

**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

**Council s42A Officer's Reply on Ōhoka 12D Rezoning on behalf of
the Waimakariri District Council**

Date: 4 December 2024

INTRODUCTION

1 My name is Andrew Willis. I am a planning consultant engaged by the Council to respond to submissions from Rolleston Industrial Developments Ltd (RIDL) [160.1] and [160.2] and [60.1] on Variation 1, and Carter Group Property Ltd [237.1] seeking to rezone land at Ōhoka.

2 I am authorised to provide this evidence on behalf of the Council.

3 I have read the evidence and other statements provided by submitters relevant to my Section 42A Report – Hearing Stream 12D Ōhoka (dated 31 May 2023) and my s42A Report Addendum (dated 9 October 2024).

4 The purpose of this right of reply statement is to provide a response to:

4.1 the matters raised at the initial and reconvened 12D hearings and from evidence and supplementary evidence provided for these hearings;

4.2 a response to questions from the Hearings Panel contained in Minute 47, dated 12 November 2024.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 I have the qualifications and experience set out in my s42A report. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

6 This reply responds to the matters set out in paragraph 4.

- 7 As a result of responding to the above matters, I have recommended one change to the bespoke planning provisions as set out in **Attachment 1** to this report.
- 8 My assessment has determined that there are no changes required my s42A **Appendix B** (recommended responses to submissions and further submissions table).
- 9 I note that, in accordance with Panel Minute 1 (paragraph 95(c)), the Council did not provide responses at the first 12D hearing to the 23 statements of supplementary and further supplementary evidence and legal submissions provided by RIDL / Carter Group Property Ltd in response to my s42A Report.¹ Rather, at this hearing I and Council witnesses only provided summary statements of our original s42A evidence and confirmed this in response to Panel questions seeking this confirmation.
- 10 For the reconvened 12D hearing, I and the Council limited our s42A report and evidence to the matters expressly set out in Panel Minute 40 (paragraph 9).² This means that again we did not provide responses to the submitters' evidence provided for the first hearing. Consistent with the Panel Minute 1 (paragraph 95(c)), the Council also did not provide responses to the 8 new statements of evidence, plus legal submissions provided by RIDL / Carter Group Property Ltd in response to my s42A Report Addendum for the reconvened 12D hearing.

¹ There were 18 statements of supplementary evidence, 3 statements of further supplementary evidence, 2 legal submissions and 20 summary statements of evidence provided by RIDL / Carter Group Property Ltd. For clarity, there were also 25 initial statements of evidence provided to support the submission that my original s42A report responded to.

² As set out in Minute 40 (paragraph 9), the sole purpose of the reconvened HS 12D hearing is to cover the three matters listed in paragraph 8 a. to c. above, and the cumulative effects conferencing (as it applies to HS 12D) and legal advice as set out in paragraph 9 above. The Minute stressed that the reconvened hearing is to address only those identified matters and is not an opportunity to traverse any other matter, or to introduce any new evidence.

11 I understand that the Council's response can be done as part of this s42A Reply report and I have therefore responded to the matters raised in evidence, in addition to responding to the Panel questions in Minute 47. In support of my response, I have relied on the following responses:

- Mr Yeoman (**Attachment 2**) on capacity and demand matters;
- Mr Wilson (**Attachment 3**) on lot sizes;
- Mr Binder (**Attachment 4**) on transport matters;
- Mr Nicholson (**Attachment 5**) on urban design and landscape matters;
- Mr Read (**Attachment 6**) on greenspace matters.

12 I also rely on updated bespoke SETZ / GRZ provisions (undated, provided by Mr Walsh on 3 December 2024) and the associated Ōhoka Assessment Criteria (dated 2 December 2024, Revision H).

13 In my S42A Report Addendum I stated I was concerned about the risk of groundwater interception from the proposed stormwater system. Based on evidence provided by Mr O'Neill for the reconvened hearing I no longer hold these groundwater interception concerns.³

14 For clarity, I have not commented on any other matters raised in the various statements evidence as I have nothing further to add than already covered in my s42A report, s42A Addendum Report, and s42A Addendum Update (dated 4 November 2024).

³ Reconvened hearing statement of evidence of Eoghan O'Neill (Stormwater), dated 17 October 2024, paragraphs 12 to 15

RESPONCE TO MATTERS RAISED IN EVIDENCE

15 In the following sections I have responded to key topic areas addressed in evidence and discussed before the Panel. These topic areas are:

- Granularity / sub-markets
- Residential demand at Ōhoka
- Provided capacity
- Substitutability
- Demand and well-functioning urban environments
- Transport
- Urban design and landscaping
- Greenspace

What is the appropriate level of granularity or sub-market to assess sufficiency and provide capacity?

16 A key thrust of the submitters' argument in support of the Ōhoka urban rezoning submissions is that if there is high demand for urban density residential development in an identifiable sub-market such as Ōhoka, the Council must respond to this sub-market demand under the NPS-UD and provide for this capacity in that sub-market. The planners have used the term 'granularity' to describe the spectrum of approaches that could be applied, such as from Greater Christchurch wide only, through district wide only, to the District's main towns only, to some, or all sub-markets, taking into account the specifics of such things as scale, location, character, amenity, section sizes, etc.

17 I note the comments on 'granularity' in the Planning JWS (30 August 2024, paragraph 86), in the submitters' legal submission (24 October 2024, paragraph 9) and the Council's legal submissions (23 August 2024, paragraphs 95 to 109). Mr Walsh

lightly touches on the matter of granularity in his evidence⁴ while Mr Phillips explores this in more detail in his evidence⁵ stating that this is the “key issue” for the reconvened hearing (paragraph 9).

