

Before an Independent Hearings Panel
Appointed by Waimakariri District Council

under: the Resource Management Act 1991

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

and: Hearing Stream 12D: Ōhoka rezoning request

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

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

Supplementary statement of evidence of Tim Walsh (Planning)

Dated: 13 June 2024

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SUPPLEMENTARY STATEMENT OF EVIDENCE OF TIM WALSH

INTRODUCTION

- 1 My full name is Timothy Carr Walsh.
- 2 My area of expertise, experience, and qualifications are set out in my statement of evidence dated 5 March 2024 for this hearing stream.
- 3 The purpose of this supplementary evidence is to respond to matters raised in the Officer's Report dated 31 May 2024 relevant to my evidence.

CODE OF CONDUCT

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

RESPONSE TO OFFICER'S REPORT

- 5 Having reviewed the s42A officer's report, I consider that the main issues in contention are as follows:

5.1 Residential development capacity:

The officer is satisfied that the provision of residential development capacity in the Proposed Plan is sufficient and more so if other rezoning submissions are approved. The implication is that the proposed development capacity is not needed.

5.2 The applicability of the NPS-UD to the rezoning proposal:

The officer expresses uncertainty as to whether the site is part of an 'urban environment'. Regardless of this uncertainty, the officer considers that the proposal does not satisfy the responsive planning provisions of the NPS-UD. The implication of this is that the proposal cannot be considered on its merits given the directive provisions of the RPS that seek to avoid unanticipated urban growth.

5.3 Whether the proposal contributes to a well-functioning urban environment:

The officer considers the proposal does not contribute to a well-functioning urban environment principally because it does not meet Policy 1(c) of the NPS-UD relating to accessibility and Policy 1(e) relating to GHG emissions.

5.4 Groundwater interception in relation to proposed stormwater management methods:

The officer considers that the proposed stormwater management methods may not be viable.

5.5 Transport matters:

The officer considers that the proposal would result in unacceptable road safety outcomes and an over-dependence on private motor vehicles for day-to-day transport with associated GHG emissions resulting from high vehicle kilometres compared to alternative locations. The officer also considers that there is no mechanism to ensure necessary transport network upgrades and no funding has been allocated by Council.

5.6 Character, urban design and landscape matters:

The officer considers the proposal does not consolidate Ōhoka, changes its character (where the DDS and Proposed Plan seek that the exiting character be retained), and provides poor external accessibility and connectivity. Further, the officer considers that an expanded Ōhoka would merge with Mandeville if the rezoning submission is accepted.

5.7 Loss of primary production:

While the officer agrees that the primary productive capacity of the land would diminish if subdivided to the minimum allotment size of the RLZ, he is not persuaded that this is the inevitable outcome of rejecting the rezoning proposal.

6 The following sections of this evidence address the above matters.

Residential Development Capacity

7 Relying on the evidence of Mr Akehurst and Ms Hampson (who rely on the numbers in the Formative Report), my evidence in chief states that there is a shortfall within the urban environment of the district outside of the districts three main urban areas (Rangiora, Kaiapoi and Woodend/Pegasus) of approximately 524 dwellings in the medium term increasing to 1,541 dwellings in the long term¹.

¹ See paragraph 92 of my evidence in chief

- 8 In response to this, Mr Yeoman (on whose evidence the officer relies) does *"not consider that these rural areas are inherently generating this demand in and of themselves, instead ... this demand is being generated by the presence and proximity of the land to Christchurch, as the main urban centre"*². I agree with Mr Yeoman that it is likely that Christchurch generates demand in this area in the same way that it generates demand for much of the south-eastern part of Waimakariri District. In the absence of Christchurch, I consider that urban centres such as Rangiora, Woodend and Kaiapoi would not have grown to their current extent and would not be continuing to grow at a rapid pace.
- 9 Mr Yeoman goes on to say that *"this growth could easily be provided for within a location near one of the three main towns"*³ and that *"[t]he sufficiency assessment in the NPS-UD does not require councils to consider demand for individual zones, or even individual locations within Rangiora, Kaiapoi, and Woodend"*⁴. While land nearer the main centres may be able to be zoned for residential use, the evidence confirms it does not satisfy the expected demand in the western part of the urban environment.⁵ Providing for demand in the locations it is expected within the urban environment is a matter which the Panel is clearly alive to. In relation to the s42A report for Hearing Stream 12C, the Panel asked the following question of the officer:

Please set out your opinion on whether the NPS-UD requires that the Council needs to consider housing demand and capacity both throughout the urban environment as a whole as well as in different locations in the District itself. Please reference relevant policies and clauses of the NPS-UD as you respond to this request.

- 10 Further, in relation to a statement from the Hearing Stream 12C officer that *"...Council is not required to provide development capacity at a specific location or for a specific property size"*, the Panel commented that *"[t]here appear to be several provisions in the NPS-UD that would suggest otherwise. For example, Objective 3(c), Policy 1(a)(i), Policy 2, clause 3.2. clause 3.24 and clause 3.25"*.
- 11 In my view, the NPS-UD does require Council to provide development capacity in different locations to satisfy demand. In particular, Objective 3 is locationally focused where it directs that (my emphasis in bold):

Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located

² Evidence of Mr Yeoman, paragraph 3.14

³ Evidence of Mr Yeoman, paragraph 3.15

⁴ Evidence of Mr Yeoman, paragraph 5.16

⁵ Evidence of Mr Jones; Ms Hampson; Mr Akehurst; Mr Davidson.

