

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 12: Rezoning requests (larger scale)

and: **Crichton Development Group Limited**
(Submitter 299)

Further supplementary statement of evidence of Georgia Brown
(planning) on behalf of Crichton Development Group Limited in
relation to Gladstone Road rezoning request

Dated: 26 July 2024

Reference: J M Appleyard (jo.appleyard@chapmantripp.com)
T B Parker (tallulah.parker@chapmantripp.com)

chapmantripp.com
T +64 3 353 4130
F +64 4 472 7111

PO Box 2510
Christchurch 8140
New Zealand

Auckland
Wellington
Christchurch



INTRODUCTION

- 1 On 23 July 2024, Crichton Development Limited (Submitter 299) (*Submitter*) appeared before the Independent Hearing Panel (*IHP*) in relation to the Submitter's submission to the Waimakariri District Council (*Council*) on the Proposed Waimakariri District Plan (*PDP*) to request to rezone approximately 22 hectares from Rural Lifestyle Zone (*RLZ*) to Large Lot Residential Zone (*LLRZ*).
- 2 The purpose of this memorandum is to provide further information, as directed by the IHP, in relation to:
 - 2.1 The relationship between the National Policy Statement on Urban Development 2020 (*NPS-UD*), the Canterbury Regional Policy Statement (*CRPS*), and the Waimakariri Rural Residential Development Strategy (*RRDS*).
 - 2.2 The PDP's policy UFD-P3 "Identification/location and extension of Large Lot Residential Zone areas".
 - 2.3 Potential differences between the Cultural advice report provided by Mahaanui Kurataio Ltd on behalf of Te Rūnanga o Ngāi Tahu for rezoning requests for:
 - (a) 145 and 167 Gladstone Road, Woodend (*Gladstone Cultural Advice Report*); and
 - (b) 110 Parsonage Road, Woodend (*Parsonage Road Cultural Advice Report*).¹
 - 2.4 Proposed amendments to conditions.

RELATIONSHIP BETWEEN THE NPS-UD, CRPS AND RRDS

- 3 The RRDS was adopted by the Council in 2019, with the aim of providing the framework for future provision of land zoned for rural residential purposes in the Waimakariri District. The RRDS projected district wide demand for rural residential dwellings over a 10-year period, identifying areas for future large lot residential within the Waimakariri District.
- 4 The RRDS was to give effect to the CRPS, in particular Policy 6.3.9 which states that rural residential development can only occur where it is provided for in a RRDS. The RRDS was prepared in the context of the National Policy Statement on Urban Development Capacity 2016 (*NPS-UDC*) and the RRDS has not been updated since the *NPS-UDC* was replaced by the *NPS-UD*.

¹ Rainer and Ursula Hack requests that UFD-P1 [201.1], UFD-P2 [201.2], and UFD-P3 [201.3] be amended to enable rezoning of 110 Parsonage Road, Woodend, be rezoned to LLRZ.

- 5 The growth locations depicted in the RRDS have been transferred to the PDP as 'large lot residential overlays', notably the PDP has not proposed any additional area of LLRZ. The RRDS is now five years old and does not identify sufficient locations for rural residential development to meet demand over the next 10 years, as it intended to do in 2019. Based on the evidence of Ms Hampson, capacity for LLRZ is required over and above what has been provided by the PDP and identified in the RRDS.
- 6 As set out within my evidence, the NPS-UD requires Tier 1 authorities to provide at least sufficient development capacity over the short, medium and long term (policy 2); to support competitive land markets (objective 2); to enable more people to live in areas of an urban environment where there is high demand relative to other areas within the urban environment (objective 3(c)); to implement a strategic and responsive planning approach to out-of-sequence and unanticipated development (objective 6 and policy 8); and that planning decisions enable a variety of homes that meet the needs, in terms of type, price and location of different households (policy 1(a)).
- 7 The NPS-UD is a 'higher order' planning document, that must be given effect to. As per the legal submissions presented on behalf of the submitter², where there is conflict with a more recent higher-order document, inconsistency is required to be reconciled by reading the lower order document together with the later high-order document in a way that does not undermine the higher-order document³. I also agree with the legal submission of Mark and Melissa Prosser that Policy 6.3.9 of the CRPS, with its reliance on rural residential development strategies prepared by local authorities, takes an outdated approach and that the spirit and intent of the NPS-UD is to open development doors rather than to close them.⁴
- 8 Based on the above, it is my opinion that a strict application of the RRDS would not enable the outcomes of the NPS-UD to be met, nor enable the Council to provide at least sufficient development capacity. Further, a strict interpretation of the CRPS (in particular Policy 6.3.9) would also prevent a responsive planning approach and the provision of further rural residential development being provided, despite there being a shortfall in the district for this type of housing. This would be contrary to the policies and objectives of the NPS-UD.
- 9 To this extent, while these documents are intertwined, the RRDS and CRPS should be 'read down' in light of the higher order

² Legal submissions on behalf of Crichton Development Group Limited, dated 12 July 2024.

