

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)

Memorandum of counsel regarding agreed planning matters and
economic conferencing

Dated: 29 July 2024

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MEMORANDUM OF COUNSEL REGARDING AGREED PLANNING MATTERS AND ECONOMIC CONFERENCING

- 1 This memorandum is filed on behalf of Rolleston Industrial Developments Limited and Carter Group Property Limited (the *Submitters*) in respect of Hearing Stream 12D: Ōhoka (*HS12D*).
- 2 The purpose of this memorandum is to:
 - 2.1 provide the Panel with the joint witness statement (*JWS*) prepared by the planning experts in advance of the economists conferencing, pursuant to paragraph 9 of the Panel's Minute 31; and
 - 2.2 respond to the memorandum by **Mr Yeoman** dated 24 July 2024 which purports to respond to the direction to provide information by 24 July 2024 pursuant to paragraph 4 of the Panel's Minute 31.

The planning JWS

- 3 Filed alongside this memorandum is the planning JWS signed by **Mr Phillips, Mr Walsh, Mr Willis** and **Mr Boyes** as per the Panel's direction in paragraph 9 of Minute 31.
- 4 The JWS confirms the planning expert's agreement on specific matters which the Panel directed occur in advance of the economic expert conferencing.
- 5 The Submitters are in the process of lining up the remainder of the expert conferencing to occur prior to 23 August 2024 as directed by Minute 31. We understand **Mr Willis** is overseas from 8 August so it is intended all conferencing will occur prior to this.

Mr Yeoman's memorandum

- 6 In Minute 31, the Panel directed that **Mr Yeoman** provide information related to the WCGM22.
- 7 That information had been requested by **Mr Akehurst** and **Ms Hampson** as being necessary for them to attend economic expert conferencing in respect of HS12D on demand and capacity issues. As explained to the Panel at the hearing, to date the evidence of **Mr Akehurst** and **Ms Hampson** has been prepared on the basis of their educated assumptions of how the WCGM22 has assessed sufficiency for Ōhoka, as this information has not been available to the Submitters.
- 8 **Mr Yeoman's** memorandum dated 24 July 2024 responds to the Panel's direction to provide information. In this memorandum, **Mr Yeoman** states that he has not assessed demand or sufficiency for any settlement or large lot residential zones outside the three main towns.

- 9 We (including **Mr Akehurst** and **Ms Hampson**) were very surprised at this response. It was not the answer we expected given that **Mr Yeoman** has assessed demand, capacity and sufficiency for Oxford (being an area outside of the main towns) in Hearing Stream 12A.
- 10 Nevertheless, it is now clear from **Mr Yeoman's** response that he does not have the information and he has not assessed demand and sufficiency for housing for Ōhoka and that has caused us to reconsider the futility of economic conferencing in the specific context of HS12D.
- 11 We had drafted the suggested Ōhoka-specific conferencing questions on the assumption that the information requested existed and had been assessed by **Mr Yeoman** in writing his evidence for HS12D. However, on the basis of **Mr Yeoman's** response in the memorandum, we consider the Ōhoka-specific economic conferencing would serve no purpose and should now be cancelled.
- 12 In the planning JWS, the HS12D planners have agreed that:
- 12.1 Ōhoka should be assessed against Greater Christchurch as the relevant urban environment for the NPS-UD (i.e. the urban environment is not just the three main towns);
 - 12.2 The Proposed Plan must have or enable a variety of homes that meet the needs of different households (including in terms of location); and
 - 12.3 The Proposed Plan must provide at least sufficient development capacity to meet expected demand for housing in existing and new urban areas and for both attached and standalone dwellings.
- 13 **Mr Yeoman** has not provided evidence or any information in respect of demand and sufficiency of Ōhoka. As such, the economists cannot meaningfully conference on many of the matters set out in the Panel's questions.
- 14 The only evidence the Panel have before them on the demand for residential capacity in Ōhoka is from **Mr Jones, Mr Davidson, Mr Sellars, Mr Akehurst, and Ms Hampson**. And the only evidence the Panel have before them on the sufficiency of residential capacity outside of the main towns, and specifically for Ōhoka, is from **Mr Akehurst and Ms Hampson**.
- 15 While it is possible conferencing could occur on some of the more general (non-Ōhoka) questions, those questions are probably better deferred to Hearing Stream 12E where the economists for all interested parties are able to attend.
- 16 At **Appendix 1** to this memorandum, we explain in more detail why we do not consider the economic questions in the Panel's Minute 31

are now appropriate for economic expert conferencing in relation to HS12D and why the conferencing need not proceed.

- 17 In conclusion, we respectfully request that the Panel cancel the directed economic conferencing for HS12D, or at the very least, considerably revise these in light of our attached **Appendix 1**.