*in, **areas of an urban environment** in which one or more of the following apply:*

***the area is in or near** a centre zone or other area with many employment opportunities*

***the area is** well-serviced by existing or planned public transport*

*there is high demand for housing or for business land **in the area, relative to other areas** within the urban environment.*

- 12 Similarly, Policy 1 includes an explicit requirement to ensure urban environments meet the needs of different households in terms of location as below (my emphasis in bold):

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) *have or enable a variety of homes that:*

(i) *meet the needs, in terms of type, price, and **location**, of different households...*

- 13 Policy 2 requires Waimakariri District Council to provide development capacity to meet expected demand for housing. While it does not provide explicit direction in respect of location, the policy must be read alongside the other relevant objectives and policies (including Objective 3 and Policy 1) and the clauses in the relevant subparts of the NPS – bearing in mind that the clauses in Part 3 are a non-exhaustive list of things that local authorities must do to give effect to the objectives and policies. The Panel has identified the relevant clauses as:

13.1 3.2, which at (1)(a) anticipates sufficient development capacity to be provided in existing and new urban areas,

13.2 3.24, which at (1)(a) requires that demand estimates relate to different locations, acknowledging that it is at the local authority's discretion to identify the locations, and

13.3 3.25, which at (2)(a) requires that development capacity be quantified as numbers of dwellings in different locations, including in existing and new urban areas.

- 14 I note that while the above focuses on housing demand / development capacity, there are also objectives, policies and clauses in the NPS with location specific requirements in respect of business land.

- 15 Relying on the evidence of Ms Hampson and Messrs Akehurst, Sellars and Jones, I consider that the proposed rezoning will satisfy predicted demand in the western part of the urban environment that is not attracted to the lifestyle offered in or immediately adjacent the main towns of the district. This is reinforced by the evidence of

Mr Davidson which concludes that the research conducted by Research First clearly shows that Ōhoka has high demand relative to other areas in Waimakariri District generally and has particular attributes that are sought or valued by respondents.

- 16 As per paragraph 7 above, the shortfall in the locality that the proposal seeks to address is approximately 524 dwellings in the medium term increasing to 1,541 dwellings in the long term. In accordance with Policy 2 of the NPS-UD, Council is required to provide 'at least' this level of development capacity 'at all times' during the short, medium and long term. In my view, the words 'at least' and 'at all times' are important to the interpretation and application of Policy 2, for the following reasons:
- 16.1 The words 'at least' in Policy 2 provide a clear expectation that more than the minimum level of development capacity can be provided. Indeed, I consider it would be prudent, especially in a rapidly growing district, for Council to err on the side of caution and provide more than the minimum required capacity given the risks of overestimating supply, underestimating demand, and the consequences of providing insufficient capacity, particularly in relation to housing affordability.
- 16.2 The words 'at all times' are relevant in considering how sufficient capacity is ensured at the time of decision making on a proposed district plan that may not be comprehensively reviewed for ten years⁶ and where sufficiency will inevitably change over that timeframe as capacity is progressively taken up. In my view, the Proposed Plan ought to allow for the dynamic nature of housing supply and demand and how at least sufficient development capacity will be provided 'at all times' throughout the life of the plan. In simple terms, for each house that is built through the life of the plan (uptake), a corresponding supply of new zoned land (capacity) needs to be provided to offset that uptake. Otherwise, assuming that medium term demand remains more or less the same, sufficiency will diminish⁷. In my view, this requires proposed district plans to:
- (a) provide sufficient (potentially significant) surplus capacity from the outset to allow for the progressive uptake of capacity over time and ensure sufficient medium-term capacity remains (for each relevant

⁶ Section 79(1) of the Act

⁷ By way of an example, consider a scenario where there is a consistent demand for 10,000 homes over a ten-year medium-term timeframe, equivalent to 1,000 homes per year, and a supply of 10,000 homes is provided to meet this requirement. Say 2,000 homes are built in the first two years which diminishes the available supply to 8,000. However, at that point in time, the medium-term (ten-year) demand remains at 10,000 homes, and therefore the uptake in the first two years has resulted in an insufficiency.

location) when assessed at all times throughout the life of the plan; or

- (b) alternatively, or as a complementary measure, include other methods for delivering additional and sufficient capacity, as and when it is required through the life of the plan (for example, deferred zoning).

- 17 I note that the Proposed Plan has a land release mechanism similar to deferred zoning by way of the NDAs. However, there are no NDAs that cater for demand in the western part of the urban environment.
- 18 I also acknowledge that demand preferences may change over time and there is potential that demand for higher density attached typologies will increase, as suggested by Mr Yeoman and Mr Wilson. I anticipate that this demand would be satisfied within the main urban centres through utilisation of plan-enabled development capacity that is not currently feasible. However, intuitively, one would expect that demand for housing in the western part of the urban environment is for lower density detached typologies. If that is correct, plan-enabled development capacity in the main urban centres would have little impact (if any) on housing demand in the western part of the urban environment.
- 19 Mr Yeoman considers that other development "*options should be considered alongside the proposed RIDL/CGPL development to establish which provides the best outcome, which would take into consideration the planning framework in the CRPS and PDP*"⁸. While the RPS and Proposed Plan are relevant considerations (as addressed in my evidence in chief), the NPS-UD is a higher order planning document that is strongly focused on ensuring expected housing demand is satisfied. Further, it recognises that demand is not uniform – different people have different needs and preferences – and that local authorities must provide for the diversity of demand.

