.1 The statutory framework for decision-makers assessing proposed district plans was assessed in detail in my EIC.<sup>19</sup> I have reviewed Mr Wilson's equivalent assessment, but it has not caused me to change any of the analysis contained in my EIC; I prefer my assessment to the assessment of Mr Wilson. That said, there appears to be broad agreement, at least insofar as the higher order direction applies to Woodend and the Proposal. In summary:

- (a) Questions regarding the definition of the 'urban environment' as that term applies to Waimakariri District are in my view straight forward when applied specifically to the Site and Woodend. In my opinion, Greater Christchurch (as shown in Map A of the RPS) is an 'urban environment'. Mr Wilson does not share that opinion, but there is however agreement that the operative urban zoned extent of the Woodend/ Pegasus/ Ravenswood area is "predominantly urban in character".<sup>20</sup>

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<sup>19</sup> Please EIC, see in particular section 7, section 14 (NPS-UD, CRPS), and section 15.  
<sup>20</sup> Referencing the definition of "urban environment" in the NPS-UD.

- (b) In my view rural land that is located immediately adjacent to an urban area is also able to fall within the 'predominantly urban' character of the township, and the Stokes 'intend' their site to become urban. Once zoned and developed, the Site will form a logical extension to an existing urban area.
- (c) There is agreement that the Site is located squarely within a housing and labour market of more than 10,000 people i.e. the Greater Christchurch area.
- (d) There is agreement that the NPS-UD directions are therefore clearly in play.
- (e) NPS-UD Policy 2 requires at least sufficient capacity be provided over the short, medium and long term, and at all times.
- (f) In my view, the Policy 2 reference to providing 'at least' sufficient capacity shows a preference for providing more than the minimum required (or at a minimum presents no policy barrier to such). The requirement for the capacity to be available at all times through the 10 year medium term means that a sufficient buffer needs to be in place at the start of the period to account for capacity run down before reviews (and subsequent plan changes to rectify shortfalls) occur.
- (g) NPS-UD Clause 3.2 provides further direction to the question of capacity in that such capacity is to be in existing and new urban areas, and for both stand-alone and attached dwelling typologies. Under MDRZ in conjunction with the ODP, the Proposal will provide for both housing typologies.
- (h) There is agreement between the economists that sufficient capacity is available in Woodend, over the short term.
- (i) There is however a difference in the economic evidence between Mr Yeoman for Council and Ms Hampson for the Stokes as to whether demand and capacity should be assessed by township, or collectively across the Greater Christchurch townships. And if the correct geography is just Woodend, whether or not there is a capacity shortfall over the medium term.



- (j) NPS-UD Objective 3(c) requires that district plans enable people to live in areas where there is high demand for housing relative to other areas within the urban environment. Ms Hampson identifies that there is high demand in Woodend, and that this demand is noticeably greater than that in Rangiora and Kaiapoi, with Woodend having grown at a much faster rate in recent years than either of the other two townships.<sup>21</sup> This higher rate of growth is likewise anticipated to continue over at least the medium term. Objective 2 identifies the need for planning decisions to improve housing affordability by supporting competitive land markets. Competitive markets in my view require housing to be available in both a range of locations and across a range of land developers, otherwise choice (and therefore competition) can be unduly constrained.
- (k) Policy 1 likewise requires a WFUE which has or enables a variety of homes in terms of type, price, and location. The reference to competitive markets, a range of locations, and a focus on high demand locations, collectively indicate to me that such outcomes are much more likely to be delivered where there is adequate capacity across individual townships, rather than a scenario where surplus capacity in one township is used to offset unmet demand in another. As such I favour Ms Hampson's approach of aligning demand and capacity by township given that demand clearly differs between the three townships. I likewise agree with Ms Hampson's observations that the NPS-UD seeks that capacity be aligned with demand for high growth locations and that as such, a large share of district capacity should be allocated to Woodend. This is in marked contrast to Mr Wilson's approach where, of the additional land that he recommends be rezoned, approximately two thirds is located next to Rangiora, one third to Kaiapoi, and only 4% to Woodend.
- (l) If there is a shortfall over the medium term, then the NPS-UD requires that Council rectifies that situation by providing more capacity. Even if there is no shortfall in capacity however, the NPS-UD does not preclude the provision of surplus capacity (i.e.

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<sup>21</sup> Hampson supplementary evidence at [6.13].

above the “sufficient development capacity” threshold). The policy consequence of the difference in capacity assessments between Ms Hampton and Mr Yeoman boils down to whether Council is required to act in order to meet an identified shortfall, or instead must consider more generally whether the provision of surplus capacity will achieve the purpose of the Act. Either way, the NPS-UD direction to ‘at least’ and ‘at all times’ shows a strong preference to erring on the side of more rather than less.

- (m) The requirement for any new “unanticipated” growth area to demonstrate that will deliver significant capacity (which includes requirements regarding serviceability) and contribute to a WFUE addresses the concerns raised by Mr Wilson regarding ‘over-zoning’.<sup>22</sup> Even if a new area results in surplus capacity, those safeguards in the NPS-UD ensure that that capacity is still located in a logical area. The only effect is a temporal one as growth areas build out and temporary gaps in urban form potentially appear between growth stages. There is however no issue with the end outcome. In that case, a merit-based assessment involves balancing at worst an arguable transitional effect of less than optimal urban form staging versus agreed acceptable long-term WFUE outcomes and the strong NPS-UD directions regarding capacity being ‘at least’ and ‘at all times’, choice in typology and location, priority to high growth areas, commensurate urban form adjacent to town centres, and the delivery of competitive housing markets.
- (n) There is agreement that the Site is not located within the Map A area shown in the CRPS and therefore it is an ‘unanticipated’ location in terms of Policy 8.
- (o) Policy 8 requires Council (decision-makers) to be responsive to proposals that would add significantly to development capacity and contribute to a WFUE even if that development capacity is unanticipated by RMA documents. In my view being responsive places an obligation to give serious and timely consideration to a proposal. It does not however require approval, as that determination is subject to consideration of whether a WFUE will

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<sup>22</sup> Wilson, Hearing Stream 12E Report, at [66],

be delivered, along with an assessment of alignment with the wider statutory framework.

- (p) There is agreement that a proposed growth area of some 1,900 households constitutes 'significant capacity' for the purpose of engaging Policy 8.
- (q) There is agreement that in order for a proposal to be providing development capacity, such proposals must be able to demonstrate that the proposed growth can be supported by the provision of adequate development infrastructure to support the development. This is discussed above and is set out in the evidence of Mr Hall and Mr Rossiter.
- (r) There is agreement that development proposals need to contribute to a WFUE. In determining which criteria or matters constitute a WFUE, Mr Wilson places primary weight on CRPS Policy 6.3.11(5). I have not encountered such an interpretation before across numerous urban growth and rezoning proposals in the Region. In my view Policy 6.3.11 is simply part of the discrete set of 'avoid development outside of Map A' provisions in the CRPS, which Policy 8 clearly overcomes. Just as the Map A references are set aside by Policy 8, so too is the CRPS direction for the limited circumstances where the extent of Map A is to be amended by the Canterbury Regional Council. That said, I note that Mr Wilson concludes that subject to confirmation of infrastructure funding, the Proposal meets the criteria set out in Policy 6.3.11. I also agree that the policy direction in the CRPS (beyond the 'avoid growth outside of Map A' policies), provides further detail on a localised expression of a WFUE. My EiC included a detailed assessment of the Proposal against these provisions and found that the Proposal does give effect to the balance of CRPS urban growth directions.<sup>23</sup>
- (s) Just as the CRPS provides a localised expression of a WFUE, so too is guidance provided by two strategies prepared under the Local Government Act 2002, and to which the Panel need to have regard to. I assessed the Waimakariri Rural Residential Strategy and the

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<sup>23</sup> Cleave EiC, at [15.13].

Waimakariri 2048 District Development Strategy in my EiC.<sup>24</sup> The Site is identified in both of these strategies as a potential growth path (the northern third for LLRZ and the southern two thirds as a more urban expansion area). The GCSP is a Future Development Strategy. It had not been finalised when my EiC was drafted. I include as **Appendix 2** a brief assessment of the Proposal against the key urban growth directions of the GCSP and in summary find that the Proposal is broadly consistent with the directions in that document.