³ Paragraph 61 of Crichton's Legal Submissions.

⁴ Legal submissions on behalf of Mark and Melissa Prosser regarding Hearing Stream 12C, dated 15 August 2024.

framework of the NPS-UD in order to give effect to this national direction.

POLICY UFD-P3 OF THE PDP

10 Policy UFD-P3 (as notified), is:

In relation to the identification/location of Large Lot Residential Zone areas:

1. *New Large Lot Residential development is located in the Future Large Lot Residential Zone Overlay which adjoins an existing Large Lot Residential Zone as identified in the RRDS and is informed through the development of an ODP;*
2. *New Large Lot Residential development, other than addressed by (1) above, is located so that it:*
 - a. *Occurs in a form that is attached to an existing Large Lot Residential Zone or Small Settlement Zone and promotes a coordinated pattern of development;*
 - b. *Is not located within an identified Development Area of the District's main towns of Rangiora, Kaiapoi and Woodend identified in the Future Development Strategy;*
 - c. *Is not on the direct edges of the District's main towns of Rangiora, Kaiapoi and Woodend, nor on the direct edges of these towns' identified development areas as identified in the Future Development Strategy;*
 - d. *Occurs in a manner that makes use of existing and planned transport infrastructure and the wastewater system, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required to an acceptable standard; and*
 - e. *Is informed through the development of an ODP.*

11 The 'Urban Form and Development' Chapter (UFD) was a part of Hearing Stream 1. The Canterbury Regional Council (CRC) lodged a submission (submission 316) seeking amendments to the UFD, in particular UFD-P1, P2, P3, P5, P7, P8 and P10. With respect to UFD-P3, CRC sought that reference be made to 'Map A of the CRPS' in part 2(b) and 2(c) as opposed to 'Future Development Strategy'.

- 12 Mr Buckley as the Reporting Officer for Hearing Stream 1-UFD addressed CRC's sought amendments within his s42a report⁵. At paragraph 149 he notes the following:

UDF-P3 Identification/location and extension of Large Lot Residential Zone areas

149. ECan submission [316.9] questioned whether UFD-P3(2) enables rural residential (Large Lot Residential Zone) development outside of those areas identified in an adopted rural residential strategy, making it inconsistent with Policy 6.3.9 RPS. Policy 6.3.9 of the RPS only applies to that area inside Greater Christchurch and does not constrain large lot residential outside of the Greater Christchurch area. The RRDS identifies potential growth directions for existing large lot residential areas. Consideration has been given to enable new large lot residential development to occur should those sites identified in the Proposed Plan be considered unsuitable. I consider that the proposed provisions in UFD-P3 are suitable to ensure that any site used for large lot residential development is suitable.

- 13 Ms Mitten on behalf of CRC states at paragraph 93 of her statement of evidence to Hearing Stream 1⁶ *"these amendments were sought in order to clarify that the provisions are consistent with and give effect to the higher order resource management documents, namely the CRPS"*.
- 14 This is further expressed within the legal submissions on behalf of CRC, which at paragraph 48 state *"in relation to UFD-P3, the Regional Council considers a further amendment to capture the intention expressed by the section 42A officer in his report that this provision apply only to provide rural residential development outside of Greater Christchurch. Ms Mitten has recommended a specific amendment to demonstrate that the policy only applies outside of Greater Christchurch..."*⁷.
- 15 Turning to Mr Buckley's right of reply⁸, he noted that the Spatial Plan had not yet been adopted but may be within the decision-making timeframe of the PDP. He also noted that it would be appropriate to reconsider the issue after having heard the rezoning evidence and to confirm the status of the Greater Christchurch Spatial Plan⁹. In the interim, Mr Buckley recommended that the CRC submission point in relation to this policy be rejected¹⁰.

⁵ Proposed Waimakariri District Plan: Ahuatanga auaha a taone – Urban Form and Development; Mark Buckley dated: 5 April 2023.

⁶ Statement of Evidence of Joanne Mitten on behalf of the Canterbury Regional Council – Hearing Stream 1 – general matters, definitions, strategic directions and urban form and development, Dated: 1 May 2023.