Urban Environment

- 20 The officer considers that determination of whether the site is within the 'urban environment' depends on meeting both limbs of the NPS-UD definition as follows:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

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

⁸ Evidence of Mr Yeoman, paragraph 3.16

- 21 Having been involved in the joint witness conferencing on this topic, I have given this matter considerable attention. Paragraph 10 of the 'Urban Environment' JWS notes that "*[s]ome experts expressed a view that the Greater Christchurch sub-region defines the extent of the Christchurch Tier 1 urban environment*". I am one of those experts.
- 22 In my view, the overarching planning framework for Greater Christchurch in the RPS (and other planning documents) helpfully and pragmatically defines the geographic extent of the 'Christchurch' tier 1 urban environment as referenced in the appendix of the NPS-UD.
- 23 Table 1 of the appendix lists the tier 1 urban environments in the first column and the tier 1 local authorities in the column beside it - Canterbury Regional Council, Christchurch City, Selwyn and Waimakariri district councils being the local authorities for the 'Christchurch' tier 1 urban environment. If the extent of the 'Christchurch' urban environment was not intended to extend beyond the Christchurch City district boundaries, then it would be illogical and confusing, in my view, to list Selwyn and Waimakariri district councils as local authorities.
- 24 I assume most planners would agree that the extent of the 'Christchurch' tier 1 urban environment is an area smaller than the province of Canterbury (the extent of the Canterbury Regional Council's jurisdiction), and smaller than the combined area of Christchurch City, Selwyn and Waimakariri districts. I agree with the officer that the analysis required to determine whether an area of land falls within the NPS-UD 'urban environment' definition is "very interpretative and that others may reach different conclusions on the same evidence"⁹. If, however, we accept that the Greater Christchurch sub-region defines the extent of the 'Christchurch' tier 1 urban environment, we avoid a protracted (and likely subjective) exercise to otherwise determine its extent.
- 25 For completeness, I consider that the Greater Christchurch sub-region comprises a housing and labour market of more than 10,000 people and is predominately urban in character. Further, I consider that the sub-region is likely to become more urban in character as the population increases. I note that the officer considers that it is likely that the site is part of the 'urban environment'.
- 26 I also note the supplementary evidence of Mr Phillips which addresses 'urban environment' matters. I agree with this evidence.

Well-functioning Urban Environment

- 27 The officer considers that the rezoning proposal fails to contribute to a well-functioning urban environment (without identifying 'what' the

⁹ S42A report, paragraph 197

urban environment is¹⁰), principally because it does not provide good accessibility nor support a reduction in greenhouse gas emissions. My opinion on this matter is unchanged from that expressed in my evidence in chief¹¹.

28 It appears that the main reason for the disagreement relates to the comparisons we rely on. I say that Council is required to provide for an identified development capacity shortfall in the western part of the urban environment within the district¹². To achieve this, I put forward the following two approaches:

28.1 the expansion of existing urban areas or creation of new urban areas, and/or

28.2 zoning more land for rural residential development.

29 The officer rejects this position and instead compares the accessibility and GHG emission generation aspects of the proposal with a scenario where the proposed development capacity is located close to or adjoining the main centres of the district. If the Panel accepts that the NPS-UD requires Council to provide development capacity in different locations to satisfy demand (as addressed in the preceding 'residential development capacity' section of this evidence), then it would be inappropriate to compare the proposal with alternative locations close to or adjoining the main centres of the district. The appropriate comparison would be between an urban approach (as proposed) and a rural residential approach (acknowledging that a combination of the two may be appropriate). I prefer the urban approach for the reasons set out at paragraph 97 of my evidence in chief including that it:

29.1 concentrates the population which in turn increases the viability of providing day-to-day type goods and services, local schooling, healthcare facilities, and local reserves and recreation facilities, and

29.2 provides for higher densities which:

(a) enable walkable communities and the ability to service the population with public transport, and

(b) are less carbon intensive.

30 At paragraph 166 of my evidence in chief, I state that the rezoning proposal would not necessarily need to fully satisfy all the Policy 1 subclauses. Rather, it must be demonstrated that approval of the proposal would *contribute* to a well-functioning urban environment

¹⁰ See the relevant critique in the supplementary evidence of Mr Phillips

¹¹ See paragraphs 166 to 179.

¹² Based on WCGM22 numbers.

(which in this case is Greater Christchurch) and therefore I consider that a balancing exercise is required. Further, the relevance of the individual Policy 1 subclauses will depend on the context. Further, not all the subclauses will be relevant to every proposal requiring consideration against the NPS-UD. For example, Policy 1(a) would not be relevant to a proposed rezoning of land from rural to industrial use. In this case, I consider that all the Policy 1 subclauses are relevant to varying degrees, but what constitutes good accessibility and what supports reductions in GHG emissions must be assessed in the context of the location where demand is expected.

- 31 Further, when assessing the accessibility and GHG emissions aspects of the proposal, it is important, in my view, to consider the context of the district, particularly its relationship with Christchurch (which is the principal centre within the Greater Christchurch urban environment). As commented at paragraph 8, the extent and pace of urban growth in the district (particularly in the east) is largely attributed to its proximity to Christchurch. 2018 Census data indicates that “36% of all renter households and 45% of all owner occupiers living in Waimakariri District work in Christchurch City [and the district] has the highest rate of owner occupation in the country (80.4%)”¹³. And one would assume that the proportion of people who work in Christchurch would increase with proximity to the city. The high percentage of people that commute to Christchurch is one indicator demonstrating the dependency of the district on the city.

Accessibility

- 32 Policy 1(c) of the NPS-UD is concerned that people have good accessibility between where they live and where they work, access community services¹⁴, and recreate (in terms of access to natural and open spaces). It is also concerned that the accessibility is multi-modal.

Accessibility between home and work

- 33 I consider that the proposal provides for a good level of accessibility for future residents between their homes and their jobs. Based on the previous discussion, it may be more likely that a larger proportion of residents within the site would work in Christchurch rather than Rangiora or Kaiapoi. Regardless, driving distances to any of these locations are reasonable and, relying on the evidence of Mr Milner, a good public transport option is proposed.
- 34 Because public transport is proposed, consideration of accessibility by active transport is of lesser importance given the reference to

¹³ Paragraph 2 of the Director of Livingstone and Associates Ltd 'Population and Housing Demographics – Rangiora, April 2021' report by Ian Mitchell.

¹⁴ The NPS-UD defines community services as community facilities, educational facilities, and those commercial activities that serve the needs of the community.