18 At paragraph 12.4, Mr Phillips states that [for the 2021/2022 approved West Melton Plan Change 67] West Melton was found to have locality and market specific demands for housing that could not be resolved by housing supply in Rolleston, Darfield or other larger centres in the District, and which therefore necessitated additional supply in West Melton in accordance with the NPS-UD. Mr Phillips goes on to state (paragraph 13) that West Melton is equivalent to Ōhoka in that both have small but established urban areas and location and market specific demands for housing that cannot be substituted by other urban areas or main centres, and therefore like West Melton, Ōhoka requires sufficient development capacity to be provided in accordance with the NPS-UD. I note that the PC 67 evidence is not before the PDP Panel and that, like the PC31 Ōhoka decision (which is before the Panel in evidence), the West Melton decision is not binding on the PDP Panel.

19 I address market specific demand and substitutability matters later in this report. Regarding the similarities between West Melton and Ōhoka, in my s42A report (paragraph 200) I stated that West Melton is not directly comparable to Ōhoka as it has a much larger population (2,640 in 2022 as opposed to 250-300 residents for Ōhoka),⁶ consists of existing urban density residential development, has an existing large commercial centre,

⁴ Reconvened hearing statement of evidence of Mr Walsh, dated 17 October, Paragraph 34.

⁵ Reconvened hearing statement of evidence of Mr Phillips, dated 7 October 2024, in paragraphs 7 to 13.

⁶ 2023 / 2024 population estimates are 2710 for West Melton and 345 for Ohoka (including rural lifestyle areas outside the village area).

and is proposed to have more development.⁷ I also note that West Melton has (and had when Plan Change 67 was considered) an existing publicly funded bus service and is located on a State Highway. In 2021/2022 when West Melton was an established town with a commercial centre, a bus service and a population bigger than Oxford, a capacity assessment to that scale may have been warranted based on its attributes. However, Ōhoka is clearly far from that scale and does not have those same attributes. In my opinion these factors mean that it is not overly comparable to Ōhoka, nor is it determinative of the level of granularity to apply in the Waimakariri District, or to Ōhoka specifically.

20 In my opinion, the NPS-UD does not require the sufficiency test to be assessed in terms of sub-markets to the extent stated by the submitters' experts and legal submission, nor the capacity response. Rather, the NPS-UD consistently indicates a less granular approach to providing sufficient development capacity. I note the following from the NPS-UD:

- Policy 2 (sufficient development capacity) relates to total housing and has no geographic breakdown.
- Policy 8 does not anticipate that a particular location must be rezoned to provide sufficient development capacity where there is evidence of location-specific demand. Rather, policy 8 only requires responsiveness to a rezoning (not a compulsory rezoning).
- Clause 3.2 is defined in terms of broad geographies ("district", "region", "existing and new urban") and types of dwellings ("standalone and "attached"). It expressly does not refer to sub-markets (such as rural villages, or lifestyle living), or providing for specific zones (such as the SETZ

⁷ I note it has Future Urban Areas identified in Map 2 (page 23) of the Greater Christchurch Spatial Plan.

and LLRZ) or require a sub-market approach. Rather, Clause 3.2(1)(a) confirms that the provision of at least sufficient development capacity is not intended to be provided at a fine level of locational granularity such as a particular site or group of sites.

- Clause 3.6 requires sufficient capacity in the “constituent district of a tier 1 or tier 2 urban environment.
- Under clause 3.10 Local Authorities must assess demand and capacity by preparing an HBA as per subpart 5 – see below.
- Under clause 3.13(2) - The FDS must identify the broad locations in which development capacity will be provided in both existing and future urban areas. It does not say it must be done for every sub-market. Under clause 3.17 LAs must have regard to the relevant FDS when preparing or changing RMA planning documents. In having regard to the FDS I note that it does not anticipate new greenfield urban growth in Ōhoka.
- In Subpart 5 - clauses 3.24 and 3.25 specifically refer to “different locations” and “dwellings types” but these clauses expressly state that the council may identify locations and dwellings “in any way they choose”, and the only minimum requirement is to distinguish between standalone and attached dwellings. These clauses do not say the Council must identify and provide for sub-markets, nor do they include requirements / directions on how each sub-market is to be identified / at what scale of granularity this must be done. Rather, they expressly say it is up to the Council to determine locations, and the Council has done that.

21 I consider that while the NPS-UD Objectives and Policy are high level, the clauses provide prescriptive requirements which must be met. If the government had intended for sub-market or zone level assessments and capacity responses then this requirement could have been added into the prescriptive requirements,

including instructions on how this is to be done (such as for the NPS-UD guidance on estimating feasibility in section 3.26). A plain reading of the requirements of NPS-UD assessments shows that there is no mention of sub-markets or zone level assessments. In my opinion it is clear that these clauses do not require a more granular approach than the Council has undertaken. Rather, providing *“at least sufficient development capacity at a broad level of locational granularity is consistent with the wider context and purpose of the NPS-UD which does not anticipate that capacity is to be provided in each and every location where location specific demand is established”*.⁸

22 In his evidence responding to the submitters’ evidence (paragraph 230) Mr Yeoman states that he has undertaken capacity assessments or reviewed capacity assessments for the following eleven Councils and elaborates on Auckland and Hamilton (at paragraphs 231 and 232);

- Waimakariri;
- Selwyn;
- Kaipara;
- Dunedin;
- Queenstown;
- Auckland;
- Hamilton;
- Tauranga;
- Christchurch;
- Whangārei; and
- Taupō.

⁸ Buddle Findlay legal submissions (23 August 2024, paragraph 106).