⁷ Legal Submissions on behalf of the Canterbury Regional Council, dated 8 May 2023.

⁸ Council reply on Urban Form and Development – planner Mark Buckley on behalf of Waimakariri District Council, date: 16 June 2023

⁹ Paragraph 31 of Mr Buckley's Right of Reply.

¹⁰ Paragraph 161 of Mr Buckley's Officers Report.

16 The Spatial Plan was adopted by all Partner Councils in March 2024 as their 'Future Development Strategy'. Therefore, it is understood that UFD-P3(2) would now be referring to the Spatial Plan.

17 Although CRC is not a submitter in relation to Hearing Stream 12C, they provided a letter dated 20 May 2024 to be tabled at Hearing Streams 12A-E, relevantly it states:¹¹

"The evidence of Ms Mitten for Hearing Stream 1 placed emphasis on the direction of the National Policy Statement for Urban Development 2020, the National Policy Statement for Highly Productive Land 2022 and the CRPS, as well as the strategic growth planning exercise that was completed through the development of the Urban Development Strategy (and more recently, the Greater Christchurch Spatial Plan).

The Regional Council continues to support the policy framework it pursued as part of the relief sought in Hearing Stream 1, particularly restricting development outside existing urban areas in order to give effect to the provisions of the CRPS."

18 Based upon the evidence provided as part of Hearing Stream 12C, and in relation to sufficient development capacity, it has been demonstrated that there is a need for additional large lot residential zoning in order to meet demand over the medium and long term.

19 I consider the policy drafted by Mr Buckley, with reference to a Future Development Strategy, gives effect to the objectives and policies of the NPS-UD discussed above.

20 On the other hand, including a reference to Map A of the CRPS imposes a risk in overly restricting the pathway to ensure sufficient development capacity can be met. This is because the development areas shown on Map A are out of date, do not provide sufficient development capacity and were not developed in alignment with the NPS-UD.

21 We note that the CRC is currently drafting a replacement CRPS (including, we assume, Map A), which is to be notified in late 2024 or early 2025.

22 Further, it would not be appropriate to limit the application of UFD-P3(2) to outside Greater Christchurch as this would not address the need for additional large lot residential zoning in order to meet demand over the medium and long term within the urban environment, in accordance with the NPS-UD. This would effectively prevent the provision of further (unanticipated) large lot residential within the Greater Christchurch part of the Waimakariri District. While this would be consistent with Policy 6.3.9 of the CRPS, as set out above, that policy is outdated and needs to now be read in light

¹¹ Canterbury Regional Council – Waimakariri District Plan Review – Letter to be tabled at Hearings 12A-E: Maps and Rezonings dated 20 May 2024.

of the NPS-UD, which discourages plans and future development strategies imposing 'immovable lines' on where development can and cannot occur.¹²

CULTURAL ADVICE REPORT

- 23 With respect to the cultural advice, the Panel highlighted that submitter 201¹³ received positive cultural advice on their proposal to rezone the land at 110 Parsonage Road, Woodend to provide 31 residential allotments, ranging between 208m² – 1,979m² plus a 7,425m² allotment to contain an existing dwelling. This advice differs to the advice received in relation to Crichton's submission, which was not supportive of the rezoning proposal.
- 24 **Figure 1** below demonstrates the location of 110 Parsonage Road in relation to Crichton's land at 145 – 167 Gladstone Road. The properties are in close proximity to each other, with 110 Parsonage Road being located approximately 350m from 145-167 Gladstone Road. **Figure 1** is taken from the PDP planning maps, showing a 'brown and white' dashed line which depicts the PDP 'Wahi Tapu overlay'. This overlay extends through the western portion of the Parsonage Road site.