'public or active transport' at Policy 1(c) – 'or' being the operative word. Despite this, I consider that the site is a cyclable distance to Rangiora and Kaiapoi for some. And for others who wish to cycle to work in Christchurch, Rangiora or Kaiapoi, it is unlikely that they would take up residence in Ōhoka.

- 35 Work from home is also a relevant consideration. According to the Commuter Waka website (which uses 2018 Census data), 18% of people work from home in the Mandeville-Ōhoka area. This percentage is substantially higher (roughly 8-9%) than Rangiora, Kaiapoi and Woodend. The proposal would likely introduce a more diverse demographic to the area, and one might expect this to result in a decrease in the proportion of people working from home relative to those working in the main centres. However, it is not unreasonable to assume, in my view, that the percentage will remain higher than the main centres – and it may increase over time depending on labour market trends. I also note that 35% of workers living in the Mandeville-Ōhoka area commute to their place of work within the area. This percentage is comparable to the Kaiapoi figure of 38%, but lower than the Rangiora figure of 61%¹⁵.

Accessibility to community services

- 36 In terms of accessibility to community services, I consider that the potential influence of the proposed commercial centre is not adequately accounted for in the s42A report. I reiterate paragraph 252 of my evidence in chief which references Ms Hampson's opinion that the LCZ would be anchored by a supermarket and "*would also be expected to accommodate a small mix of food and beverage retail activity (takeaways, cafes, restaurants/bar), commercial services (such as a hair salon, beauty salon, vets), maybe a health care facilities (such as a medical centre), potentially a preschool (as seen in Mandeville), and any complementary convenience retail, such as a chemist (particularly if medical centre is provided)*"¹⁶. This is in addition to existing facilities in Ōhoka mentioned at paragraphs 28 and 29 of my evidence in chief.
- 37 I consider that this this sort of offering provides good accessibility to many, but not all, community services. Mr Nicholson considers that "most opportunities for specialist retail, secondary or tertiary education, recreation, community services and employment will not be available in Ōhoka"¹⁷. In respect of the community services that are unlikely to be provided in Ōhoka, I note the evidence of Mr Fuller where he suggests that residents who live more remotely "*residents better plan their daily trip-making and include more trip linking as the distance from urban centres increases. For example, the journey to work is also linked to a journey to a retail*

¹⁵ These statistics are sourced from the Commuter Waka website: commuter.waka.app/#

¹⁶ Evidence of Natalie Hampson, paragraph 117

¹⁷ Evidence of Mr Nicholson, paragraph 8.10

*destination, prior to returning home*¹⁸. I agree with Mr Fuller and consider that this factor is also not adequately accounted for in the s42A report.

- 38 In terms of schooling, I consider that primary school students (particularly older ones) will be able to bike and/or walk to Ōhoka School. I disagree with Mr Nicholson that *"there are no safe cycling paths or crossing facilities"*¹⁹ outside the site that provide access to the school. The ODP proposes crossing facilities across Whites Road, and there is an existing off-road shared path that runs along the southern side of Mill Road connecting to the school. Further, I anticipate that a new school will be required at some stage, and if located where provided for within the site, it would be highly accessible to students living in Ōhoka.
- 39 In terms of secondary schooling, it is common for students to travel further to school, and Mr Nicholson notes that there is already a school bus route to Kaiapoi High School that runs through Ōhoka along Mill Road.
- 40 I do not consider that access to tertiary education facilities is of particular importance.

Accessibility to natural and open spaces

- 41 Ōhoka is well endowed with open space, owing mainly to the large domain adjacent the site. Natural spaces are also present including the Ōhoka Stream Walkway which runs along the true left of Ōhoka Stream from Bradleys Road to Keetly Place, and the walkway through Ōhoka Bush at the southern end of the Domain. Further, the proposal will lead to the creation of additional open and natural spaces.

GHG emissions

- 42 The officer points to a GHG emissions report by Beca as clearly demonstrating that the proposal does *"not support a reduction in greenhouse gas emissions [and that it] contributes more greenhouse gas emission than would a similar sized development co-located in the District's main towns"*²⁰. As per my earlier discussion, I consider the officer uses an inappropriate comparison. In responding to expected demand in the western part of the urban environment, I consider the proposal would deliver the required development capacity in a less carbon intensive manner compared to a more dispersed rural residential approach.
- 43 In any case, the NPS-UD is concerned that urban environments *support* reductions in GHG emissions, it does not require reductions

¹⁸ Supplementary evidence of Mr Fuller, paragraph 27 where he discusses West Melton travel behaviour.

¹⁹ Evidence of Mr Nicholson, paragraph 8.3

²⁰ S42A report, paragraph 222

in absolute terms. I consider the proposal is consistent with Policy 1(e).

- 44 I also note the supplementary evidence of Mr Farrelly that challenges the GHG emissions calculation methodology in the Beca report. Mr Farrelly estimates significantly lower GHG emissions, and his modelling finds that *“due to the development timeframe (2028-2040), and the expected improvements in the efficiency of the vehicle fleet during this timeframe, the emissions associated with vehicle transport of residents may temporarily (between 2032-2039) exceed the levels of emissions that would occur if dairying were continued at the current levels of activity, however, in the long-term the travel emissions can be expected to be lower than those of the dairy farm alternative”*²¹. I accept Mr Farrelly’s evidence.

Stormwater Management

- 45 I understand Mr Roxburgh’s reservations in respect of the risk of groundwater interception. I understand this matter has caused issues in the past where backfilled infrastructure trenches have short-circuited groundwater flow with consequential issues such as dried up waterways that were previously fed by groundwater. The risk is real and must be properly considered and managed. The submitter’s engineers understand the risks and are confident that the available mitigation measures will ensure groundwater flows are not intercepted. These mitigation measures have been developed and refined from the lessons learned where unacceptable effects have resulted in the past. I consider that the appropriate time to decide which mitigation measures are required is subdivision stage following groundwater monitoring.
- 46 Despite the significance of the potential groundwater interception issue, I consider it can be appropriately mitigated.