- (t) In determining a WFUE, I have focussed my assessment on the framework provided in the NPS-UD, which expresses WFUE outcomes primarily through Objective 3 and Policies 1-3.
- (u) The NPS-UD defines a WFUE as having 'the meaning in Policy 1'. This is clear and unambiguous direction in a higher order document. Policy 1 is supported by Policy 2 regarding capacity, and Policy 3 regarding intensification within and adjacent to centres and public transport – the three policies work as an integrated package. I assessed these provisions in detail in my EiC.<sup>25</sup>
- (v) In focussing his assessment on CRPS Policy 6.3.11(5), Mr Wilson has not assessed alignment of the notified PDP with Objective 3 and Policy 3 in particular. Objective 3 requires District Plans to "*enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: (a) the area is in or near a centre zone or other area with many employment opportunities*".<sup>26</sup> The Ravenswood KAC is a 'town centre' Zone. Mr Wilson has not assessed how his recommendation to reject the submission and retain a RLZ better achieves the direction to enable more people to live near a centre zone, relative to MDRZ as sought.
- (w) Policy 3(d) provides clear direction that District Plans enable "*within and adjacent to neighbourhood centre zones, local centre*

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<sup>24</sup> Cleave EiC, at section 14.

<sup>25</sup> Cleave EiC, at section 14.

<sup>26</sup> For completeness Objective 3(b) and (c) are also considered to be in play for the Site.

*zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services”.*

- (x) The Site is located immediately adjacent to the Ravenswood KAC. This emerging centre is the third largest commercial centre in the District, and one of only three KACs. The Section 42A Report of Mr Willis<sup>27</sup> on submissions seeking commercial rezoning includes a recommendation to align the boundaries of the Ravenswood commercial area with those in the Operative Plan determined through a recent private plan change process (PC30). Mr Willis likewise confirms the KAC status of the Ravenswood centre (labelled 'North Woodend'), and that the Town Centre Zone is the appropriate in aligning the centre's zoning with its status in the top tier of the District's centre hierarchy.
- (y) Mr Yeoman recommends that identification of the site as a Future Development Area (**FDA**) may be appropriate, but he does not expand on why the provision of more than the minimum required density now is sufficiently adverse (from an economic perspective) to warrant not live zoning the Site now. He likewise provides no assessment from an economic perspective of how leaving land adjacent to a KAC rural (or FDA) achieves NPS-UD policy direction regarding urban form e.g. Objective 3(a), Policy 1(c) and Policy 3(d) outcomes. In short, regardless of whether or not there is a capacity surplus, the NPS-UD directs District Plans to deliver an urban form commensurate with centre hierarchy for the land adjacent to those centres. Such direction is independent of capacity assessments and is not reliant on there first needing to be a proven capacity shortfall.
- (z) The notified PDP zoning of RLZ is in no way a commensurate response. In recommending that the submission be declined, Mr Wilson provides no assessment of what is currently a significant shortcoming of the PDP that does not give effect to clear direction in the NPS-UD.

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<sup>27</sup> Willis s42A Hearing Stream 12A, [203]-[233].

6.2 In summary, the Proposal ensures that there will be at least sufficient capacity, at all times, over the medium term. The Proposal contributes to a WFUE, as expressed in the NPS-UD, and is consistent with the CRPS and PDP directions relating to new residential developments. It enables a commensurate response to land that is adjacent to a KAC and thereby enables the PDP to give effect to the higher order direction regarding land use in and adjacent to commercial centres. As such I consider it better achieves the statutory framework than retention of the Site as RLZ.

## **7 ALTERNATIVE RELIEF – LARGE LOT RESIDENTIAL ZONE**

7.1 For completeness, I note that the Stokes' submissions provided for a spectrum of relief that includes rezoning the entire site to a LLRZ. I emphasise that I consider MDRZ to be a zoning tool that better achieves the outcomes sought in the higher order planning framework than a LLRZ.

7.2 The PDP as notified includes a new LLRZ for the northern third of the site (approximately the area between Stokes Drain and Waikuku). The section 42A report of Mr Buckley recommended that the LLRZ be confirmed for the northern portion of the Site (noting the need for an updated ODP), on the basis that the area is shown in the Rural Residential Strategy and aligns with the higher order planning framework. Mr Buckley also confirms that rezoning the northern area delivers a WFUE and notes its proximity to the Ravenswood KAC.<sup>28</sup> He was silent on whether the southern two thirds should also be rezoned to LLRZ and does not appear to have assessed this as an option within the spectrum of relief sought for the wider Site.

7.3 I consider that LLRZ is an urban zone. The zone's title is clear that it is a residential zone, rather than a rural zone. At 5,000m<sup>2</sup> average minimums, the predominant activity is residential. Mr Buckley identified elements of LLRZ character that are not typically urban, such as the absence of kerb and channel treatment to roads and the visual dominance of open space over buildings. What he did not do was to 'turn the coin over' and consider common rural elements that are not found in the LLRZ. The predominant activity in rural environments is large-

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<sup>28</sup> S42A Report by Mark Buckley, Hearing 12C, [495].

scale primary production. Such is invariably absent from the LLRZ where the primary activity is a large house and garden. As such the primary and defining activity that characterises rural zones is not present in the LLRZ. In my view the NPS-UD is therefore very much in play for submissions seeking LLRZ, at least insofar as it applies to those sites located within the Greater Christchurch area and in particular sites such as the Stokes' which are located immediately adjacent to existing townships.

- 7.4 The challenge for LLRZ proposals is not the absence of the Policy 8 pathway, as I consider that pathway is available (at least for sites adjacent to existing townships located within the Greater Christchurch area). The policy challenge instead lies in concurrently meeting the twin requirements of Policy 8, namely that (1) rezoning would deliver significant development capacity; and (2) would contribute to a WFUE. The large minimum site sizes inherent with LLRZ means that overall yields are invariably modest. Conversely, a LLRZ development that is large enough to overcome the 'significant capacity' test, then faces the challenge of being such a large area of very low density housing that WFUE outcomes may be hard to demonstrate.
- 7.5 The Stokes' Site is a potentially rare example of both tests being able to be met. Overall yield at LLRZ densities is in the order of 220-250 households<sup>29</sup>, noting that the size of the stormwater basins can be reduced due to the much lower extent of impervious surfacing. I consider such a yield to meet the significance threshold, noting that it is similar to the yields generated by other plan changes in Greater Christchurch<sup>30</sup> that have been found to deliver significant capacity.
- 7.6 For this Site, the WFUE findings relating to MDRZ are generally transferable to LLRZ. Clearly the character and built form will differ, however the principle of urbanising (in some form) the area between Woodend and Waikuku, and in close proximity to a KAC and existing public transport, is well-founded. The in-filling of this area has long been signalled in both the Waimakariri Rural Residential Strategy and the Waimakariri 2048 District Development Strategy produced by Council.

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<sup>29</sup> 144ha site. Stormwater basins reduce to 8ha, leaving 136ha available. At a minimum average of 5,000m<sup>2</sup> per lot, and taking into account land lost to roads and local parks = 220-250 lots.

<sup>30</sup> For example PC67, PC74, and PC77 in West Melton, Selwyn District

## **8 CONCLUSION**

- 8.1 The Proposal provides a unique opportunity to deliver significant housing capacity in a location immediately adjacent to the District's third largest commercial centre and in a township where there is high demand both in absolute terms and relative to the other townships. This capacity can be delivered in a manner that provides an integrated extension to the township, is able to be plausibly serviced with reticulated infrastructure, enables modal choice and access to public transport, and facilitates significant ecological restoration.
- 8.2 I conclude that a MDRZ zone, in tandem with the proposed ODP, will more efficiently and effectively deliver the outcomes sought in the higher order planning framework than the RLZ and LLRZ as notified.

**Jonathan Clease**

2 August 2024



**APPENDIX A****PROPOSED AMENDMENTS TO THE DISTRICT PLAN**

All text is new/ additional to the PDP as notified. Amendments to the version circulated as Appendix A to my EiC are shown in red underline or ~~striketrough~~.

## GD – Gressons Road Development Area

### Introduction

The Gressons Road Development Area covers a 144ha area located between Ravenswood and Waikuku. The development provides for a Residential Medium Density Zone, with a small community hub towards its centre. The area includes two north-south collector roads that link through the site between Gressons Road and the Ravenswood commercial area.

The key features of DEV-GD-APP1 include:

- Retention and enhancement of Stokes Drain and the formation of a central west-east flood by-pass channel and separate waterway along the area’s southern boundary;
- Extensive stormwater management areas and associated landscaping along the eastern boundary with State Highway 1 that are designed to attenuate stormwater flows to a 1:50 AEP event.
- Retention Protection of a wāhi tapu site that is to be kept free of urban development;
- Provision of a central park that is at least 3.2ha in area; and
- Provision of a pedestrian and cycle network that is integrated with the blue/ green networks and collector roads.

### Activity Rules

DEV-GD-R1 Gressons Road Development Area Outline Development Plan	
<b>Activity status: PER</b> Where: <b>1.</b> Development shall be in accordance with DEV-GD-APP1	<b>Activity status when compliance not achieved: DIS</b>
<b>Advisory Note</b> <ul style="list-style-type: none"><li>• For the avoidance of doubt, where an Activity or built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.</li></ul>	

## Appendix

### DEV-GD-APP1 – Gressons Road ODP

#### Land Use Plan

This Outline Development Plan for the Gressons Road Development Area provides for a range of section sizes and housing types to respond to the wider needs of the community, with a minimum density of ~~42~~ 15 households per hectare, reflecting set within the site's extensive green/ blue network. Intensification of residential density is to be prioritised near to key open spaces and/or within easy walking distance (~~400m~~ 800m) of the Ravenswood commercial area, with larger lots prioritised on the outer edge of the ODP area where it adjoins Rural Lifestyle zoning or Gressons Road.