Dated: 29 July 2024



J M Appleyard / L M N Forrester
Counsel for Rolleston Industrial
Developments Limited and Carter
Group Property Limited

APPENDIX 1

Panel question	Reason for not needing conferencing
<p>1 Is the Gross Floor Area (GFA) cap of 2,700m² for retail activities in the proposed Local Centre Zone appropriate and will it result in negligible retail distribution effects on other centres? How much LC zoned land would be sufficient to accommodate this floorspace?</p>	<p>Mr Yeoman's evidence for HS12D raised concerns with the area of land proposed to be LCZ, he considered it is a large area relative to the proposed GFA cap (which he accepted as being appropriate in terms of managing retail distribution effects). He does not elaborate on what exactly those concerns are from an economic perspective.</p> <p>The Submitters responded to this concern in the supplementary evidence of Ms Hampson and Mr Walsh dated 18 June 2024.</p> <p>Mr Yeoman can respond to this question in light of the supplementary evidence in writing ahead of the reconvened hearing for HS12D.</p> <p>We further note that given all economists have confirmed that the GFA cap is appropriate for managing retail distribution effects, the issue around the size of the LCZ is more appropriately a planning matter. While not included in the planning questions in Minute 31, we understand that conferencing is not limited to those questions and we will therefore be suggesting to the Submitters' planning experts that this issue is discussed at the planning expert conferencing.</p>
<p>2 Is the demand for housing that arises in small towns or settlements different from demand for housing that arises in large urban townships? Does the NPS-UD provide that this type of demand in different locations substitutable for housing provision in large urban townships?</p>	<p>Mr Yeoman's memorandum states that the WCGM22 has not assessed demand for housing anywhere other than the main townships.</p> <p>While this question might be appropriate to be asked in Hearing Stream 12E, there is no point in it being asked in HS12D with reference to Ōhoka.</p>
<p>3 Has it been demonstrated that there is specific demand for housing in Ōhoka? Does Research First survey question 5, which suggests 21% of respondents would want to live in Ōhoka, reasonably represent demand preferences for location</p>	<p>Mr Yeoman's memorandum states that the WCGM22 has not assessed demand for housing anywhere other than the main townships.</p> <p>The only evidence the Panel have before them on demand for housing in Ōhoka is from Mr Akehurst, Ms Hampson, Mr Jones, Mr Davidson, and Mr Sellars.</p>

	(noting that the responses add to 176%)?	We note that the second part of this question relates to the evidence of Mr Davidson (who is not an expert attending economic conferencing). The Submitters will provide the Panel with an explanation to this question from Mr Davidson separately and Mr Yeoman can provide any further comment ahead of the reconvened hearing for HS12D.
4	What spatial level of modelling for demand and capacity is needed to best inform local authority planning decisions, both generally and as contemplated in the NPS-UD?	Given Mr Yeoman has not assessed demand for housing anywhere other than the main townships this question could only be answered generally and not in the specific context of Ōhoka. We consider it more appropriate that this question be directed to conferencing on another hearing stream (for example Hearing Stream 12E) where other submitters who may have an interest in the general question can contribute.
5	What are the risks of providing more than sufficient development capacity for housing? Do these risks outweigh the risks of underestimating and not supplying sufficient development capacity?	Given Mr Yeoman has not assessed demand for housing anywhere other than the main townships this question could only be answered generally and not in the specific context of Ōhoka. We consider it more appropriate that this question be directed to conferencing on another hearing stream (for example Hearing Stream 12E) where other submitters who may have an interest in the general question can contribute.
6	Do the StatsNZ SA2 growth projections provide a good proxy for demand for different areas in a district?	Mr Yeoman's memorandum states that the WCGM22 has not assessed demand for housing anywhere other than the main townships. There appears to be no point in conferencing on this issue in HS12D.
7	If the Panel considers the NPS-UD does require the Waimakariri District Council to provide sufficient development capacity to meet demand for housing outside of the three main towns, is there sufficient capacity to meet demand for housing outside of the three main towns?	Mr Yeoman's memorandum states that the WCGM22 has not assessed demand for housing anywhere other than the main townships. There appears to be no point in conferencing on this issue in HS12D.
8	Does the WCGM22 assume Feasible & RER Capacity in the medium and/or long term for the Plan Change 17 site (being the 'Mill Road Development Area' in the Proposed Waimakariri District Plan), noting that this is proposed to be zoned Large Lot	Mr Yeoman's memorandum states that the WCGM22 included Feasible & RER Capacity for large lot residential zones outside of the main towns. He states that this information is available at parcel level on the Hearing Stream 12 website. We have not been able to locate this information, or determine the answer to this question, but consider it more appropriate that Mr Yeoman provide this

	Residential in the notified version of the PWDP.	information to the Panel in writing ahead of the reconvened hearing for HS12D. It is a factual explanation of how the WCGM22 assessed the Plan Change 17 land and therefore does not require expert conferencing to clarify.
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