23 Mr Yeoman considers that the other ten assessments have been undertaken consistently with how Waimakariri's assessment has been undertaken – i.e. not assessing capacity at a sub-market scale (paragraph 230). He notes that there are small settlements like Ōhoka in Auckland and Hamilton but that these Councils did not estimate demand or assess sufficiency at this scale. He states that he has found no evidence of a requirement for councils to assess demand at a micro level for all the potential submarkets within an urban environment under the NPS-UD (paragraph 2.33). I consider this comparative assessment is significant – the other Councils identified are not applying the NPS-UD at the level of granularity argued for by the submitters' planners and to do so in Waimakariri would be out of step with this collective understanding and application of the NPS-UD's requirements.

24 I note that MfE, as the governing body of the NPS-UD, independently reviews the Tier 1 NPS-UD assessments. The latest review⁹ identified exemplars for the analysis of housing demand and stated (page 16):

“Many HBAs provided appropriate disaggregation of demand. The HBAs of Auckland, Future Proof Partners (FPP), Greater Christchurch [my emphasis], Nelson-Tasman, Palmerston North, and SmartGrowth provided information about all factors as required by the NPS-UD.”

“The HBAs of Auckland, Dunedin, FPP, Greater Christchurch [my emphasis], Nelson-Tasman and Queenstown provided comprehensive rigorous methods for exploring the range of demands by type, locations, and price points.” [my emphasis]

⁹ Summary review of Housing and Business Development Capacity Assessments, dated December 2021.

- 25 The MfE review clearly shows that the Greater Christchurch Partnership (GCP), applies appropriate methods for understanding demand by type and location and is listed as being an “exemplar for the analysis of demand”. The WCGM informed the GCP and provided a framework for assessment within the Waimakariri District. Not only does this demonstrate that the WCGM (and the Council) has applied the NPS-UD correctly, it also shows that the NPS-UD governing body considers that there is no requirement to assess sub-markets at the level of granularity that the submitters’ experts are suggesting.
- 26 In my opinion the NPS-UD is clear that it is up to the Councils to determine the ‘locations’ to consider for their capacity assessments, and that it does not require a greater level of granularity than the Council has undertaken (as an exemplar). Accordingly, in my opinion it is clear that there is not a granularity or sub-market demand argument under the NPS-UD that requires consideration of demand at Ōhoka, and consequently a sub-market response. Additionally, I consider that West Melton is distinguishable from Ōhoka for the reasons provided and consider that just because the commissioner for PC67 found in favour of growth at West Melton based on evidence presented at that hearing, that determination does not necessarily apply to Ōhoka.
- 27 I note the submitters’ legal submission¹⁰ refers to NPS-UD Objective 3’s requirement to enable more people to live in areas of high demand (paragraph 9.3) as a reason for supporting a sub-market approach. I consider that this objective is principally implemented by Policy 3 which requires specified height and density outcomes in specified locations to enable more people to live in areas of high demand. I do not consider this Objective to be a strong argument to justify providing for sub-markets across

¹⁰ Legal submissions for the reconvened hearing on behalf of Carter Group Property Limited and Rolleston Industrial Developments Limited, dated 24 October 2024, Paragraph 9.4

an urban environment, especially given the clauses and other matters already considered above.

- 28 For clarity, I understand that there are ten LLRZ rezoning requests in the Ōhoka area covered in the Hearing 12C s42A report. Three are in Ōhoka, four in Mandeville and three in Swannanoa. I understand that in his s42A report, Mr Buckley has recommended rejecting all of these re-zoning submissions for various reasons, including whether they would contribute to a WFUE, and did not accept any local housing demand / local scale granularity arguments.

What is the demand for the submitters' proposed residential development in the Ōhoka area?

- 29 A key thrust of the submitters' argument in support of the Ōhoka urban rezoning submission is that they consider there is high demand for urban density residential development in Ōhoka, both for LLRZ (minimum site size 2,500m², with a minimum average of 5,000m² for allotments within the subdivision) and SETZ / GRZ (minimum lot size 600m²). I have assessed the submitters' demand evidence below.

Mr Jones' and Mr Sellars' demand evidence

- 30 In his supplementary evidence (dated 5 March 2024), Mr Jones states that Ōhoka appeals to prospective purchasers because of its charm and amenity, including its significant mature oak tree plantings, and surrounding rural landscape (this is a distinct offering from the offering and amenity provided in Kaiapoi, Rangiora, Woodend/Pegasus). I do not dispute this, however I note that this is based on Ōhoka as it is now, and not necessarily

Ōhoka as it will be after it has become a town bigger than Oxford.¹¹

- 31 In his evidence (para 8.3) Mr Jones states that Ōhoka was the fourth most searched suburb in the Waimakariri District from April – June 2023, behind only the larger urban areas (Rangiora, Kaiapoi, and Oxford). I consider this demonstrates demand, but not high demand relative to other urban areas – the evidence actually says there is higher demand in Rangiora, Kaiapoi and Oxford for urban density residential development (SETZ / GRZ). I also note this statement excludes suburbs in the rest of Greater Christchurch, which is the ‘urban environment’ the submitters are seeking to provide supply for. I am therefore not clear where Ōhoka would rank in comparison to Prebbleton, West Melton, Lincoln, Rolleston, etc and whether the Ōhoka demand would be ‘high’ relative to these areas.
- 32 Mr Jones’ evidence refers to enquiries and recent sales data and includes statements on lifestyle properties (>4ha) (e.g. para 8.4 and para 13). However, I note that the SETZ / GRZ sections on offer in the proposal are not the same as the current rural residential / lifestyle offering in Ōhoka that Mr Jones refers to. In his evidence (paragraph 2.12) Mr Yeoman states that Mr Jones and Mr Sellars conflate current rural village demand with urban demand for Ōhoka. He notes that while there is evidence of rural village demand, this is not the same as high demand for the submitters’ proposed large scale urban development which is significant and a very different market from what Mr Jones or Mr Sellars discuss in their statements.