Subdivision may include the creation of super lots in order to achieve the required ~~42-15~~hh/ha density. If super lots are proposed within the subdivision, a minimum residential unit yield shall be registered by way of consent notice on the individual super lots, to ensure the minimum density overall is achieved.

The boundary treatment of sites adjacent to the Rural Lifestyle Zone and Gressons Road is to be undertaken in general accordance with cross-sections that form part of the ODP.

The Community Hub identified in the ODP shall have a total Gross Floor Area between 1,000m<sup>2</sup> – 1,500m<sup>2</sup>. It shall provide for small-scale commercial tenancies, along with community facilities such as a preschool or medical centre that directly support the daily needs of the immediate residential neighbourhood, with no individual retail tenancy anticipated to be larger than 250m<sup>2</sup>. The scale of commercial activity is to remain small so as not to detract from the Ravenswood Commercial area as a focal point for commercial activities. The Community Hub is to be located adjacent to the central park and an internal collector road to facilitate accessibility and to help activate the open space.

At the time of subdivision, consultation with the Ministry of Education will consider whether it is appropriate and necessary for any land to be provided for education purposes within the Development Area.

#### Movement network

The Outline Development Plan for the Gressons Road Development Area provides access to this growth area through a network of primary collector and secondary roads that ensure development integration, efficient traffic management and public transport corridors. Only these more significant roads are identified in the movement network shown on the ODP. The layout of additional tertiary roads to service the residential areas will respond to detailed subdivision design of those areas. The specific roading classification of all roads will be ultimately determined at the time of development, to provide flexibility and match the eventual roading classification system made operative through the District Plan.

A key movement network feature for the Gressons Road Development Area are two main north/south primary collector roads running through the site from Gressons Road to the Ravenswood commercial area. These north/south primary collector roads provide structure, a high degree of connectivity to the Key Activity Centre, and are designed to facilitate future public transport services. A complementary north-south pedestrian and cycle route is provided along the western edge of the large stormwater management area that is located along the full length of the Development Area's eastern boundary.

East/west movement through the site is provided via two collector roads. Connections are provided to the rural land to the west, to facilitate movement to the west in the event that this adjacent land is urbanised at some point in the future. Three east-west pedestrian and cycle corridors are provided via integration with the water networks.

Walkability and connectivity are key principles of the ODP, with a hierarchy of street types and connections provided throughout the area. The aim of the movement network is to provide a range of modal options for residents, to reduce car-dependency for short local trips, while recognising private vehicle use is necessary for longer trips. In addition to off-road cycle and pedestrian routes integrated with greenspace, the ODP anticipates that collector roads will include sufficient road reserve width to allow the provision of a shared pedestrian/cycle path, separate from the main vehicle carriageway.

The provision of a roundabout to the Gressons Road/ State Highway 1 intersection is enabled in the ODP to assist in improving the safety and efficiency of this intersection but is not a requirement of subdivision.

The formation of roads and adjacent green/ blue networks is to be undertaken in general accordance with the cross-sections which form part of the ODP.

### **Open Space and Stormwater Reserves**

An integral component of the ODP is the need to deliver ecologically enhanced spring-fed waterways and the separate management, detention, and treatment of stormwater and overland flood flows while integrating these blue networks with open space and reserves where appropriate.

Stokes Drain runs through the northern third of the Development Area in a west-east direction. This waterway is to be retained and enhanced with riparian native planting and provision for adjacent cycle and pedestrian routes. Existing farm drains are to be rationalised into a second waterway with associated native riparian planting to be established parallel with the Development Area's southern boundary with Wards Road. These two spring-fed waterways are to be kept separate from stormwater utility functions.

Overland flood flows entering the Development Area from the west are to be captured via a green link running along the western boundary and then directed into a central flood by-pass channel which passes through the middle of the site. The central flood by-pass channel is to be sized to accommodate a 1:200 AEP event. Stormwater is to be separately piped into a large

stormwater management area located on the Development Area's eastern boundary with the basins sized to attenuate a 1:50 AEP event. Culverts under State highway 1 are to be sized to accommodate at least the pre-development flows generated by a 1:50 AEP event.

These three types of water-based networks provide opportunities for ecological restoration and enhancement, along with providing important amenity and passive recreation opportunities.

A wāhi tapu site located in the northeast of the Development Area is to be retained as open space and kept free of urban development. This area is to be buffered by an ecological restoration area that forms part of the wider stormwater management area. The treatment and management of the wāhi tapu site is to be informed by consultation with mana whenua.

In addition to the extensive water network and associated green space, the ODP includes a large central open space reserve located towards the middle of the Development Area west of the key north/south primary road, and adjoining Stokes Drain and a small community hub. The total size of this central park will be approximately 3.2ha. A second smaller open space reserve is located south of a strip of established oak trees in the northwest of the area. This 0.8ha reserve provides for the retention of these mature trees and also aligns with Stokes Drain. Small local parks are also anticipated, especially in areas with higher density housing typologies, with their size and location to be determined through the subdivision consent process.

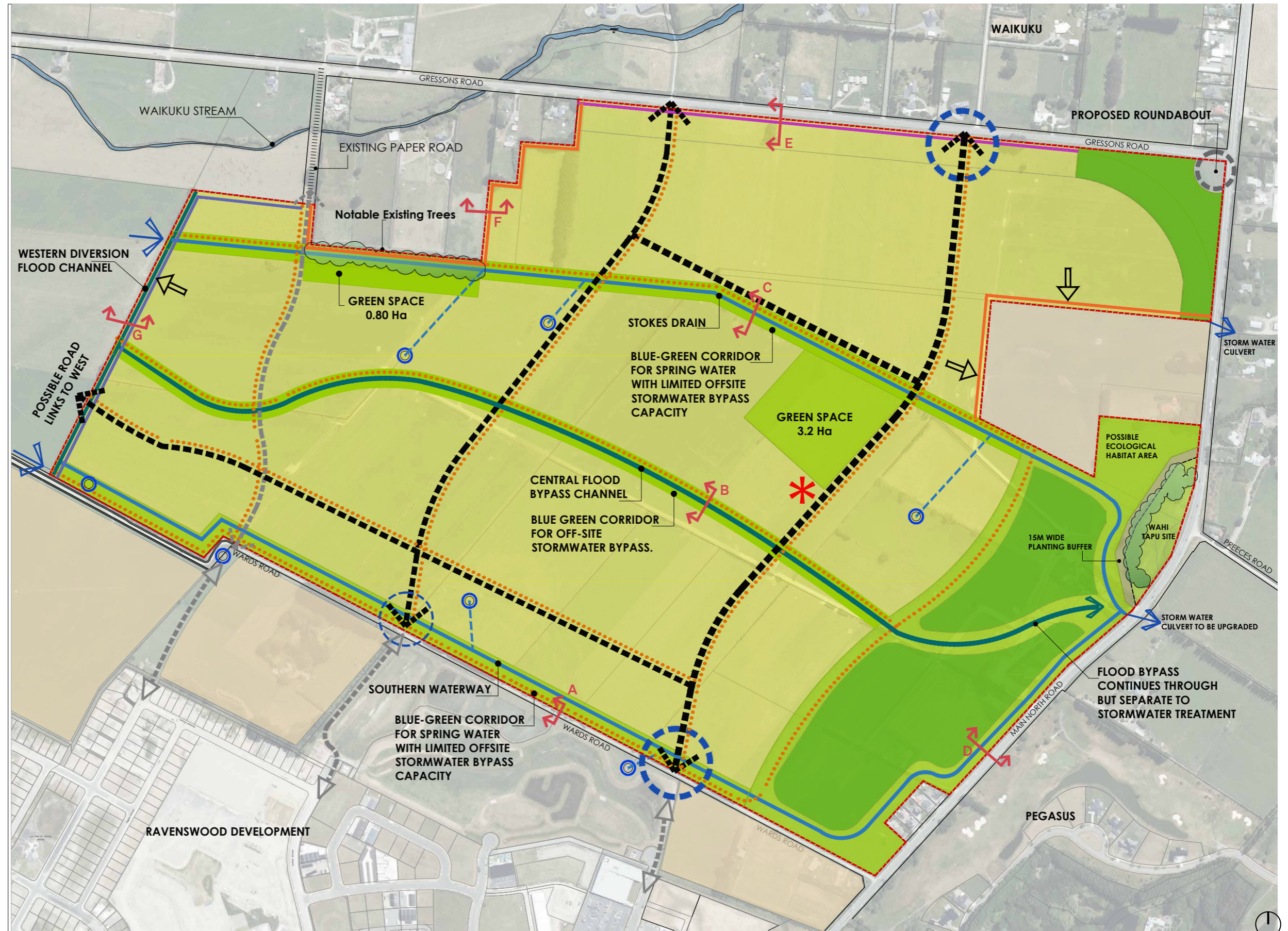
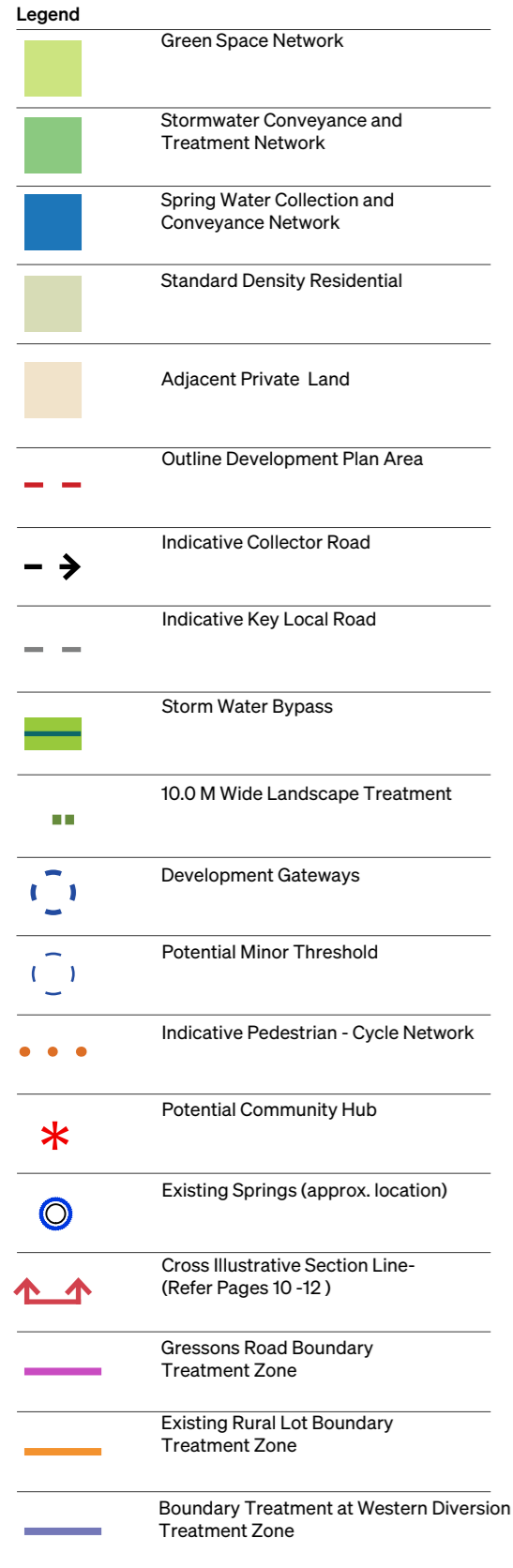
### **Water and Wastewater network**