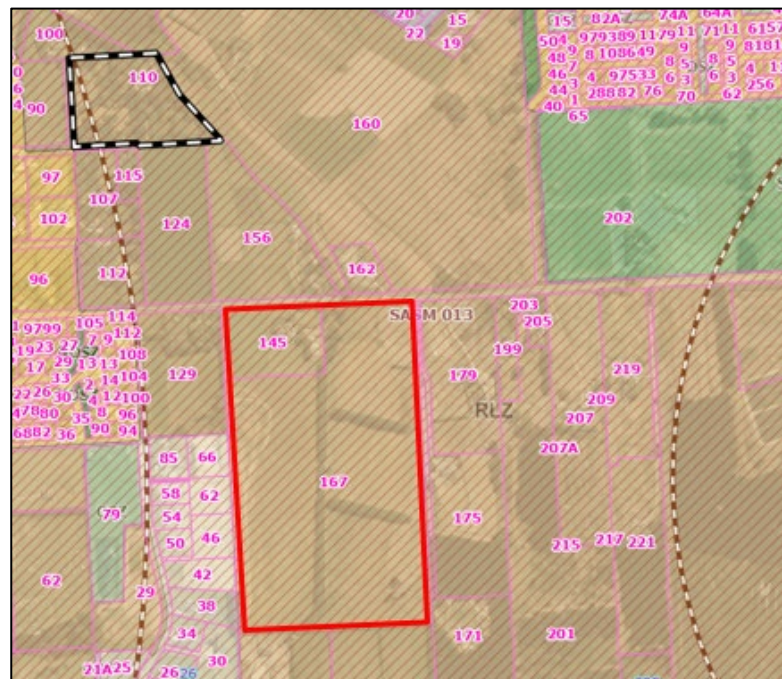


Figure 1: PDP planning map demonstrating the 'Hack' site (black and white dashed outline) and Crichton site (red); Source: Waimakariri District Council PDP Maps

¹² Ministry for the Environment "National Policy Statement on Urban Development 2020: Understanding and implementing the responsive planning policies" September 2020, at page 3.

¹³ Rainer and Ursula Hack.

- 25 110 Parsonage Road is partially located within the 'Wāhi Tapu' overlay, and arguably this implies that part of this site could be more sensitive to development than that of Crichton¹⁴. Although it is recognised that 145-167 Gladstone Road includes an unclassified waterway which presents other sensitivities.
- 26 The *Gladstone Road cultural advice report* concluded that:
- Te Ngāi Tūāhuriri Runanga Kaitiaki are opposed to this submission to amend the Proposed Waimakariri District Plan 2021 due to:*
- *The anticipated increase in subdivision and development activities, impervious surfaces and cumulative environment and cultural effects on the cultural landscape.*
 - *The ongoing impact of subdivision and development in this catchment on indigenous biodiversity and mahinga kai through the increased modification of land and water resources.*
- 27 Further, Te Ngāi Tūāhuriri Runganga considered that "*there are no recommendations that are deemed suitable to mitigate the effects of the proposed plan change on mana whenua values*".
- 28 As per the Hack 'Site Master Plan'¹⁵, a more intensive form of development is proposed compared with that of Crichton, noting part of the site is proposed for Medium Density Residential. This has the potential to result in a greater level of impervious surfacing, stormwater runoff and development activity than that associated with the Crichton submission. Despite this, Te Ngāi Tūāhuriri were not opposed to the Hack rezoning proposal (subject to conditions and recommendations).
- 29 Whilst there is no clear reason as to the difference in the two pieces of advice, it is recognised that the Parsonage Road cultural advice report was received in October 2023, and the Gladstone Road cultural advice report was received in April 2024. I consider that this could demonstrate that there has been a change in the view and/or position of Te Ngāi Tūāhuriri towards rezoning proposals during this time.
- 30 Notwithstanding the above, my view set out at paragraph 53 of my supplementary statement of evidence has not changed.

¹⁴ Recognising that the 'Wahi Tapu' overlay has a more restrictive policy framework to the Nga Tūranga Tupuna overlay.

¹⁵ Statement of Evidence of Victoria Louise Edmonds on behalf of Rainer Hack and Ursula Hack – Appendix A, dated 5 March 2024

**AMENDMENTS AND ADDITIONS TO OUTLINE DEVELOPMENT
PLAN CONDITIONS**

- 31 The 'Development Area' rules (to sit alongside the Outline Development Plan) have been updated to reflect the accepted conditions set out within my supplementary evidence.
- 32 The proposed rules are attached in **Appendix 1**.

CONCLUSION

- 33 For the above reasons and as expressed in my evidence, I consider the proposal should be accepted.

Dated: 26 July 2024

Georgia Brown

**Appendix 1: Proposed rules GSR – Gladstone Road
Development Area**

GSR - Gladstone Road Development Area

The Gladstone Road Development Area is located on the eastern edge of Woodend township and is identified as an area for large lot residential activity. The site is located to the south of Gladstone Road and to the north-east of the East Woodend Development Area. The topography of the area is generally flat. The surrounding rural area to the north, east and south is predominantly used for pastoral farming. To the south-west is existing rural residential development and general residential west. The NZTA designation runs partially within the eastern area of the site, and forms the eastern boundary of the development area.