Transport

- 47 Mr Fuller addresses traffic capacity and safety matters in his evidence in chief and supplementary evidence. I agree with his evidence and consider that potential road safety effects can be appropriately avoided or mitigated.

Transport infrastructure upgrades

- 48 The s42A report contains a discussion of intersection upgrades required to service the proposed rezoning²². The officer draws attention to a transport experts JWS produced during PC31 and states that the current rezoning proposal deviates from the previous agreements. As per Mr Fuller’s evidence, the upgrades identified in the ODP are required regardless of the proposed rezoning due to growth in traffic along the Tram Road and Flaxton Road corridors

²¹ Supplementary evidence of Mr Farrelly, paragraph 33.5

²² See paragraphs 71-75

(as predicted by the Christchurch Traffic Model). Further, the upgrades are predicted to be required before subdivision (dwelling occupation is now anticipated to occur from 2028). Notwithstanding the above, I note that the upgrades included in the ODP are fundamentally similar to those agreed in the JWS. For ease of reference, I include the relevant ODP text below:

The following transport network upgrades are required to accommodate growth and traffic from the Development Area (noting that the upgrades are required regardless of whether the Development Area is developed):

- *Flaxton Road / Threlkelds Road intersection roundabout with associated changes in priority at the Mill Road / Threlkelds Road intersection,*
- *Whites Road / Tram Road roundabout,*
- *Bradleys Road / Tram Road roundabout, and*
- *Tram Road / State Highway 1 interchange capacity upgrade.*

In addition to these upgrades, consideration shall be given to whether the development warrants minor works to carriageways and roadside hazards, including roadside signage and/or line markings, on Whites and Bradleys roads (on the stretches between Tram Road to Mill Road), Mill Road (where impacted by the development) and Threlkelds Road. These works would be developer funded.

All works relating to Council road assets will be funded, in part, by development contributions levied at subdivision stage. If any of the upgrades are required earlier than scheduled to respond to growth in the wider network, a developer agreement may be required to enable the works to be implemented without undue delay.

The developer shall consult with Waka Kotahi in respect of the upgrade works required in respect of the Tram Road / State Highway 1 interchange.

- 49 Having reviewed the ODP, the officer stated that he could not find a rule requiring the upgrades at subdivision stage. I consider the relevant rule is SUB-S4 (Areas subject to an ODP) in the subdivision section of the Proposed Plan which requires discretionary consent for any subdivision that does not comply with the relevant ODP and rules for the ODP, as set out in the Development Areas section. If the required upgrades have not been scheduled or implemented prior to a subdivision application, Council would have discretion to consider any relevant adverse effects.
- 50 The s42A report reiterates Mr Binder's view that the required upgrades "have not been budgeted for within Council's long-term plans and are not proposed for any improvements in the foreseeable

*future*²³. My evidence in chief contains a discussion on the funding of infrastructure at paragraphs 69 and 70 where I acknowledge that the required upgrades are not budgeted²⁴ but that Council would be incentivised to include the required upgrades in future LTPs to capture development contributions to fund the projects.

- 51 Mr Binder's position on this matter raises an important question, one that I note was included in a memo to the Panel from Crichton Developments Limited (Submitter 299) in relation to Hearing Stream 12C.

Should infrastructure planning and funding decisions take precedence over requirements in objectives 2 and 3 and policies 1, 2, and 8 of the NPS-UD?

- 52 I consider the relevant starting point to answer this question is Objective 6 of the NPS-UD which requires that:

Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

- 53 In my view, there is an inherent tension in the direction that decisions on urban development satisfy all the subclauses, particularly (a) and (c). In relation to unanticipated proposals that would deliver significant development capacity, it would be unusual if all the necessary infrastructure was in place or planned/funded. Where a local authority has planned for urban development, one would expect that the necessary infrastructure planning and funding decisions would be integrated. However, infrastructure planning and funding decisions relating to unanticipated development²⁵ would likely need to follow the rezoning decision.

Responsive Provisions of the NPS-UD

- 54 The officer considers that the proposal does not deliver significant development capacity due to uncertainty in respect of the ability to manage stormwater within the site. Further, in respect of Clause 3.8, the officer considers that the proposal would not contribute to a well-functioning urban environment and that the site is not well-connected along transport corridors. On this basis, the officer considers that the proposal does not satisfy the responsive

²³ S42A report, paragraph 91.

²⁴ Except for the Bradleys/Tram intersection upgrade.

²⁵ Here I refer to proposals that met the relevant objectives and policies of the NPS, especially those referenced in the Crichton Developments Limited.

provisions. While I do not disagree with the officer's interpretation of the responsive provisions, in preferring the relevant evidence of the submitter's experts in respect of these matters, I find that the rezoning proposal satisfies them.

- 55 The officer and I agree that being 'responsive'²⁶ does not necessarily mean that proposals qualifying under Policy 8 must be granted. Rather, the policy provides a pathway for the consideration of proposals that are otherwise 'unanticipated' or 'out of sequence'. I consider that careful attention should be applied to such proposals accounting for the significant capacity they provide (with associated efficiencies and benefits) and the objectives of the NPS-UD to improve affordability and support competitive markets. This is reflected in the direction in NPS-UD Clause 3.8 that requires local authorities to 'have particular regard to the development capacity provided' by these proposals.
- 56 In relation to the requirement that development capacity be well-connected along transport corridors, Mr Binder provides his interpretation of what constitutes 'well-connected' and 'transport corridors'. He considers that 'well-connected' requires "*safe and appropriate facilities for all users*", and a 'transport corridor' is "*one that provides safe and appropriate access for all users (including people who walk, cycle, or bus), whereas a "road corridor" could refer to any link within the roading network, including unformed legal roads (i.e., "paper roads")*"²⁷. While I consider this interpretation is overly narrow and would likely exclude otherwise worthy plan changes, I consider the proposal satisfies his criteria. With the implementation of the transport infrastructure upgrades identified by Mr Fuller, the proposed bus service, and the planned cycle network, I consider the site will be well-connected along transport corridors. I also note, as does Mr Fuller, that the site is serviced by arterial and collector roads.