An application for subdivision of the ODP area shall include supporting infrastructure assessments, with detailed design for the provision of water, sewer and stormwater to any allotments proposed. Wastewater is to be reticulated and connected with the Woodend Wastewater Treatment Plant.

### **Fixed Outline Development Plan features for the Gressons Road Development Area:**

- A minimum density of 12-15hh/ha is achieved;
- Two collector road connections are to be provided through the site between Gressons Road and the Ravenswood commercial area;
- Pedestrian and cycle connections are to be provided between the Development Area and the Ravenswood commercial area;
- Stokes Drain is to be retained and its riparian margins enhanced with predominantly indigenous species;
- Formation of a centralised west-east overland flow channel and a southern interceptor channel parallel to Wards Road;
- The wāhi tapu site is to remain free of urban development and is to be provided with a landscaped buffer comprised of indigenous species;
- The community hub shall have a maximum Gross Floor Area of 1,500m<sup>2</sup>;
- Site edges, waterways, and collector roads are to be general accordance with the dimensions and facilities shown in the cross-sections which form part of the ODP.

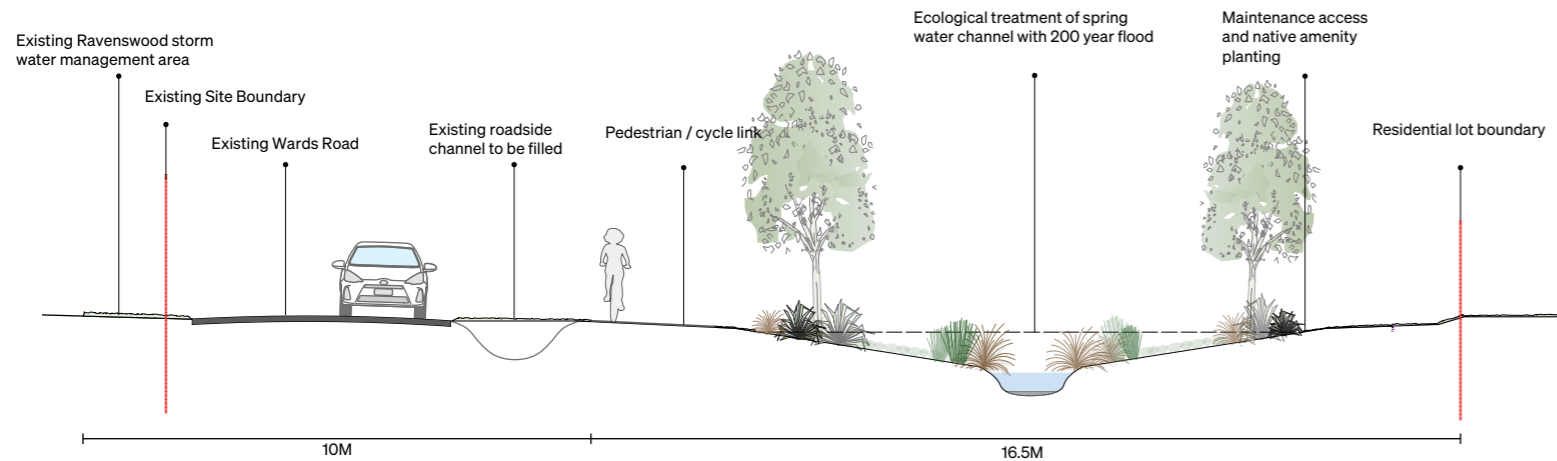
# Outline Development Plan



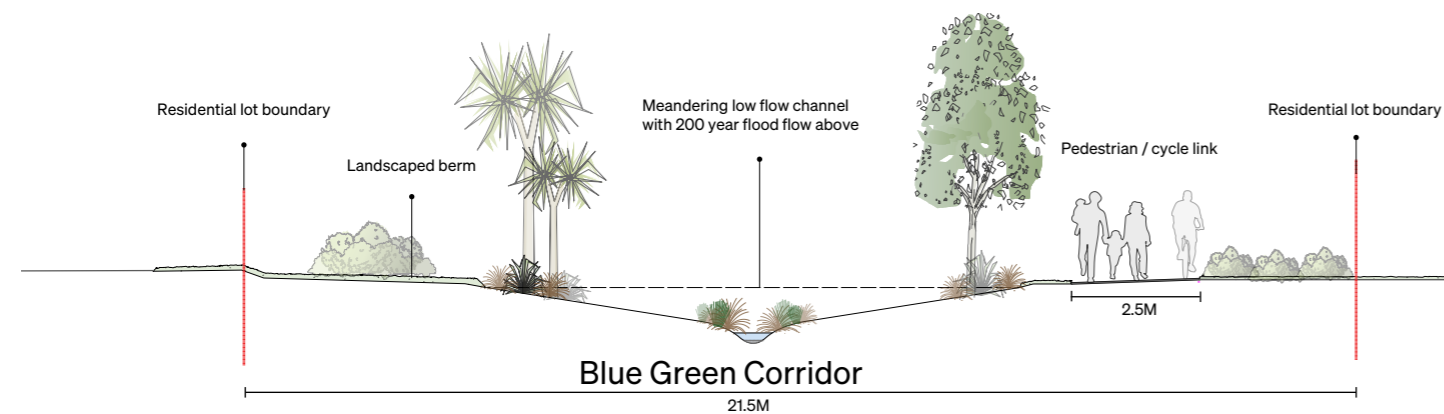
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# Cross Sections

