

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**S42A Officer's Summary Statement on the Ōhoka rezoning submissions -
Hearing Stream 12D - on behalf of the Waimakariri District Council
Date: 27th June 2024**

Introduction

1. My name is Andrew Willis. I am a consultant planner engaged by the Waimakariri District Council to respond to the Ōhoka rezoning submissions. I prepared the s42A report on these rezoning submissions and can confirm that I have read all the submissions, further submissions, submitter evidence, relevant technical documents and higher order policies. I have the qualifications and experience as set out in my s42A report.
2. My intention with this statement is to summarise the key points in my s42A report. I have not attempted to respond to the matters covered in supplementary evidence by the submitters, nor the evidence of the further submitters, as there is a right of reply opportunity where I will provide a formal response to that evidence and matters arising from this hearing.

Background

3. The rezoning requests assessed in my s42A report are very similar to the rezoning sought through Private Plan Change RCP031 (PC31) to the Operative District Plan that was heard by an Independent Hearing Panel (IHP) in the second half of 2023. The IHP recommended that the Council decline PC31. The Council subsequently declined PC31 at its Council meeting on 5 December 2023. RIDL appealed the PC31 decision to the Environment Court on 8 December 2023.

S42A report – key points

4. RIDL [160.1] and Carter Group [237.1] sought to rezone an area adjacent to the existing settlement of Ōhoka (on Bradleys, Whites and Mill Road) from Rural Lifestyle Zone (RLZ) to a number of specified urban zones to enable a residential development supported by a local commercial centre and open space. There were 30 further submissions on RIDL [160.1] (28 in opposition, one in partial support and one neutral). There were 16 further submissions on Carter Group [237.1] (14 in opposition, one in partial support and one neutral).
5. RIDL [160.2] sought to rezone the existing Ōhoka Village from SETZ to GRZ. There were 28 further submissions in opposition to this submission and one further submission in partial support.

6. In addition to the above rezoning requests, RIDL [60.1] also sought that the submitter's land at Ōhoka be identified as Medium Density Residential Zone (MRZ) under Proposed Variation 1. There were seven further submissions in opposition to this submission and one neutral further submission.
7. The RIDL and Carter Group submissions were supported by extensive technical evidence on topics ranging from three waters servicing and transport to residential capacity modelling, natural hazards and development constraints across the District. The proposal included an Outline Development Plan, an Ohoka Development Area statement with specific rules for the subject site, along with changes to the Proposed Plan's SETZ provisions.
8. Further submissions received on the rezoning submissions raised the following issues:
 - Increased flooding and drainage concerns;
 - Loss of rural character and outlook;
 - Loss of amenity values of the Ōhoka Village and surrounding areas;
 - Increased traffic congestion and increased noise;
 - Contravention of the Waimakariri Rural District Character Assessment, 6 June 2018;
 - Increased GHG emissions and contravention of New Zealand's Emissions Reduction Plan;
 - The loss of productive land;
 - Contravention of the NPS-UD;
 - Negative impacts on the local schools and community; and
 - A lack of infrastructure to support the development.
9. The majority of the land within the subject site is identified as LUC Class 3, with a small area on the northwestern corner of Mill and Bradleys Roads being identified as LUC Class 2. However, as the Proposed Plan's zoning of the subject site is Rural Lifestyle Zone (RLZ), in my opinion the NPS-HPL does not apply.
10. The subject site is outside of areas identified on CRPS Map A for urban growth (existing urban areas, greenfield priority areas and Future Urban Development Areas) and in my opinion therefore does not give effect to the directive urban growth provisions in the CRPS such as Policy 6.3.1 (which the District Plan must give effect to).

11. In my opinion developing the subject site for the proposed urban activities would also be inconsistent with the Greater Christchurch Spatial Plan (GCSP) and the District Development Strategy (DDS) (which the District Plan must have regard to).
12. In addition to the CRPS, the NPS-UD 2020 is a key higher order statement that the District Plan must give effect to. The NPS-UD contains a suite of objectives, policies and implementation requirements for local authorities that affect urban environments. Of critical importance to the Ohoka rezoning submissions are the responsive planning provisions (e.g. Objective 6, Policy 8 and Section 3.2) as these enable consideration of unanticipated or out of sequence development proposals. They therefore enable consideration of urban development outside of the CRPS Map A identified urban growth areas, subject to meeting the tests set out in the NPS-UD (and with further assessment against the remaining provisions of the planning framework where relevant). Being a higher order document, the NPS-UD would also enable development that is inconsistent with the GCSP and DDS.
13. Importantly, under NPS-UD Policy 8, decision makers only need to be “responsive” to proposals that provide both significant development capacity and contribute to a well-functioning urban environment. The NPS-UD does not require Councils to approve proposals that meet these tests, but they have to have particular regard to them.
14. I understand that there is no modelled residential capacity shortfall in the District. As such, this proposal is not required in order for the Council to respond to an identified capacity shortfall under the NPS-UD. In my opinion, if a capacity shortfall is found to exist, in addition to assessing the proposal on its merits, it should also be assessed relative to the other rezoning proposals before the Panel that respond to the identified shortfall.
15. There are constraints on developing in parts of the District. Of these constraints, in my opinion flooding in the Kaiapoi area is the main issue, but I note that this has been managed in developments to date. The remaining constraints have varying significance but can generally be managed.
16. In my opinion land contamination, geotechnical matters, ecological impacts, potable water and natural hazards matters for the subject site are able to be assessed and appropriately managed through the subdivision and development process. I also

understand that the site can be serviced for electricity and telecommunications. I consider that the site is resilient to climate change.

17. If the area is rezoned as requested, I support the proposed local centre for commercial activities that provide for the day-to-day needs of the future residents.
18. However, in my opinion, the proposal has not satisfactorily demonstrated that:
 - a) it can be serviced for stormwater and by land transport infrastructure, and therefore that it can provide significant development capacity under the NPS-UD;
 - b) the transport network effects will be appropriately managed;
 - c) it can be serviced by a viable public transport system;
 - d) it is integrated with infrastructure planning and funding decisions, including with Waka Kotahi;
 - e) it will support a reduction in greenhouse gas emissions;
 - f) it will be strategic over the medium and long term;
 - g) it provides housing capacity near an area of employment or where there is high demand for housing;
 - h) it provides good accessibility for all people between housing, jobs and community services, including by way of public or active transport;
 - i) it will improve housing affordability;
 - j) it will retain the existing character and amenity of Ōhoka;
 - k) it provides sufficient greenspace.
19. Overall, I consider that the proposal will not contribute to a well-functioning urban environment. I therefore consider that the proposal cannot rely on the NPS-UD responsive planning pathway. Accordingly, the rezoning submissions must also be assessed against the planning provisions directing where future urban growth is to be accommodated (in the CRPS, GCSP, and DDS). On the basis of my assessment against the relevant planning provisions I consider that the rezoning submissions by RIDL [160.1] and Carter Group [237.1] should be rejected.
20. Regarding the Variation 1 matter, as I consider that the urban development proposed is inappropriate for the subject site, and because there is no submitter evidence assessing and supporting the application of the Medium Density Residential Standards to the subject site, I also consider that the RIDL [60.1] Variation 1 submission should be rejected.