¹¹ As set out in my PC31 s42A report, I understand that the Ōhoka township currently has approximately 111 dwellings. An additional 850 dwellings in the township would therefore grow the township from circa 250 - 300 people to approximately 2,500 people (at the average District household population of 2.6 people per dwelling). By comparison, I understand that the population of Oxford is 2,200, while Pegasus is approximately 3,300 (Statistics NZ figures). The proposal is therefore very significant for Ōhoka and the District.

- 33 In his evidence (paragraph 2.7) Mr Yeoman notes that neither Mr Sellars, nor Mr Jones have provided data to substantiate their position on demand - Mr Sellers' states that it "is difficult to quantify demand for housing in Ōhoka"¹² while Mr Jones states that there is "no data available".¹³ Mr Yeoman (paragraph 2.8) considers that at most their evidence shows that there is some demand in Ōhoka for large lots, but by no means high levels of demand and definitely not enough to support the urban development of the submitters' land as proposed.
- 34 Mr Yeoman agrees with Mr Jones and Mr Sellars that most people who are currently looking to live in Ōhoka are doing so to buy in a rural village (paragraph 2.11). He agrees with Mr Jones and Mr Sellars that this demand is "very different" to the urban residential demand in the main towns. However, he considers this demand is relatively small compared to the proposed development.
- 35 I have reviewed the subdivision consents for the existing Ōhoka SETZ as far back as 2005 when the Operative District Plan provided for 600m² sized sections at Ōhoka (within a RES 3 Zone).¹⁴ Since 2005, there have been 13 new lots created and of these, none are less than 2000m². I am not a residential demand expert, and noting that there might be other reasons for this subdivision pattern, in my opinion the purported high demand in Ōhoka for 600m²-700m² sections is not supported by the subdivision pattern over the last 20 years, rather, this provides some support for LLRZ development (which is a minor component of the proposal).
- 36 I agree with Mr Yeoman (paragraph 2.12) that the evidence of Mr Jones and Mr Sellars appears to conflate current rural village

¹² Supplementary Statement Gary Sellars 13 June, paragraph [25].

¹³ Supplementary statement of Chris Jones, dated 13 June paragraph 6.1

¹⁴ Which allows for a minimum allotment size of 600m².

demand with urban demand and note that the proposal involves approximately 700 SETZ / GRZ lots (this could increase up to 911 units if a school is not established but a retirement village is)¹⁵ which are not rural lifestyle or LLRZ and significantly change the scale and character of the Ōhoka rural village. Given my observations above on Mr Jones' evidence and the pattern of subdivision occurring over the last 20 years, I accept that there is probably some demand to live in Ōhoka, principally for LLRZ-type development, but that this has not been demonstrated as being high or significant for the majority SETZ / GRZ component proposed. I therefore consider Mr Jones' demand evidence provides only some support for the submitters' specific rezoning proposal.

Mr Davidson's demand evidence

37 The demand evidence of Mr Davidson (dated 13 June 2024) is based around survey responses to two key questions:

- *Question 5 - Which areas would you like to live?*
- *Question 6 - Now assuming all areas within the Waimakariri District have all the same facilities etc available to you (i.e. schooling, supermarkets and transport), would that change which areas you'd like to live in?*

38 Regarding question 5, based on the evidence of Mr Yeoman (paragraph 2.3(b)), this question is actually a question on 'want' - where would you like to or want to live, rather than 'demand' per se. Because of this, Mr Yeoman considers that a large share of the respondents that selected Ōhoka would either not be able to afford this option or alternatively not select this option as they would have preferred options elsewhere. Later in paragraph 2.14 Mr Yeoman considers the likely price of housing in this

¹⁵ As set out in the evidence of Mr Walsh dated 5 March, paragraph 51.

development and states that it will be over \$1million per dwelling and that given the incomes of households in Waimakariri and Greater Christchurch, it is likely that the majority of households will not be able to afford to buy a house in this development - while people may 'like' or 'want' to live in Ōhoka, most households will not have the ability to buy within the area. This therefore reduces the actual demand.

39 Also, I note that the survey is based on the respondents' opinions of Ōhoka as it is now, rather than Ōhoka as it will be, noting the various comments on rural surroundings, larger sections / big sections of land and quiet / peaceful. The survey did not ask, "do you want to live in this proposed development with these section sizes, a local centre, a retirement village, etc and at this price point.

40 Mr Yeoman has commented on this (paragraph 2.3(c)) stating that, when considering their options, respondents will consider Ōhoka as it is currently in terms of the offering available now (i.e. a rural village with rural amenity and large, spacious landscaped sections and no commercial centre), because, from the questions given, respondents would not necessarily have been aware of the proposed future state of Ōhoka as it would be if the proposed development proceeds. Mr Yeoman notes that the proposed development suggested by the submitter is urban in nature and is very different to the current offering in Ōhoka. This is illustrated by the pictorial representations of the SETZ / GRZ areas in the Ōhoka Urban Design Guide.¹⁶ Therefore, any responses to the survey cannot be equated to evidence of demand for urban activity or the proposed development.

¹⁶ See the drawings of the Settlement Zone at D1 (pages 44, 45 and 46), D4 (pages 51 and 52), D6 (page 54), and D8 (page 57) and for the LCZ in the Ōhoka Urban Design Guide included with Mr Compton-Moen's evidence to the reconvened hearing 12D dated 17 October 2024.