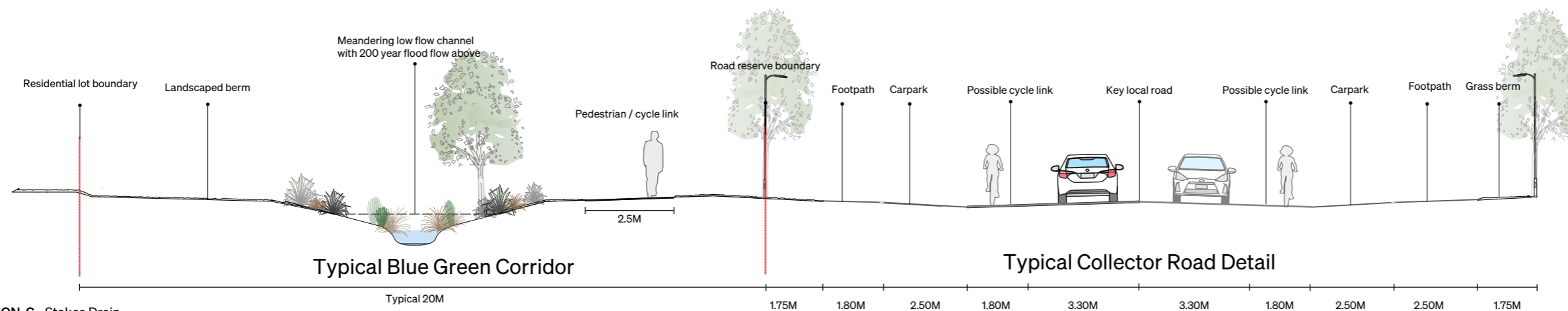
DIMENSIONS & NOTES TO BE CONFIRMED



**SECTION A - Southern Waterway**  
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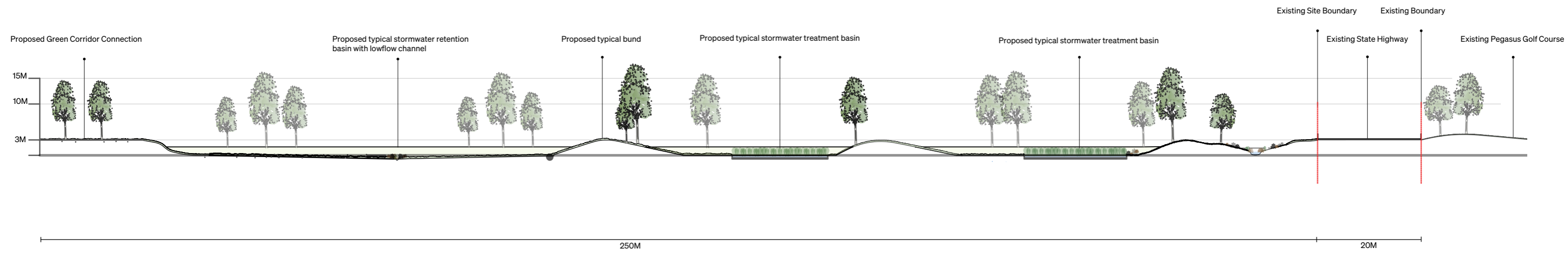
**SECTION B - Central Flood Bypass Channel**  
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**SECTION C - Stokes Drain**  
Scale 1 to 100 @ A3

# Cross Sections

DIMENSIONS & NOTES TO BE CONFIRMED



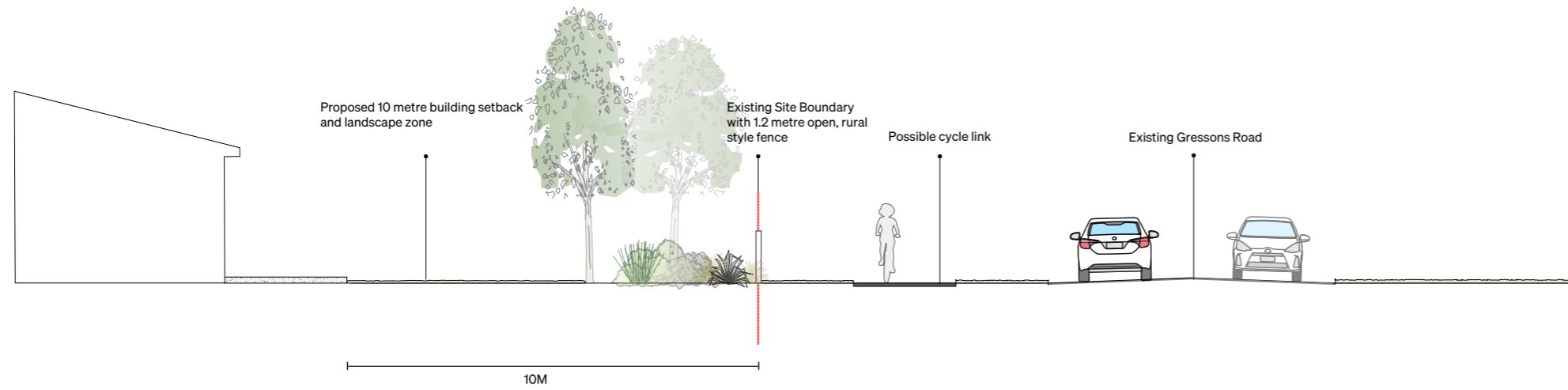
SECTION D - SH1 Main North Road

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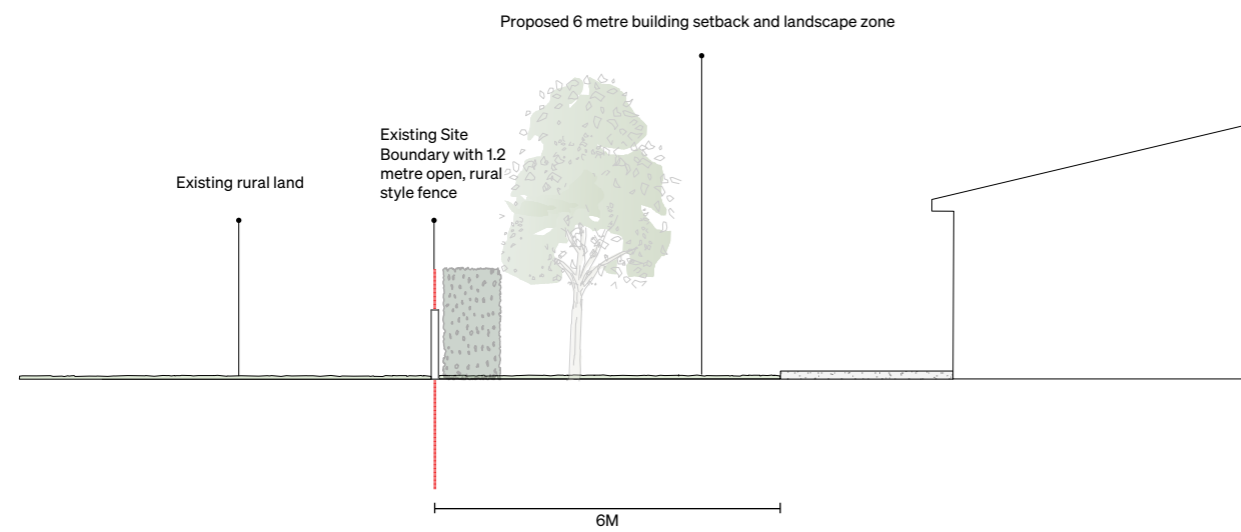


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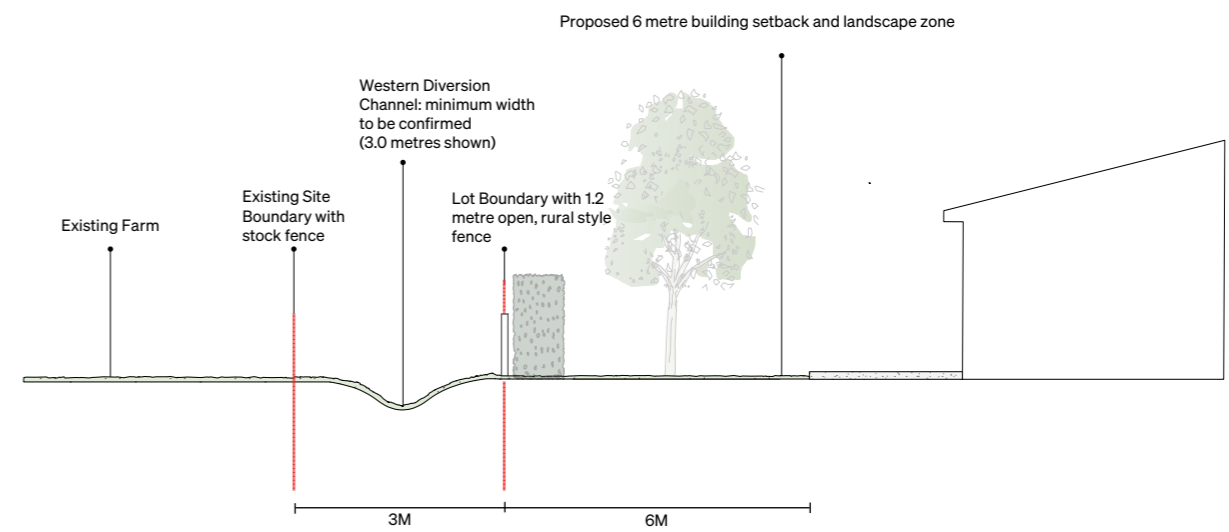
DIMENSIONS & NOTES TO BE CONFIRMED



SECTION E - Proposed Boundary Treatment at Gressons Road  
Scale 1 to 100 @ A3



SECTION F - Proposed Boundary Treatment at Existing Rural Lot Boundary  
Scale 1 to 100 @ A3



SECTION G - Proposed Boundary Treatment at Western Diversion  
Scale 1 to 100 @ A3

## **Appendix 2 - Greater Christchurch Spatial Plan Assessment**

Since filing my EiC, the GCSP has been finalised. The GCSP is a Future Development Strategy in terms of the NPS-UD. As a strategy prepared under the LGA it is also a matter that the Panel have to have regard to.

