

BEFORE THE HEARINGS PANEL

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of the Proposed District Plan for
Waimakariri District

**HEARING STREAM 12C: REZONING REQUESTS (LARGE LOT RESIDENTIAL
ZONE)**

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF SAMANTHA KEALEY
(PLANNING)**

ON BEHALF OF

ANDREW CARR (SUBMITTER #158)

5 July 2024

1. **INTRODUCTION**

1.1 My full name is Samantha Leeanne Kealey.

1.2 I have previously provided a Statement of Evidence (dated 5 March 2024) regarding planning matters in respect of the Submitter's request for the rezoning of 308 Cones Road and 90 Dixons Road (**the site**). My qualifications and experience remain as set out in that Statement of Evidence.

1.3 I confirm I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this 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 that I express.

2. **SCOPE OF SUPPLEMENTARY EVIDENCE**

2.1 I have reviewed and provide comment on the s42A officer's report of Mr Mark Buckley, which in turn relies upon advice from Council's consultants. I have also reviewed and commented as appropriate on the answers of Mr Buckley to the Panel's questions.

2.2 In this supplementary evidence, the matters I address include the following:

- (a) Planning;
 - i. Response to Mr Buckley's 42A Officer's Report
 - ii. Response to Mr Buckley's responses to the Panel's questions
- (b) Geotechnical;
- (c) Transport;
- (d) Landscape Visual Impact;
- (e) Stormwater; and
- (f) My conclusions.

3. **PLANNING MATTERS**

- 3.1 I have reviewed Mr Buckley's s42A report in respect of planning matters as well as answers of Mr Buckley to the Panel's questions.

Response to Mr Buckley's S42A Officer's Report

- 3.2 I agree with Mr Buckley's planning assessment from paragraph 219 to 226.
- 3.3 In relation to paragraph 227, Mr Buckley identifies the ODP lacked sufficient detail to show overland flow paths and the relationship to the stormwater management areas. The ODP has been amended to show the stormwater management areas as indicative and further detailed design is appropriate to be undertaken at subdivision consent stage. For completeness, two versions of the ODP are provided, the only difference between them being that one shows the overland flow paths and the other does not show these. The reasoning for having two versions of the ODP is that on the one hand the Council wishes them to be shown and on the other hand, the advice of the Submitter's stormwater expert Mr Pratap is that overland flow paths are not typically shown on an ODP. Mr Pratap provides further evidence to this point.
- 3.4 I agree with Mr Buckley's conclusions reached at paragraph 228 in regard to landscape effects.
- 3.5 In regard to servicing and paragraph 230, RC225263 and RC225264 are not relevant in regard to wastewater disposal as these consents were based on the land being rural and it is confirmed that the site has the ability to connect into the reticulated wastewater system.
- 3.6 Paragraph 231 again raises RC225263 and RC225264 in relation to stormwater which at the time was based on a rural zone. As per Mr Pratap's evidence in chief he provided calculations for these stormwater management areas, and this is further discussed within his supplementary evidence.
- 3.7 I agree with the conclusions made in Mr Buckley's report regarding geotechnical matters at paragraph 232 and consider that there are no significant geotechnical hazards that would hinder the proposed LLRZ land use.
- 3.8 I agree with Mr Buckley's conclusions reached regarding transport in paragraph 233 and consider that road upgrades are standard processes assessed at subdivision.

- 3.9 Finally, I agree with Mr Buckley's recommendation that that the submissions from A. Carr [158.1] and [158.3], Kyleston Farms Limited [70.1], be accepted.

Response to Mr Buckley's responses to the Panel's questions

General Matters

- 3.10 I agree with Mr Buckley that "Large Lot Residential Zones (LLRZ) are defined within the National Planning Standards (NPS), the Regional Policy Statement (RPS) and the Proposed Plan. Within the context of the NPS-HPL they are identified as being urban..." However, I disagree with Mr Buckley's statement that "...they are not identified as such within the NPS-UD". The NPS-UD states an urban environment "is, or is intended to be, predominantly urban in character" the key wording for LLRZ in this case is "intended to be". A LLRZ zone must be connected to Council services and is not expected to contain 'rural' type activities, such as farming. In my opinion it is anticipated that there will be consistency among higher order documents.
- 3.11 Mr Buckley rightly outlines that "LLRZ are of a size that can enable some rural activities, where these do not detract from the purpose, character and amenity of the zone." I agree with Mr Buckley that rural activities in the LLRZ are secondary, and the primary purpose, character and amenity therefore are for residential living and not for typically rural activities. I consider the LLRZ to be an urban zone, noting that the higher order documents do not provide an 'in between' option.
- 3.12 I agree with Mr Buckley that the sites afforded the LLRZ overlay are anticipated to be developed as the "overlay identifies areas where rezoning may occur where the sufficient information has been provided to demonstrate that rezoning is appropriate".

Paras 227 and 231

- 3.13 I disagree with Mr Buckley that overland flows need to be shown on the ODP as no other submitter's ODP has shown overland flow paths nor do any of the other ODPs contained within the PDP. The stormwater management areas are indicative and have been shown as such on the updated ODP provided with this supplementary evidence. To assist the Commissioners, we have provided an ODP with the overland flow paths shown as well as an ODP with the overland flow paths not shown.