- 41 I also note that Ōhoka is the survey's third choice option, however Woodend and Pegasus, which are co-located, are split into two separate areas and if combined, at 32% would actually top the list, pushing Ōhoka into 4th place. Mr Yeoman considers (in paragraph 2.3(c)) that in reality these areas are a single urban area and that they should be treated as one. I also note that neither Mandeville, nor Swannanoa are separately identified, and it is not clear if they are grouped under Ōhoka. Mr Yeoman states that as Mandeville and Swannanoa were not given as options, this means that there is a likelihood that people who selected Ōhoka may actually have preferred these other areas.
- 42 I note the survey is limited to the Waimakariri District and does not include the whole of the Greater Christchurch urban environment. I expect that restricting it to Waimakariri would result in more people selecting Ōhoka than if, say Lincoln or Prebbleton, were included. I also note some of the areas identified in the survey are outside of the Greater Christchurch urban environment (e.g. Oxford and Loburn). Finally, it appears that the survey figures for Question 5 add up to 176% which suggests an error in the survey or perhaps respondents picking multiple location options. Mr Yeoman comments on this in his paragraph 2.3(a).
- 43 Regarding question 6, I consider this question is fanciful because the Ōhoka proposal is not proposing to provide all the same facilities that are available in other areas of the Waimakariri District (for example no primary or secondary schools are proposed to be established, noting that a primary school could establish). In his evidence (paragraph 2.3(b)) Mr Yeoman states that Question 6 of the survey is so abstract as to be irrelevant and that there is no way that every location in the district will have the same level of facilities available. For the smaller settlements, including Ōhoka, this would be very unlikely to occur for the coming 30 or more years, as the provision of many services are not likely to be viable until a town reaches a certain size. Similar to question 5, I note that the survey responses for Question 6 add

up to 201%, which suggests an error in the survey or perhaps respondents picking multiple location options.

44 In Mr Yeoman's opinion (paragraph 2.4), if the corrections he identifies were made, then much less than 5% of respondents would have selected Ōhoka, and that these people would have mostly selected rural large lot dwelling types¹⁷ which is not what the submitter is proposing for the majority of the proposal.

45 Given the assessment above, I do not consider that Mr Davidson's evidence sufficiently demonstrates that there is high or even significant demand for the proposed housing in this location, relative to other areas of the urban environment. Mr Yeoman considers (paragraph 2.5) that rather, it indicates that of the choices made available to respondents, Ōhoka in its current form was identified as an attractive place to live for a small proportion of respondents, without factoring the practicalities of being able to afford to buy property there, and without understanding the limited access to services there. Mr Yeoman also notes that neither of the submitters' economists rely on Mr Davidson's survey results for their quantitative assessments. Overall, I consider that little weight can be placed on the demand evidence of Mr Davidson.

Mr Akehurst's demand evidence

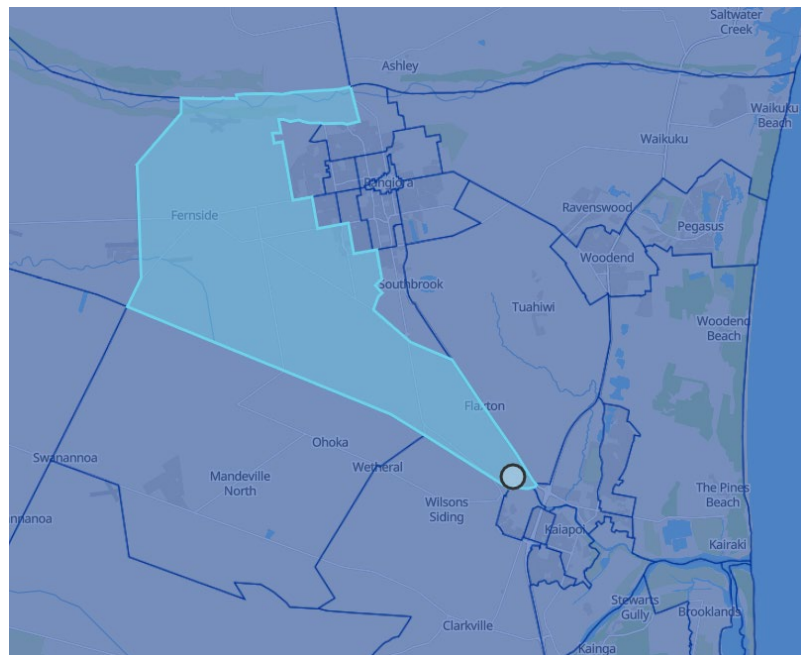
46 Mr Yeoman has assessed the evidence of Mr Akehurst. He notes that the submitters' economists (Mr Akehurst and Ms Hampson) have accepted and adopted the urban demand projections used in the WCGM22 and that there is no disagreement on the total pool of demand that can be expected in the future – the disagreement is in terms of the allocation of demand within the district (paragraph 2.17 and 2.18). Mr Yeoman states that the basis of Mr Akehurst's assessment is his own allocation of district

¹⁷ Summary Statement Carl Davidson 1 July, paragraph [6].

level growth. Mr Akehurst's assessment shows a demand for 748 dwellings in the short-medium (including margin), in the areas outside the main towns, but within the dotted line shown in Map A of the CRPS – i.e. in rural lifestyle zoned areas (4ha) and limited rural residential areas (equivalent to LLRZ in the PDP). He compares his demand to the non-rural capacity to establish a shortfall of 524. I understand from Mr Yeoman's assessment (paragraph 2.21) that Mr Akehurst assumes that 100% of the demand in the areas outside the main towns but within the dotted line shown in Map A of the CRPS will be urban, rather than being accommodated via (or drawn to) the wider rural area which includes rural lifestyle (minimum of 4ha) and rural residential-type densities (minimum of 2500m²).

- 47 Mr Yeoman (paragraph 2.21) identifies the example of Fernside SA2 which covers a large area of rural land (almost 4,000ha) which stretches from Kaiapoi up past Rangiora to the Ashley River – see Figure 1.