The relevant overarching direction of the GCSP is to '*Focus growth through targeted intensification in urban and town centres and along public transport corridors*'.<sup>1</sup> Six opportunities are identified (each with a series of specific directions) and five key moves are stated.<sup>2</sup>

The Proposal is consistent with specific 'directions' in the GCSP and its spatial strategy, as described below.

**Opportunity 1:** *Protect, restore and enhance historic heritage and sites and areas of significance to Māori, and provide for people's physical and spiritual connection to these places.*

The Proposal seeks to protect an existing wahi tapu site identified on Map 6<sup>3</sup> and enable its ongoing management and restoration in consultation with mana whenua.

**Opportunity 2:** *Reduce and manage risks so that people and communities are resilient to the impact of natural hazards and climate change.*

The Site is not exposed to any significant natural hazards shown on Map 7.<sup>4</sup> The Site is not exposed to coastal inundation or sea level rise. Moderate hazard risks including liquefaction and 1:200 AEP flooding are shown on Map 8<sup>5</sup> (with these two hazards covering much of the Greater Christchurch part of Waimakariri District). Liquefaction risks can be managed through bulk earthworks as part of the subdivision process and if necessary specific building foundation designs for which standard solutions are available. Overland flow paths that enter the Site from the west are to be managed through two open space flood channels that are to be designed to accommodate up to 1:200 AEP events.

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<sup>1</sup> GCSP, pg. 26

<sup>2</sup> GCSP, pg. 24-25

<sup>3</sup> GCSP, pg. 48

<sup>4</sup> GCSP, pg. 51

<sup>5</sup> GCSP, pg. 52

**Opportunity 3:** *Protect, restore and enhance the natural environment, with particular focus in te ao Māori, the enhancement of biodiversity, the connectivity between natural areas and accessibility for people.*

The Proposal will result in significant ecological restoration. The existing waterways which currently pass through a working dairy farm will be restored with indigenous riparian margins. The eastern stormwater basins provide some 14ha of open space with opportunities for indigenous planting and walking/cycling trails that will help connect residents to the natural environment.

**Opportunity 4:** *Enable diverse, quality, and affordable housing in locations that support thriving neighbourhoods that provide for people's day-to-day needs.*

The Proposal enables a range of housing typologies, and will make a significant contribution towards maintaining a competitive housing market in Woodend. The Proposal is ideally located adjacent to a KAC where a wide range of shops and services are anticipated.

**Opportunity 5:** *Provide space for businesses and the economy to prosper in a low carbon future.*

The Proposal will directly support the vibrancy and viability of the adjacent KAC by providing a significant increase in the centre's customer base. The Proposal also includes a small community hub to help meet residents' convenience needs without compromising the role and function of the KAC in the centre hierarchy. The Proposal will not result in any adverse effects on the functioning or development of strategic infrastructure or regionally significant industries.

**Opportunity 6:** *Prioritise sustainable and accessible transport choices to move people and goods in a way that significantly reduces greenhouse gas emissions and enables access to social, cultural and economic opportunities.*

There are existing public transport services to Woodend and Waikuku. The Proposal will assist in growing the customer base for these services, thereby supporting their ongoing viability and enhancement. The Proposal includes a collector road network that will be designed to readily accommodate public transport services/routes. The Site is located adjacent

to a KAC and will be connected to the KAC by walking and cycling routes to facilitate modal choice. The Proposal helps support a consolidated urban form due to its location immediately adjacent to Woodend, and will help support a reduction in emissions relative to that housing demand instead being accommodated in more distant locations where access to KACs by active transport is not readily available.

Key moves to support the realisation of the six opportunities include a strengthened network of urban and town centres. The Ravenswood KAC is identified as a 'locally important town centre' on a par with centres such as Lincoln, Kaiapoi, Shirley (Palms), and Linwood (Eastgate). Such centres are identified as being focal points for their communities and as the focus for significant growth in the future. Specifically, the GCSP supports 'greater intensification of people, services, and employment to provide better co-location of people with amenities and employment, and provide better connections through public and active modes of transport'.<sup>6</sup> Improvements to the public transport bus services to Woodend are identified as part of 'phase 1'.<sup>7</sup> The Proposal readily supports these aims.

The Site is not identified in Map 5<sup>8</sup> as being located within a 'key constraint area'. These constraints include areas exposed to high risk of natural hazards, containing significant natural values, or located adjacent to regionally significant infrastructure.

Map 2 of the GCSP<sup>9</sup> does not show any additional greenfield residential areas beyond those currently shown in the CRPS Map A. As such it simply reflects the status quo planning framework that was established some 17 years ago<sup>10</sup> in terms of greenfield growth directions. Rather than identifying new greenfield areas graphically, the GCSP instead sets out a series of key criteria to inform the locations that are best placed to accommodate urban growth, with these criteria aligned with the above opportunities.<sup>11</sup> The Proposal is assessed against the criteria in Table 1 below:

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<sup>6</sup> GCSP, pg. 29

<sup>7</sup> GCSP, pg. 33

<sup>8</sup> GCSP, pg. 45

<sup>9</sup> GCSP, pg. 23

<sup>10</sup> Urban Development Strategy 2007, which was a precursor to the Land Use Recovery Plan which included Chapter 6 (and Map A) to the CRPS.

<sup>11</sup> GCSP, pg. 63

**Table 1. GCSP Broad Location Criteria for growth**

<b>Broad Location Criteria</b>	<b>Proposal alignment</b>
Be adjacent to, near, or within a Significant Urban Centre, Major Town or a Locally Important Urban Centre in Greater Christchurch	The Site is located adjacent to a 'Locally Important Urban Centre', as identified in GCSP centre hierarchy (pg.29).
Be accessible to either Mass Rapid Transit, Core Public Transport Routes or New / Enhanced Public Transport Routes	The Site is adjacent to an 'enhanced public transport route' as identified in GCSP Map 3.
Protect, restore and enhance the natural environment, historic heritage, and sites and areas of significance to Māori	The Site is based on a framework of extensive ecological restoration including naturalised waterways and some 14ha of wetlands and open space. Protection of a significant wahi tapu site is also proposed.
Be free from significant risks arising from natural hazards and the effects of climate change	The Site is free from significant natural hazards, as shown on GCSP Map 7. Localised flow paths are managed through open space areas designed to accommodate a 1:200 AEP event.
Be cognisant of the landscape and visual context, integrate with natural features and align with good urban design principles.	The EiC of Mr Lester (Landscape) and Ms Lauenstein (Urban Design) provide a comprehensive assessment of the Proposal and confirm that it delivers good urban design and landscape outcomes.

In conclusion, the Proposal readily meets the key qualitative outcomes / criteria set out in the GCSP for the locations where urban growth is to be accommodated, namely:

- within and adjacent to larger commercial centres;
- in locations that :
  - are serviced by public transport and active transport modes;
  - are not exposed to unacceptable risks of natural hazards, ions;
  - result in a consolidated urban form that is focussed on existing townships;

- help facilitate the restoration and protection of significant natural and cultural values; and
- provide a range of housing typologies and choice as part of a competitive housing market.

## **APPENDIX 3 – SECTION 32AA EVALUATION**

### **Introduction**

This section 32AA evaluation addresses relevant statutory tests under the Resource Management Act 1991 as they relate to the Proposal.