Character, Urban Design and Landscape Matters

- 57 The issues raised in Mr Nicholson's evidence, which the officer accepts, are addressed in Ms Lauenstein and Messrs Falconer and Compton-Moen's supplementary evidence, and earlier in this evidence with respect to accessibility. I prefer the analysis of the submitter's urban design and landscape experts (both in chief and supplementary evidence) and add the following comments regarding existing character and design guideline implementation.

²⁶ Dictionary definitions for the term 'responsive' consistently describe this as a reaction or response that is 'quick' and 'positive'. For example, Oxford Languages: 'reacting quickly and positively'; Cambridge: 'saying or doing something as a reaction to something or someone, especially in a quick or positive way'; Merriam-Webster: 'quick to respond or react appropriately or sympathetically', Collins: 'If someone or something is responsive, they react quickly and favourably'.

²⁷ Evidence of Mr Binder, paragraph 17

Existing Character

- 58 In his assessment of the impact of the development on the existing character of the Ōhoka settlement, Mr Nicholson incorrectly, in my view, considers the current level/composition of development rather than that anticipated by the Proposed Plan. At his paragraph 10.8 he states that:

...the proposed minimum lot size of 600m² for sections in the Settlement Zone (SETZ) would be significantly smaller than the sections along the opposite side of Mill Road which range from 1,000–7,500m² with an average size of approximately 3,000m², and approximately 10 times smaller than sections in the more recent residential developments on Keetly Place and Wilson Drive. While good design can ensure that smaller sections are attractive and liveable, I do not consider that it can 'retain' the character of sections that are generally more than twice the size.

- 59 As Mr Nicholson correctly identifies, the Proposed Plan anticipates the SETZ²⁸ to be subdivided into allotments to a minimum area of 600m². If that land was redeveloped to achieve a density closer to the minimum lot size, the 'existing' character would change. The SETZ at Ōhoka north of Mill is 13.8 hectares and if developed to the minimum allotment size, it would yield approximately 230 households (about 200 more than are currently within the zone²⁹) and accommodate about 600 people. The resulting 'character' would differ significantly from the current situation.
- 60 I also note Mr Nicholson's comment that Policy 6 of the NPS-UD "specifically directs that changes to amenity values ... need to be balanced against the positive effects of increased housing supply and choice, and are not, of themselves, an adverse effect"³⁰. In my view, Policy 6 does not require a balancing exercise. I consider the intent of the policy is to overcome 'not in my back yard' type objections that often present a barrier to proposals that would change urban environments.

Design Guideline Implementation

- 61 Mr Nicholson discusses proposed design guidelines at section 12 of his evidence and although he supports the concept, he requests further information regarding how it would work in practice including potential implications for Council resources. In my view, the detailed process is best developed at subdivision stage, and it would not

²⁸ The extent of the zone in the Proposed Plan as notified.

²⁹ I consider that Mr Nicholson underestimates the existing population of Ōhoka. A basic exercise using of 2018 Census data at the meshblock level gives a population count for Ōhoka of roughly 350 to 400 people (this includes people who live outside of Residential 3, 4A and 4B zoned land on lifestyle blocks close by). My method involved adding up the population counts of meshblocks 2455704, 2455601, 2455602 and including the northern half of 2455708. The 2018 population for the entire Mandeville-Ōhoka area was 3,210.

³⁰ Evidence of Mr Nicholson, paragraph 13.7

impose any cost on Council. Mr Nicholson states that “*Council cannot delegate its decision-making power to a third party, and would need to establish an appropriate constitutional basis for the design group to either make recommendations or to certify designs. This could be as a formal Council sub-committee or a similar body, or the design experts could be directly contracted by the Council (or applicant) to provide expert design advice. All of the solutions have cost and administrative implications*”³¹.

- 62 In my view, delegation of decision-making to a third party is not necessary. Proposed Rule DEV-O-R1 permits buildings, structures and development that are deemed to be in accordance with any relevant Council approved design guidelines for the Development Area. Council would simply deem that approvals from the established independent design review committee demonstrate that proposed developments accord with the guidelines. As per the ODP, the guidelines (which would include the associated independent review process) require Council approval at subdivision stage. Therefore, Council can ensure that the guidelines and approval process is robust, fit for purpose, and will not impose cost on Council.
- 63 The proposed design guidelines and associated independent review process provide an extra layer of quality control to ensure development achieves the objectives and policies of the Development Area. They are an example of an ‘other method’³² that implement, or give effect to, the relevant objective of the Development Area.
- 64 I anticipate that Council would not receive many (if any) resource consent applications relating to Rule DEV-O-R1 because any design issues would be worked through such that committee approval would ultimately be forthcoming. A discretionary resource consent pursuant to Rule DEV-O-R1 would be a last resort with no guarantee that such an application would be granted.

Loss of Productive Farmland

- 65 This matter is comprehensively addressed in my evidence in chief where I find that the benefits of the proposal outweigh the costs of a loss of productive land, and that the productive value of the site would be diminished even if the proposal was refused because the alternative would be to subdivide the site for rural lifestyle use. While the officer considers that this outcome is uncertain, I understand that it is highly likely. As per Mr Carter’s evidence, the submitter’s back up development option for the site is a 36-lot rural lifestyle subdivision, as anticipated by the operative and proposed district plans. I consider this logical given the findings of Mr Sellars’

³¹ Evidence of Mr Nicholson, paragraph 12.4

³² See s32(6) of the Act

supplementary evidence which confirms that rural lifestyle land use is the current highest and best use of the site.