Figure 1 - Fernside SA2 Area



- 48 As set out in Mr Yeoman's evidence (paragraph 2.21), for this example, Mr Akehurst estimates that there are 585 existing

dwellings in 2023 which he projects to grow to 679 dwellings by 2033 - a growth of 94 dwellings. He then assumes that all of this demand will be urban and adds an NPS-UD margin of 20% which gives a need for 113 dwellings in the medium term. Mr Akehurst then appears to apply all this demand to the Ōhoka area, even though much of the area is not particularly near Ōhoka and the demand could be accommodated elsewhere.

49 Mr Yeoman states that Mr Akehurst makes no assessment of the nature of the demand in Fernside SA2, and simply assumes that all demand will be urban, with no demand for 4ha rural lifestyle development or rural residential. Mr Yeoman considers (paragraph 2.22) that in actual fact the bulk of demand in these SA2 areas currently, and in the future, will be accommodated in either rural lifestyle or rural dwellings and that Mr Akehurst's method incorrectly assumes that this demand will be urban and hence his comparison of demand and capacity, along with his conclusions on sufficiency in the areas outside the main towns but within the dotted line shown in Map A of the CRPS is not valid (paragraph 2022).

50 Of fundamental significance for this proposal, Mr Yeoman (paragraph 2.23) also notes that there is no requirement to address this rural demand, as it is outside the scope of the NPS-UD - rather, the Council has to provide for urban demand under the NPS-UD.

51 Mr Yeoman (paragraph 2.23) questions Mr Akehurst's conclusion that the submitters' development will address all the identified shortfall as, for this to be so, the demand across this wide area would need to be freely substitutable and accommodated in the proposed urban development in Ōhoka. However, Mr Yeoman states Mr Akehurst provides no evidence to support his opinion on this substitutability (from rural to urban and to the Ōhoka location). Taking the Fernside example, Mr Yeoman considers that many of the households that demand rural lifestyle are not going to substitute to urban sized lots provided in Ōhoka by the

submitter and that therefore, the submitters' proposed development is not going to fully address the demand that Mr Akehurst has estimated.

52 Mr Yeoman (paragraph 2.24) also notes that no other economist in the hearings has presented evidence that would support Mr Akehurst's belief that there is demand for large scale development that is not co-located with the three main towns.

Ms Hampson's demand evidence

53 Mr Yeoman states that Ms Hampson has not provided an assessment of urban demand for Ōhoka in her statements. She has referenced the statements from the other experts (Mr Akehurst and Mr Jones).

Conclusions on the residential demand evidence

54 I consider that there are significant deficiencies in the submitters' demand evidence as identified above. Given this, based on the evidence of Mr Jones, Mr Davidson, Mr Akehurst, Mr Sellars and Mr Yeoman, I consider that there is some demand for additional LLRZ in the Ōhoka area. There may also be some demand for urban density SETZ / GRZ residential development in the Ōhoka area but the quantum of this is not clear from the evidence. I do not consider that the evidence demonstrates that the residential demand for Ōhoka is high or significant relative to other urban areas.

55 Accordingly, I do not consider the demand evidence sufficient to require the provision of significant residential capacity in this specific location to satisfy unique demand (assuming a more granular assessment and response was required under the NPS-UD). Based on my assessment in later sections (on existing and proposed housing capacity and substitutability), given the plentiful capacity already provided and recommended and the available substitutability opportunities, even if there was stronger evidence

of demand for SETZ / GRZ capacity at Ōhoka, I do not consider that the only way the identified demand for housing can be met is to provide it at Ōhoka (as opposed to providing it at other locations).

What is the LLRZ capacity already provided and recommended to be provided in the Ōhoka area and wider District?

56 Regarding the proposal's 146 new LLRZ lots,¹⁸ I understand that with the PDP's proposed rezoning of the Operative Plan's Residential 4a and 4b zones to LLRZ, this change has been modelled to provide an additional 24 LLRZ lots within Ōhoka.¹⁹ ²⁰ Similarly, with this change (from 4a and 4b to LLRZ) there is potential for an additional 95 new LLRZ lots being created in Mandeville and 14 new lots in Swannanoa, giving a combined total of 147 potential new LLRZ lots in the Ōhoka vicinity.²¹ I appreciate that not all of these additional lots will be developed, however there was submitter support for these zone changes in response to the National Planning Standards which suggests that some additional LLRZ development will occur within these areas.

57 I also note that there are currently vacant LLRZ-zoned areas in north Ōhoka that have not been developed.²² These were discussed in the original Hearing 12D, including their development constraints. Whilst they currently have constraints, I note that they are technically available for additional LLRZ development in the future. I also understand that additional LLRZ lots are recommended for rezoning in Oxford (79 lots) and further

¹⁸ As set out in the evidence of Mr Walsh dated 5 March, paragraph 50.

¹⁹ While the RES4A and LLRZ are similar (minimum lot size of 2,500m², average 5,000m²), the Operative Plan's RES4B areas (minimum lot size 5,000m², average 1ha) can now be subdivided down to half the size of the previous rules.

²⁰ See section 3.1.3 of the Wastewater Modelling report, contained in Appendix C of Mr Buckley's s42A Report for Hearing Stream 12C, dated 23 May 2024.

²¹ Ibid.

²² Around Halifield Drive and Orbiter Drive.

additional LLRZ lots are recommended for rezoning in the Ashley and Woodend areas.²³ Finally, I note that the PDP includes two LLRZ Overlays in Swannanoa and that if both were rezoned they would provide 71 additional LLRZ lots.²⁴

58 As such, even if there is demand for the approximately 146 proposed LLRZ lots identified in the Ōhoka area, arguably this demand has already largely been provided for by the PDP upzoning, the already zoned and vacant Ōhoka LLRZ areas, and through the additional capacity recommended in response to submissions in the vicinity and elsewhere in the District.

What is the SETZ / GRZ²⁵ capacity already provided and recommended to be provided in Ōhoka and the wider District?