This evaluation is organised to firstly consider the scale and significance of the proposal, before addressing in turn the following relevant tests:

- (a) whether the proposal accords with and assists the Council in carrying out its functions and achieve the purpose of the RMA;<sup>1</sup>
- (b) whether the proposal accords with Part 2 of the RMA;<sup>2</sup>
- (c) whether the proposal gives effect to the regional policy statement<sup>3</sup> and has regard to any proposed regional policy statement;<sup>4</sup>
- (d) whether the proposal gives effect to a national policy statement;<sup>5</sup>
- (e) whether the provisions [rules] associated with the proposal have regard to the actual or potential effects on the environment, including, in particular, any adverse effect;<sup>6</sup>
- (f) the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA;<sup>7</sup>
- (g) whether the relevant policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness<sup>8</sup> and taking into account:<sup>9</sup>
  - (i) the benefits and costs of the proposed policies and methods;and

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<sup>1</sup> RMA s74(1).  
<sup>2</sup> RMA s74(1)(b).  
<sup>3</sup> RMA s75(3)(c).  
<sup>4</sup> RMA s74(2).  
<sup>5</sup> RMA s75(3)(a).  
<sup>6</sup> RMA s76(3).  
<sup>7</sup> RMA s32(1)(a).  
<sup>8</sup> RMA s32(1)(b).  
<sup>9</sup> Under RMA s32(2).

- (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

### **Scale and significance of the Proposal**

Further evaluation reports of this nature are required by the RMA to be undertaken at a level of detail that corresponds to the scale and significance of the change proposed<sup>10</sup> – the change in this case being the rezoning of the Site to MDRZ, with subdivision and development of the Site to proceed in accordance with the updated ODP and supporting narrative.

The scale and significance of the Proposal has been determined by a qualitative assessment of relevant factors as recorded in **Attachment 1**. In summary, the scale and significance of the Proposal is assessed as **medium** for the following reasons:

- (a) the Proposal addresses a relevant resource management issue relating to the Council’s relevant RMA functions;
- (b) the Proposal, in combination with applicable national, regional and district rules, will enable relevant matters of national importance to be provided for;
- (c) no matters of human health or protection of life and property are directly relevant to the proposal;
- (d) relative to the decisions version of the PDP, the proposal amounts to a major shift in anticipated outcomes – however, this is tempered by the Proposal’s alignment with the Waimakariri District Development Strategy and the directions of the NPS-UD;
- (e) the Proposal affects a single piece of land and has a very confined spatial impact;
- (f) the Site is part of a wider area which has particular importance to mana whenua. It also contains a wāhi tapu site and is otherwise

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<sup>10</sup> RMA s32AA(1)(c).



subject to a silent file notation. The wāhi tapu site is proposed to be protected from urban development as part of the Proposal and as set out in my EiC, a number of initiatives are included within the Proposal to address matters of particular importance to mana whenua including the treatment of freshwater bodies and stormwater;

- (g) related to the above, the Proposal aligns with strategic planning documents, the NPS-UD, the provisions of the CRPS (except those which relate to the *location* of new urban development as shown on Map A) and the relevant directions of the notified PDP, all of which were subject to extensive Council engagement;
- (h) the Proposal will not introduce any compliance costs or other financial impacts on third parties;
- (i) with any necessary upgrades and measures being applied at subdivision stage through the applicable regional and district rules, the Proposal can be accommodated within the existing transport network, and will neither constrain nor compromise existing or planned infrastructure;
- (j) the Proposal will result in a change in the Site's existing character; however, that change has been signalled since the release of the District Development Strategy, and the Proposal includes a number of initiatives to provide for the appropriate transition between development on the Site and the surrounding land uses. The Proposal will also enable a range of benefits, including increased housing supply, ecological enhancements, support for the KAC, and other positive effects. Changes to an area are likewise anticipated in the NPS-UD Policy 6, especially for sites where such change are necessary to give effect to the urban form anticipated in the NPS-UD such as a commensurate form for areas adjacent to town centres; and
- (k) there is a high level of information available to inform decision-making and a corresponding low risk of acting.

Consequently, a high-level evaluation of the Proposal has been identified as appropriate for the purposes of this evaluation.

### **Council's functions**

The Proposal will assist the Council to carry out its functions under s31 of the RMA in order to achieve the Act's purpose – including in particular:

- the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;<sup>11</sup>
- the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing to meet the expected demands of the district.<sup>12</sup>

### **Part 2 of the RMA**

The Proposal aligns with strategic planning documents, the NPS-UD, the provisions of the CRPS (except those which relate to the *location* of new urban development as shown on Map A) and the relevant directions of the notified PDP. In my opinion, the Proposal will promote the sustainable management of natural and physical resources, as directed through section 5 and Part 2 of the RMA.

### **Appropriateness of proposed objectives**

The Proposal does not include any new or amended objectives. Rather, it adopts the objectives applying to the MDRZ through the PDP.

### **Appropriateness of policies and methods**

The Proposal does not include any new policies or rules; again, it adopts the policies, rules and methods applying to the MDRZ.

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<sup>11</sup> RMA s31(1)(a)

<sup>12</sup> RMA s31(1)(aa)

For that reason, the central focus of this assessment is on the alternative zoning proposed. **Table 1** below provides a high-level assessment of the Proposal's appropriateness in this context. Reasonably practicable alternatives, being the Rural Lifestyle Zone ascribed in the notified version of the PDP and Large Lot Residential Zone across the entire Site, have been assessed for comparative purposes.

**Table 1: Options analysis for proposed and alternative zoning**

Option 1: Notified PDP (Rural Lifestyle Zone)	
Option 1:	Costs & Benefits
<b>Notified Rural Lifestyle Zone with LLR Overlay over the northern portion</b>	Costs
	Benefits
	<p><b>Economic costs</b></p> <p>This option will have negligible economic cost for the general public. Some form of rural zoning has been in place for several decades, and this option largely represents a continuation of the status quo, albeit with a margin increase in opportunity for some development.</p> <p>Perpetuating very low density uses immediately adjacent to a KAC has economic costs relative to more intensive housing options through disenabling new customers from supporting the Ravenswood commercial centre, thereby reducing that centre’s commercial viability and vitality.</p> <p>The lack of housing provision in a location that is otherwise well-placed for accommodating a significant number of new households contributes to a less competitive housing market than would be the case if the site were rezoned.</p> <p><b>Social &amp; cultural costs</b></p> <p>Nutrient loading and sedimentation of waterways associated with agricultural activities in general are known matters of concern for iwi. This is magnified in areas of particular significance to mana whenua where the IMP</p>
	<p><b>Economic benefits</b></p> <p>Limited. The Rural Lifestyle zoning would further constrain future use of the Site for intensive rural production activities.</p> <p><b>Social, cultural &amp; other environmental benefits</b></p> <p>Retaining the land in rural use aligns with the regional and district policy agenda to maintain such activities on land deemed under those documents to be high class soils. That said, the contribution the Site makes in this respect is very small at the district and regional level (0.03% and 0.24% respectively under the CRPS definition of versatile soils).</p>

<p>strives to deliver meaningful improvement and restore the mauri of the wai.</p> <p><b>Other environmental costs</b></p> <p>Continued farming activity would perpetuate higher levels of nutrient discharges associated with such use – and this in turn affects water quality and aquatic ecosystem health. Steps could be taken to improve discharge quality, but these would add further to private costs necessary to sustain the Site in productive use.</p> <p>Continuation of dairy farming also perpetuates methane gas emissions as a key GHG.</p>	
<p><b>Effectiveness and efficiency</b></p>	
<p><b>Effectiveness</b></p> <p>The rural lifestyle zoning of the Site aligns with the PDP’s objectives for maintaining rural character.</p> <p>The RLZ is ineffective in delivering the well functioning urban environment outcomes directed by the NPS-UD and will not enable people to live in locations proximate to town centres and areas serviced by public transport.</p> <p>The RLZ is ineffective in delivering the NPS-UD directions regarding housing capacity, choice, and competitive housing markets.</p>	<p><b>Efficiency</b></p> <p>The existing rural character of the Site can, however, be efficiently maintained through the rural lifestyle zoning.</p> <p>The RLZ is inefficient in that it does not enable people to live in a location that can be efficiently serviced by network infrastructure relative to other possible growth locations, or access a town centre through non-car transport modes</p>

## Option 2: Large Lot Residential

### Option 2:

#### Costs & Benefits

### LLRZ

In summary, the costs and benefits of LLRZ are the similar to those set out in Option 1 above. LLRZ enables an increase in the number of households that are able to live proximate to a town centre relative to RLZ, and therefore the benefits are higher relative to RLZ, but materially lower than Option 3 MDRZ.

The very low density nature of LLRZ means that it remains an inefficient and ineffective method for giving effect to the NBPS-UD Objective 3 and Policy 3(d) directions regarding urban form, consolidated townships, and the enablement of greater density in locations proximate to town centres and areas serviced by public transport.

## Option 3: The Proposal - Medium Density Residential

### Option 3:

#### Costs & Benefits

### MDRZ

#### Costs

##### Economic costs

##### Public costs

Public costs associated with the Proposal are minimal. Regulatory and compliance costs necessary to authorise future subdivision and development of the Site will be recoverable through contributions at application and monitoring stages.

Similarly, any public investment in infrastructure upgrades that support the Site's urbanisation can be recouped

#### Benefits

##### Economic benefits

The economic benefits of the Proposal are anticipated to be significant.