- 66 As identified in Mr Mthamo's supplementary evidence, Mr Ford does not consider anticipated subdivision of the site in his evidence regarding the productive potential of the site. I consider this to be an important omission.

Other Matters

- 67 The following section addresses other (but not all) areas of disagreement with the s42A report and evidence the officer relies on.

Objective 3 of the NPS-UD

- 68 I consider the officer has misinterpreted subclause (a) of Objective 3. It requires that (my emphasis in bold):

*the area is in or near a centre zone **or** other area with many employment opportunities*

- 69 Given the proposal includes a centre zone (defined in the NPS as any of the following zones: city centre, metropolitan centre, town centre, local centre, neighbourhood centre), I consider it meets this subclause. Therefore, the officer's comment that "*there is nothing particularly special about the existing employment opportunities in Ōhoka as opposed to other parts of the District*"³³ is not relevant.

Flood Avoidance

- 70 In relation to the discussion of flooding as a development constraint in the district (Kaiapoi in particular), the officer notes that "*past greenfield developments in Kaiapoi that also previously contained high flood hazard areas (e.g. Beach Grove and Silverstream) have used land raising, compensatory storage, pump stations and other mitigation as a way to manage flood hazard on-site, such that they are no longer high hazard*"³⁴. I anticipated this comment in my evidence in chief as below³⁵ given the matter was also discussed during PC31.

The officer identified several examples of where [flood avoidance] has been achieved, including Beach Grove, Silverstream and Waimak Junction. The key difference between those subdivisions / developments and the Kaiapoi NDA is that they are located in Greenfield Priority Areas whereas the Kaiapoi NDA is within a Future Development Area. Policy 11.3.1 allows for mitigation or avoidance of high hazard on existing urban zoned land and land within Greenfield Priority Areas. The Kaiapoi NDA is neither and therefore, I consider

³³ S42A report, paragraph 238

³⁴ S42A report, paragraph 169

³⁵ Paragraph 114 of my evidence in chief

there is no pathway available to enable subdivision and development within it as Policy 11.3.1 would require such development to be 'avoided'.

Aircraft Noise

- 71 In relation to the relevance of the remodelled aircraft noise contours as a development constraint (as discussed in the s42A report³⁶), I refer to paragraph 30 of the recent 'Airport Noise Matters' JWS (dated 28 March 2024) included below for ease of reference:

Mr Walsh, Mr Kyle and Mr Phillips consider that the operative 50 db contour is shown on Map A. The RPS anticipates the need to review the contours as set out in Policy 6.3.11(3). On that basis significant weight should be ascribed to the 2023 amended contours in the context of the PDP review. These experts appreciate that the amended contours need to go through a statutory process associated with the RPS review. Mr Walsh, Mr Kyle and Mr Phillips hold the opinion that decisions on rezonings affected by the contours should be deferred until this matter is resolved. They consider that to do otherwise has the potential to expose new residents to the effects of aircraft noise.

- 72 The planning experts (me included) endorse a precautionary approach to considering the potential impact of aircraft noise, whereas the officer seems to be of the view that the remodelled contours ought to be ignored until the RPS review is complete. I disagree with that approach and consider it does not accord with the risk assessment in s32 of acting or not acting if there is uncertain or insufficient information about the subject matter.

Mode Choice Comparison

- 73 Mr Binder states that "*even with the existence of the Mandeville Village commercial [centre] and its ability to ostensibly serve the "day-to-day" needs of the Mandeville-Ōhoka area, only 4.0% of the residents in that area walked, cycled, or took public transport in their trips. In other words, there is presently a very high reliance on private vehicles in the area in spite of walking and cycling access to an existing commercial development (Mandeville Village) akin to that proposed in this application*"³⁷.
- 74 In my view, this comparison is of little relevance to the rezoning proposal. Mandeville is a sprawling cluster of rural residential / rural lifestyle properties retrofitted with a commercial centre. Given the low density of housing in that area, a significant proportion of residents live beyond a walkable distance. Further, that area is generally lacking in appropriate pedestrian and/or cycle paths. The proposal would result in a far more compact and higher density

³⁶ See paragraphs 173-176

³⁷ Evidence of Mr Binder, paragraph 22

settlement, internally walkable/cyclable, and with a public transport service connecting it to Kaiapoi and beyond.

Proposed Amendment to SETZ-O1

- 75 In relation to the proposed amendment to Objective SETZ-O1, I accept the officer's opinion that there may be a scope question given the change would apply district-wide. While I maintain that the proposed change is minor, having reflected on the matter, I consider the proposed change is not necessary. Objective DEV-O-01 relating to the proposed development area is more specific than SETZ-O1 and any tension between the two objectives is resolved when following the principle that the specific overrides the general.

Scope Matters

- 76 The officer questions whether there is scope to change the activity status from permitted to discretionary for the following activities in the notified extent of the SETZ:

- health care facility,
- convenience activity,
- veterinary facility,
- food and beverage outlet,
- supermarket, and
- retirement village.

- 77 Given that the submission originally sought the proposed SETZ be GRZ, and most of these activities are either discretionary or non-complying in the GRZ, I consider there is scope for the proposed changes. I acknowledge the officer's comment that health care facilities are permitted in the GRZ, and retirement villages are restricted discretionary activities. I would not be concerned if it is decided that these activities should be permitted in the SETZ (as notified) because (a) the likelihood of these activities being established in the zone is low (particularly a retirement village), and (b) if they were established, I consider they would have little impact on the functioning of the settlement as a whole – although, I consider that the most logical location for a health care facility is within the proposed LCZ.