59 I understand that there is no new SETZ proposed in the Ōhoka area under the PDP or any officer recommendations to do so. However, I understand that there is still SETZ capacity within Ōhoka itself. The mean lot size of the 37 lots in the Ōhoka SETZ is 2,723m² and they range from 742m² to 7,661m², whereas the minimum lot size in the SETZ is 600m². Should the owners wish to develop their lots to 600m² there could be an additional 130 SETZ lots in the existing Ōhoka Village. Realistically, this will not happen to this scale, but some infill may well occur and could conservatively provide an additional 21 SETZ lots.²⁶ I also understand that a new SETZ is recommended for rezoning in the Ashley area for 70 lots.

²³ As set out in Mr Buckley's s42A Report for Hearing Stream 12C, dated 23 May 2024

²⁴ However, I understand that Mr Bukley has recommended to not rezone these in his 12C s42A report.

²⁵ I have included a reference to the GRZ as Mr Walsh has provided a set of bespoke provisions based on a GRZ zoning.

²⁶ Based on modelling advice from Mr Yeoman.

60 As set out in my S42A Addendum report, the demand for urban housing is forecast to be 4,970 dwellings over the short-medium term (2023-2033), which is based on the Statistics New Zealand High projection. Combined, the estimates of new additional capacity recommended in Hearing Stream 12E hearing (6,406) and the existing capacity from the PDP (5,940) provide at least 12,346 dwellings (2023-2033), which is well in excess of projected demand for housing and therefore there will be significant SETZ / GRZ substitutability options available within the District, and elsewhere within Greater Christchurch (I assess substitutability in the next section).

How do the proposed Ōhoka section sizes compare to others provided in the District and is there substitutability?

61 Another key submitter argument in support of the requested rezoning is that the proposed capacity is not available elsewhere in the District as it is not substitutable and it must therefore be provided at Ōhoka.²⁷

62 I understand from the submitters' supporting information that the section sizes in the proposal are proposed to be 600m² to 700m².²⁸ This accords with the minimum site size proposed in Mr Walsh's SETZ / GRZ provisions of 600m².

63 In his memo (**Attachment 2**) Mr Wilson has analysed new private titles in the LINZ cadastre released since 1 January 2016 until 12 November 2024 within the District and determined that as a percentage of the total, sections sized between 600m² and 800m² (which compares to the SETZ / GRZ minimum allotment size and the proposed lot sizes) represent 28% of the district's total lots

²⁷ See for example the reconvened hearing statement of evidence of Mr Phillips, dated 7 October 2024, paragraph 13.

²⁸ As indicated in the evidence of Chris Jones, dated 5 March, paragraph 17.

created in that period, and when sized between 600m²-1000m² represent 35% of the District's total.²⁹

64 The map included in Mr Wilson's memo demonstrates that 500m²- 800m² sections are located in and around the existing towns (for instance, the Arlington and Farmlands developments in NW Rangiora, Bellgrove North, and East Rangiora, Townsend Fields in SW Rangiora, Ravenswood, Freeman, and East Woodend at Woodend, Sovereign Palms, Beachgrove, and Silverstream at Kaiapoi). I understand that the officer-recommended additional rezonings will continue to provide this size range. I note that in the LUMS JWS all the experts agreed that past performance may be a factor used in measuring future supply.³⁰

65 Given the above, the SETZ / GRZ lot sizes proposed as part of the submitters' proposal are not rare or unusual in the district, but rather represent almost 30% of the developed lots since January 2016 and are readily available in the District's main towns.³¹ As such, this evidence does not support an argument that there are no or insufficient comparable section sizes available elsewhere in the District.

66 In his evidence Mr Jones identifies that substitutability is currently occurring for Ōhoka. In paragraph 11 he states that generally, buyers preferring Ōhoka who are unable to secure property in this location will opt for alternatives in the adjacent areas of Mandeville, Swannanoa, Fernside or Clarkville which provide a similar offering to Ōhoka insofar as being close to Christchurch city but with a distinct character compared to the towns of

²⁹ I understand that this analysis may include a small number of parcels that are not intended for residential (i.e. sections owned by WDC), but that this number is very small in the context of the overall development trend.

³⁰ Joint Witness Statement – LUMS, dated 9 July 2024, Paragraph 10.

³¹ I do however note that the largest percentage of section sizes (45%) is for 400 to 600m² sections.

Rangiora and Kaiapoi. As such, there is evidence for substitutability in Mr Jones' evidence for Ōhoka as a location, noting his opinion that Rangiora and Kaiapoi may not be favoured for buyers looking at Ōhoka's current rural lifestyle offerings. I also note that some LLRZ capacity has been provided in some of these locations as identified earlier (e.g. Mandeville, Swannanoa), which would provide LLRZ substitutability.

67 As set out in his evidence (paragraph 6.2(b)), Mr Yeoman, considers that demand and supply of housing within an urban environment is more substitutable than the submitters' experts are suggesting, and hence undertaking a narrow sufficiency assessment of housing within an individual zone (e.g. the LLRZ), detailed dwelling type (e.g. 1 bedroom apartment), or activity is not required in the context of the NPS-UD. Mr Yeoman considers that Ōhoka is not generating demand for urban land, per se. Rather it is the urban areas (Rangiora, Woodend, and Kaiapoi, as well as Christchurch) that are generating the demand. Therefore, much of the demand identified by the submitters' experts could be accommodated in the main urban areas (Rangiora, Woodend, and Kaiapoi). I note that it could also be accommodated elsewhere within Greater Christchurch.

68 In his evidence (paragraph 2.9) Mr Yeoman comments on whether demand for Ōhoka is substitutable for other urban areas in Waimakariri or Greater Christchurch area. He notes Mr Jones considers that the submitters' proposal for Ōhoka will not draw demand away from Rangiora, Kaiapoi or Woodend/Pegasus because Ōhoka is "very different" with buyers preferring the area because of its rural charm and amenity while Mr Sellars considers that Ōhoka would not need to draw growth away from the three main towns and "demand would come from the Greater Christchurch area seeking a high quality rural village setting".