Consistent with the NPS-UD, the proposal is also anticipated to deliver wider systemic benefits through increased housing supply, thereby enhancing market competition and affordability, and supporting the functioning of the Ravenswood KAC.

through development contributions and/or (should Council take steps to apply them) financial contributions.

### **Private costs**

Significant private capital will be required to convert the site into a new residential neighbourhood, including infrastructure construction and upgrades, earthworks, land stability and drainage improvements, and construction of new homes.

### **Social & cultural costs**

Converting the Site to residential use will change the rural character of the site currently enjoyed by some. Such effects are not quantifiable. As noted in the NPS-UD, they are equally not in of themselves, necessarily adverse – let alone adverse to any degree of significance.

As identified, the Site is part of a wider area which has particular importance to mana whenua. It also contains a wāhi tapu site and is otherwise subject to a silent file notation. The Proposal does however include a number of initiatives to protect and in some instances enhance these values of significance to mana whenua. In that context, it is significant that mana whenua do not, at this stage, consider themselves to be an affected party to the Proposal. The Stokes are committed to ongoing engagement with mana whenua in respect of the Proposal.

### **Other environmental costs**

No other effects have been identified. The Site does not include any identified sites or areas with historic, natural

### **Social, cultural & other environmental benefits**

The ODP requires the Proposal to deliver a wide range of housing , types and sizes – the aim being to offer supply to meet diverse housing needs for all ‘ages and stages’.

The Proposal will also provide the impetus for private investment in the protection and improvement of existing waterbodies. Riparian enhancement offer major opportunities to improve public access to those waterbodies and the overall quality of the environment, with attendant benefits for amenity values which will be wide-reaching.

Similarly, the Proposal will enable water quality and aquatic ecosystem health enhancements, including in association with the cessation of current agricultural uses.

Community connectivity and resilience can also be enhanced through transport connectivity from the Site to existing urban areas.

character, landscape or other natural significance. It does contain surface waterbodies – and future development will be managed effectively by the collective protections embedded in the ODP, the PDP, the Regional Plan and relevant national planning instruments.

**Effectiveness and efficiency**

**Effectiveness**

The Proposal will enable the effective implementation of the relevant PDP objectives.

It will provide for the consolidation of Woodend/Pegasus/Ravenswood urban area which will maintain a compact urban form and enhance connectivity and liveability.

The Proposal will enable the development and use of a new neighbourhood that is well-integrated with associated infrastructure provision.

The ODP will ensure that the Site can be developed to effectively deliver on the PDP’s aims for a variety of housing types, as well as enhanced and well-connected open spaces.

It will also make a significant contribution to development capacity within the Woodend/Pegasus area and the Greater Christchurch urban environment more generally.

**Efficiency**

The Proposal represents a cost-effective way to implement the PDP’s objectives, with anticipated benefits considerably outweighing costs.

It also makes use of existing PDP provisions for the MDRZ which are themselves optimised to implement the relevant overarching objectives.



## Overall evaluation

### Overall evaluation

Option 3 is the most appropriate to achieve the PDP's objectives when fairly read as a whole. It is anticipated to have a high net environmental benefit, in contrast to Option 1 and 2 which are anticipated to result in greater costs than benefits. Option 3 likewise is much more effective in delivering the urban form outcomes anticipated by the higher order planning framework than either Option 1 or Option 2.

Options 1 and 2 will make limited contribution to rural character values and to the productive potential inherent in the District's high-class soils. Any benefits in those respects are considerably outweighed by the more demonstrable and wide-reaching implementation of the PDP's objectives achieved by Option 3.

**Risk of acting or not acting**

Further evaluations must consider the risk of acting or not acting *if* there are information gaps or uncertainty in the related subject matter.

The Proposal has been subject to an appropriate level of investigation befitting a rezoning of this nature, and there are no material gaps in the knowledge base that give rise to any need for a risk assessment.

## Attachment 1 – Scale and significance assessment

The matrix below has been used to inform the assessment of the proposal’s scale and significance.

<b>Criteria</b>	<b>Scale/Significance</b>			<b>Comment</b>
	<b>Low</b>	<b>Medium</b>	<b>High</b>	
Addresses a resource management issue		X		<ul style="list-style-type: none"> <li>• The Proposal relates to Council’s functions under s31(1)(a), s31(1)(aa) and s31(2).</li> <li>• Implements higher order direction from National and Regional Planning instruments</li> <li>• Enables matters of national importance under s6 and other matters under s7 of the RMA to be provided for through the application of permitted activity rules and resource consent-based processes.</li> <li>• Addresses a significant shortcoming in the notified PDP by enabling a commensurate urban form response to land located adjacent to a town centre.</li> </ul>
Addresses a matter that relates to human health or the protection of life and property	X			<ul style="list-style-type: none"> <li>• The proposal does not directly relate to a human health matter or the protection of life or property</li> <li>• Application of relevant national, regional and district rules (for example, relating to the handling and remediation of contaminated land, or the potential impacts of natural hazards and climate change) will afford appropriate protections irrespective of the Proposal</li> </ul>

<b>Criteria</b>	<b>Scale/Significance</b>			<b>Comment</b>
	<b>Low</b>	<b>Medium</b>	<b>High</b>	
Degree of shift from the status quo		X		<ul style="list-style-type: none"> <li>The provisions of the MDRZ represent a major departure from the Rural Lifestyle Zone outcomes</li> <li>This is tempered to a degree as the Proposal aligns with the land use expectations for the site established in the Waimakariri District Development Strategy and the NPS-UD directions</li> </ul>
Who and how many will be affected/ geographical scale of effect/s	X			<ul style="list-style-type: none"> <li>The geographical scale of the Proposal is site-specific</li> <li>The corresponding scale of effect will be relatively minor, and limited to the Site and local vicinity</li> </ul>
Degree of impact on or interest from iwi/ Māori		X		<ul style="list-style-type: none"> <li>The Site is part of a wider area which has particular importance to mana whenua. It also contains a wāhi tapu site and is otherwise subject to a silent file notation. The Proposal does however include a number of initiatives to protect and in some instances enhance these values of significance to mana whenua. In that context, it is significant that mana whenua do not, at this stage, consider themselves to be an affected party to the Proposal. The Stokes are committed to ongoing engagement with mana whenua in respect of the Proposal.</li> <li>Additional engagement with iwi is also anticipated under the PDP and Regional Plan at resource consent stage for future subdivision, use and development of the site</li> </ul>

<b>Criteria</b>	<b>Scale/Significance</b>			<b>Comment</b>
	<b>Low</b>	<b>Medium</b>	<b>High</b>	
Degree of likely community interest	X			<ul style="list-style-type: none"> <li>The community was consulted by the Council in the formative stages of the Waimakariri District Development Strategy which envisages residential use of the site – no available feedback indicates any material community concerns about that intended use.</li> <li>No further submissions opposed the MDRZ for the Site.</li> </ul>
Likelihood of resulting in major financial impact on households/community due to compliance or administrative costs	X			<ul style="list-style-type: none"> <li>The Proposal is not anticipated to result in any increased compliance costs beyond those incurred by the appellant and subsequent purchasers to invest in the site’s subdivision, development and use for a new residential neighbourhood</li> </ul>
Implications for servicing and transport networks	X			<ul style="list-style-type: none"> <li>With any necessary upgrades and measures being applied at subdivision stage through the applicable regional and district rules, the Proposal can be accommodated within the existing transport network, and will neither constrain nor compromise existing or planned infrastructure</li> </ul>
Type of effect/s	X			<ul style="list-style-type: none"> <li>The Proposal will change the character and amenity values of the site and local environment, albeit this will be gradual and, in many respects, will be positive. Some individuals may prefer the existing rural character of the site, but as noted under the NPS-UD, this does not necessarily amount to an adverse effect of the proposal</li> </ul>

<b>Criteria</b>	<b>Scale/Significance</b>			<b>Comment</b>
	<b>Low</b>	<b>Medium</b>	<b>High</b>	
				<ul style="list-style-type: none"> <li>• Opportunities to enhance waterbodies, riparian margins and enhanced public access to both will be enabled through the Site's redevelopment</li> <li>• The Proposal is anticipated to have positive effects on the supply of housing and community activities, with appropriate controls in place under the PDP, Regional Plan and national regulations to ensure potential adverse effects are effectively managed</li> </ul>
Likelihood of significantly reducing development opportunities or land use options	X			<ul style="list-style-type: none"> <li>• The Proposal will have the opposite effect – it will significantly increase development opportunities and land use options</li> </ul>
Degree of risk and uncertainty	X			<ul style="list-style-type: none"> <li>• There is a high level of information to inform decision-making on the proposal, and a correspondingly low risk associated with the proposed provisions</li> </ul>
<b>OVERALL ASSESSMENT</b>		X		<ul style="list-style-type: none"> <li>• For the above reasons, the proposal is assessed as having a <b>medium</b> overall scale and significance.</li> </ul>