The DEV-GSR-APP1 provides for:

- A Collector Road linking Gladstone Road to the north, with the potential for a future connection to the south
- An indicative Local Road connection from the Collector Road to provide a future connection to the west.
- Indicative pedestrian-cycle network alongside the Collector Road and midblock, providing a potential connect to the west and towards the east
- An indicative stormwater management area
- Landscape treatment and acoustic buffer

Activity Rules

DEV-GSR-31 Gladstone Road Development Area Outline Development Plan	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Until such time as the Woodend Bypass is implemented and operational, development of the site shall not exceed the occupation of more than four allotments. 2. Following the implementation and operation of the Woodend Bypass, development shall be in accordance with DEV-GSR-APP1, inclusive of: <ol style="list-style-type: none"> (a) Gladstone Road shall be upgraded between Copper Beech Road and the full extent of the site frontage to include road 	<p>Activity status when compliance not achieved: DIS</p>

design attributes identified in Table 30.1 of the Operative Plan (or equivalent rule in any future District Plan).

(b) A 3m high earth bund shall be proposed along the eastern boundary of the site adjacent to the NZTA designation for the purposes of forming both acoustic and landscape mitigation; and

(c) The eastern boundary shall be landscaped for a width of 6m*, with species planted at 1m centres capable of achieving a minimum height of 5m once established.

Species shall include:

- i. *Griselinia littoralis*, Broadleaf;
- ii. *Cordyline australis*, Ti kouka;
- iii. *Pittosporum tenuifolium*, Kohuhu;
- iv. *Podocarpus totara*, Totara;
- v. *Phormium tenax*, Flax;
- vi. *Dacrycarpus dacrydioides*, Kahikatea;
- vii. *Sophora microphylla*, SI Kowhai;
- viii. Korokia species; and
- ix. *Cortaderia richardii*, SI Toetoe.

*Note this 6m width can encompass the 3m bund.

Advisory note: *for the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.*

BUILT FORM STANDARDS

There are no specific built form standards for the Gladstone Road ODP area.

APPENDIX

DEV-GSR-APP1 Gladstone Road ODP

GSR - Gladstone Road Development Area

The Gladstone Road Development Area is located on the eastern edge of Woodend township and is identified as an area for large lot residential activity. The site is located to the south of Gladstone Road and to the north-east of the East Woodend Development Area. The topography of the area is generally flat. The surrounding rural area to the north, east and south is predominantly used for pastoral farming. To the south-west is existing rural residential development and general residential west. The NZTA designation runs partially within the eastern area of the site, and forms the eastern boundary of the development area.

The DEV-GSR-APP1 provides for:

- A Collector Road linking Gladstone Road to the north, with the potential for a future connection to the south
- An indicative Local Road connection from the Collector Road to provide a future connection to the west.
- Indicative pedestrian-cycle network alongside the Collector Road and midblock, providing a potential connect to the west and towards the east
- An indicative stormwater management area
- Landscape treatment and acoustic buffer

Activity Rules

DEV-GSR-31 Gladstone Road Development Area Outline Development Plan	
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Until such time as the Woodend Bypass is implemented and operational, development of the site shall not exceed the occupation of more than four allotments. 2. Following the implementation and operation of the Woodend Bypass, development shall be in accordance with DEV-GSR-APP1, inclusive of: <ol style="list-style-type: none"> (a) Gladstone Road shall be upgraded between Copper Beech Road and the full extent of the site frontage to include road 	<p>Activity status when compliance not achieved: DIS</p>

design attributes identified in Table 30.1 of the Operative Plan (or equivalent rule in any future District Plan).

(b) A 3m high earth bund shall be proposed along the eastern boundary of the site adjacent to the NZTA designation for the purposes of forming both acoustic and landscape mitigation; and

(c) The eastern boundary shall be landscaped for a width of 6m*, with species planted at 1m centres capable of achieving a minimum height of 5m once established.

Species shall include:

- i. *Griselinia littoralis*, Broadleaf;
- ii. *Cordyline australis*, Ti kouka;
- iii. *Pittosporum tenuifolium*, Kohuhu;
- iv. *Podocarpus totara*, Totara;
- v. *Phormium tenax*, Flax;
- vi. *Dacrycarpus dacrydioides*, Kahikatea;
- vii. *Sophora microphylla*, SI Kowhai;
- viii. Korokia species; and
- ix. *Cortaderia richardii*, SI Toetoe.

*Note this 6m width can encompass the 3m bund.

Advisory note: *for the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.*

BUILT FORM STANDARDS

There are no specific built form standards for the Gladstone Road ODP area.

APPENDIX

DEV-GSR-APP1 Gladstone Road ODP