Geographic Extent of the LCZ

- 78 The officer accepts Mr Yeoman's view that the proposed LCZ is too large, while accepting that retail distribution effects are of no concern given the proposed 2,700m² cap on retail activities. Mr Yeoman considers the size of the zone be reduced by a hectare to approximately 1.2 hectares. Mr Yeoman makes this suggestion based on the space requirements at the Mandeville LCZ.

- 79 The proposed LCZ has been sized to comfortably accommodate a range of activities including a village square, car parking (including park and ride facilities), a playground, space to host the Ōhoka farmers market during winter months, alongside retail, office space, food and beverage outlets etc. The intention is that the design of, and spaces within, the commercial space will reflect the semi-rural informal setting with ample open space and plenty of trees / planting / soft landscaping. It will also incorporate stormwater detention in its design. I consider its size is appropriate for the intended uses and function.

Constraints Maps

- 80 Mr Yeoman cautions that the constraints maps included in my evidence in chief "*may give a false impression that land should not be developed solely because of a constraint*". In presenting the maps, a detailed commentary of the nature and context of each mapped development constraint is included. Nowhere in my evidence do I suggest that development cannot occur where constraints are present – I simply make the point that constraints can (and often do) cause issues in respect of urban development and expansion. The main objective of the exercise was to identify the areas of the urban environment that are relatively free of constraints.

Size of the Proposed SETZ

- 81 Mr Yeoman states that the proposal:

will provide a large area of Settlement Zone, which when combined with the existing Settlement Zone would equate to over 100ha. In the context of the PDP this would be by far the biggest area of Settlement Zone in the District. The average area of Settlement Zone area in the PDP is only 18ha and the largest is Waikuku at 43ha. Therefore, Ōhoka settlement as proposed would be 555% larger than the average settlement or over 200% bigger than Waikuku. While I am not a planner, it would appear that there may be a mismatch between the general use of the zone (i.e. smaller settlements) and the applicants use (i.e. large area of residential).³⁸

- 82 The SETZ at Ōhoka as notified is 13.8 hectares in area and the proposed SETZ is 78.04 hectares (including the education and polo ground overlays – 11.2 hectares and 5.25 hectares respectively). Combined, the total area of the SETZ at Ōhoka would be 91.84 hectares if the proposed rezoning was approved, not "over 100 hectares" as Mr Yeoman suggests. Further, the Waikuku Beach SETZ is 72.78 hectares in area (see Figure 1 over the page). It appears that Mr Yeoman has only accounted for the western part of the settlement. The Ōhoka SETZ would be 26.19% larger than the Waikuku Beach SETZ, not "over 200%" as Mr Yeoman suggests.

³⁸ Evidence of Mr Yeoman, paragraph 3.24

- 83 While Ōhoka would have the largest SETZ in the district, I consider it would maintain a relatively small population (less than 2,500 people) and would retain the characteristics of a small settlement as anticipated by the zone.

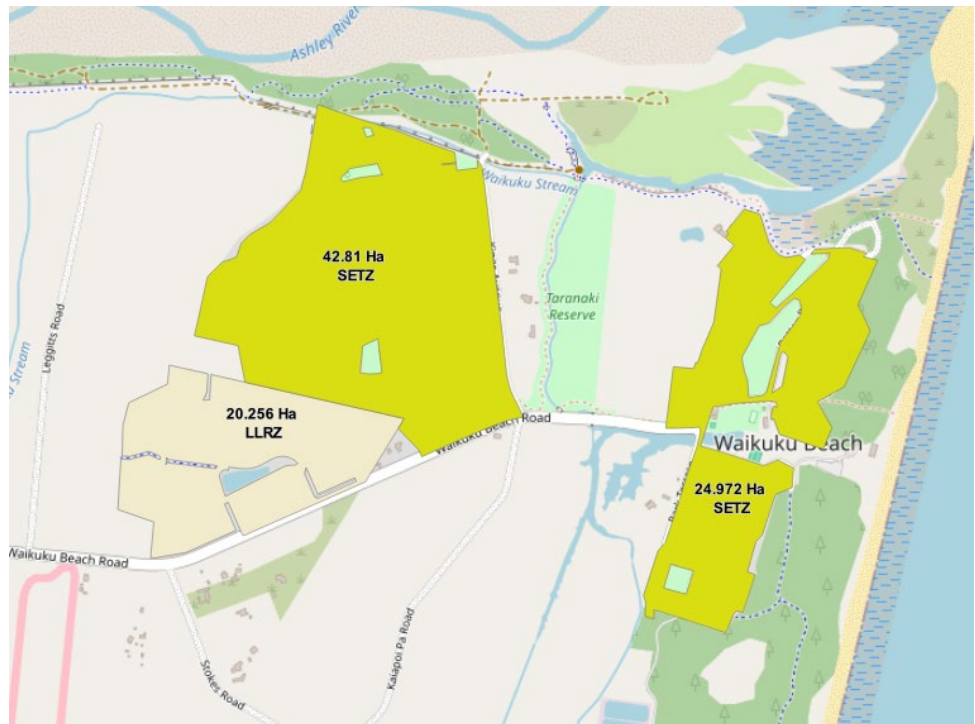


Figure 1: Waikuku Beach SETZ

AMENDMENTS

- 84 In addition to the retraction of the proposed amendment to Objective SETZ-O1 as discussed at paragraph 75, I note that 'Landscape Treatment A' has been amended (as per the supplementary evidence of Mr Compton-Moen) so that the native planting strip now wraps 20 metres into the site at road intersections. I also note that the description of 'Landscape Treatment A' in the ODP incorrectly includes a reference to a 15-metre building setback, which should be 20 metres.
- 85 I will provide a revised set of proposed amendments to provisions at the hearing.

Dated: 13 June 2024

Tim Walsh