- 3.14 I agree with Mr Buckley that finer details regarding specific design of servicing and stormwater management can be done at resource consent stage.

Para 230

- 3.15 Whilst I agree that the information provided with resource consents RC225263 and RC225264 go some way to providing confirmation that sufficient information is present I do not agree that they are relevant in terms of this rezoning proposal.

Para 237

- 3.16 I agree with Mr Buckley's response that 7 houses would be created in the short term based on a resource consent currently in with Council, the rezoning at a whole does not discriminate when the development will take place.

4. **GEOTECHNICAL**

- 4.1 Andrew Smith has reviewed Mr Buckley's section 42A report in respect of geotechnical matters and Appendix D to the s42A report (Engineering Assessment) produced by Council's Senior Civil & Geotechnical Engineer, Mr John Aramowicz.

- 4.2 Mr Smith has provided supplementary evidence and I refer to his evidence. Mr Smith highlights that at paragraph 72 Mr Aramowicz advises there are no significant geotechnical hazards that would hinder the proposed LLRZ land use. He also states Mr. Buckley's responses to the Hearing Panel's questions does not address geotechnical matters. Mr Smith therefore concludes there are no identified disagreements regarding geotechnical issues at the site.

- 4.3 I concur with Mr Smith and his supplementary evidence.

5. **TRANSPORT**

- 5.1 Antoni Facey has reviewed Mr. Buckley's s 42A report and Appendix F, Mr. Gregory's Statement of Evidence.

- 5.2 Mr Facey has provided supplementary evidence and I refer to his evidence. Mr. Facey agrees with Mr. Gregory that Rangiora town centre is easily accessible by bicycle from the site. However, Mr Gregory finds Cones Road's current width insufficient for rezoning and suggests a District Plan rule requiring its upgrade, including widening.

- 5.3 In his Evidence in Chief (paragraphs 5.12-5.15), Mr. Facey states Cones Road's 20m width allows for any improvement scheme, making it irrelevant to rezoning. In his Supplementary Evidence (paragraph 2.6), he notes Mr. Buckley also does not propose including a District Plan rule. Rather, Mr Facey and Mr Buckley agree road upgrades are standard matters assessed through subdivision.
- 5.4 Mr. Facey agrees with Mr. Buckley's integration plan for 308 Cones Road and 90 Dixons Road (s42A report, paragraph 234). He emphasises the ODP's fixed east-west route, facilitating shared access without land acquisition.
- 5.5 Mr. Buckley notes the site's proximity to River Road Park and Ride (s42A report, paragraph 237), confirmed by Mr. Facey (paragraph 2.8).
- 5.6 Mr. Carr discussed with Mr. Buckley whether future subdivision lots on the site would need direct access to Cones Road or Dixons Road.
- 5.7 Mr. Facey believes direct lot access should be addressed during subdivision consent applications. There are no barriers to the connectivity of the internal roads or access. Both the operative and proposed District Plans outline criteria for vehicle crossings, with non-compliant proposals potentially rejected by the Council.
- 5.8 I concur with Mr Facey and his supplementary evidence.

6. **LANDSCAPE VISUAL IMPACT**

- 6.1 David Compton-Moen has reviewed Mr. Buckley's s 42A report and Appendix I to the s42A report produced by Council's Greenspace and Community Facilities Planner, Mr Jon Read.
- 6.2 Mr Compton-Moen has provided supplementary evidence and I refer to his evidence. Mr. Compton-Moen agrees with the conclusions drawn by Mr Read that LLRZ zoning is consistent with the surrounding character of development in the wider area, that rural landscape attributes, values and aesthetic perceptions of the site are unlikely to be diminished and the landscape mitigation measures proposed are suitable.
- 6.3 Mr Compton-Moen states Mr. Buckley's responses to the Hearing Panel's questions does not address landscape visual amenity matters in respect of the site. Mr Compton-Moen therefore concludes there are no identified disagreements regarding landscape visual amenity issues at the site.

6.4 I concur with Mr Compton-Moen and his supplementary evidence.

7. **STORMWATER**

7.1 Neeraj Pratap has reviewed Mr. Buckley's s 42A report and Appendix D to the s 42A report (Engineering Assessment) produced by Council's Senior Civil & Geotechnical Engineer, Mr John Aramowicz.

7.2 Mr Pratap agrees drains need to be protected and confirms that these are identified in the ODP. However, he does not agree that minor overland flow paths need to be "protected" this is due to the fact that engineered modifications and/or diversion of the overland flow paths may be undertaken. Whilst he acknowledges it is necessary to ensure that overland flow paths are properly addressed within any proposed subdivision, in his experience it is common that engineering solutions are devised which may change the route of overland flow paths through a site, while ensuring that the conveyance of stormwater is suitably addressed.

7.3 Mr Pratap also notes that the proposed stormwater management solutions on site are based on attenuating post-development flows such that pre-development flows are not exceeded. Therefore, development facilitated by the requested rezoning will not have any material adverse effects downstream.

7.4 I concur with Mr Pratap and his supplementary evidence.

8. **CONCLUSIONS**

8.1 My overall conclusions remain unaltered from my EIC. For the reasons set out in my EIC and above, I recommend that the submissions from A. Carr [158.1] and [158.3], Kyleston Farms Limited [70.1], be accepted and the land rezoned to Large Lot Residential Zone.



Samantha Kealey

5 July 2024