69 Mr Yeoman considers (paragraph 2.10) that the potential residents of Ōhoka would have to move from somewhere, and because there are limited existing "high quality rural village

settings” in greater Christchurch, in reality in order to fully occupy the proposed development, many of its residents would have to come from dissimilar types of locations, such as urban Christchurch. Or, indeed, urban Rangiora, Kaiapoi, or Woodend/Pegasus. On that basis he considers that Ōhoka would likely draw demand away from other urban areas in Waimakariri or the Greater Christchurch area. I understand that this in itself is evidence of substitutability – the future residents of the Ōhoka development are most likely not currently living in a rural village, rather they are most likely living in existing urban areas and could continue to do so.

70 While there are not many additional SETZ / GRZ opportunities provided in the Ōhoka vicinity, I do not agree that they must be provided as set out in my assessment of both ‘granularity’ and demand. Furthermore, based on Mr Yeoman’s evidence on substitutability and Mr Wilson’s evidence on the availability of 600m² to 800m² lot sizes in the District (set out earlier), I consider that there is likely to be good substitutability of the proposed SETZ / GRZ 600m² to 700m² sections, which in my opinion, are more typically urban in character than the existing Ōhoka village. I also note Mr Yeoman’s assessment of Mr Akehurst’s demand calculation - notably that this demand appears to include demand for rural and rural lifestyle development that is unlikely to be accommodated in the Ōhoka proposal and must be substituted elsewhere.

71 I also note that the submitter is now proposing a GRZ zoning, with only minor changes (e.g. to increase the minimum lot size by 100m²). I consider the fact that the GRZ zoning can be readily applied to the proposed development in Ōhoka further demonstrates that what is proposed is more accurately characterised as standard suburban general residential

development, albeit not located within the main towns and with a slightly larger minimum lot size.³²

72 Given the LLRZ and SETZ / GRZ substitutability available, I do not consider that urban residential capacity needs to be provided at Ōhoka under the NPS-UD to respond to an identified demand that cannot be provided for elsewhere.

How should 'demand' be weighted when assessing the merits of a proposal and the extent to which it contributes to a well-functioning urban environment?

73 I note the relative importance, or weight to ascribe to 'demand' was raised in Panel questions at the reconvened 12D Hearing. Paragraph 14 of the submitters' legal submission for the reconvened 12D Hearing³³ appears to suggest that if there is demand in a location, then capacity must be provided for it in that location. Mr Phillips' evidence also considers the importance of demand, suggesting (paragraph 9.2) that the adverse transport effects for Ōhoka are a function of providing supply to meet demand in this part of the urban environment and that "*...if this specific part of the urban environment has housing locality and market demands that cannot be substituted with supply in the 3 main towns, then I consider there is an NPS-UD imperative to provide supply, notwithstanding the locational attributes of the site.*"³⁴

74 I have already assessed matters of granularity, demand and substitutability earlier in my report and concluded that they do not demonstrate that urban residential capacity needs to be provided

³² That the proposal is comparable to standard suburban GRZ development density is also demonstrated by the drawings in the Ohoka Urban Design Guide referenced earlier.

³³ Dated 24 October.

³⁴ Reconvened hearing statement of evidence of Jeremy Phillips (Planning), dated 17 October 2024, paragraph 11.

at Ōhoka. Turning to the issue of weighting if there is demonstrated demand and no substitutability, the above statements in support of the submitters' rezonings appear to suggest that the need to consider constraints such as 'locational attributes', are of less relevance or can be overcome due to an imperative to provide supply, if there is sufficient evidence of demand. I note that for Ōhoka, its 'locational attributes' are key considerations as to whether the proposal achieves a well-functioning urban environment (WFUE) under the NPS-UD.

75 I consider that demand is an important driver for determining if and when to provide additional capacity and should be afforded significant weight. However, in my opinion demand cannot be considered in isolation of an assessment of the merits of a proposal, including the extent to which the proposal contributes to a WFUE, and I note there is no NPS-UD policy or objective that expressly supports such an approach. I therefore do not consider that demand creates an imperative to provide capacity in spite of adverse effects. Rather, I consider it is clear from NPS-UD Objective 1, Policy 1 and Policy 8 that any capacity, including in response to demand, must still contribute to a WFUE and other parts of the NPS-UD, including a merits assessment under s32.³⁵ Demand is important, but demand alone does not justify a rezoning under the NPS-UD.

76 I note that despite the demonstrated high demand for residential development in Kaiapoi, Mr Walsh has questioned the merits of providing additional capacity in Kaiapoi due to flooding and airport noise (see his constraints mapping³⁶). I also note Mr Phillips raised natural hazards risk (paragraph 29) and airport noise concerns (paragraph 34) for Kaiapoi in his evidence for Hearing Stream 10A, including questioning whether the PDP's DEV

³⁵ I note that all planning experts agreed that rezoning under Policy 8 still needed to contribute to a WFUE (as set out in the Planning JWS at paragraph 11).

³⁶ See Appendix 4 in his evidence dated 5 March 2024.

approach ensures urban development is appropriate and supports a WFUE (paragraph 10.1). In my opinion this approach to the high demand for capacity in Kaiapoi is consistent with the need to consider not just demand, but also the merits of a rezoning proposal and whether it will contribute to a WFUE.

77 In my s42A report (paragraph 159) I noted that in his primary evidence Mr Walsh regularly refers to capacity shortfalls to justify the need to provide residential capacity at Ōhoka, despite the apparent adverse effects. For example, a shortfall is referenced in Mr Walsh's assessment of the risk of acting or not acting (paragraph 309), stating that as there is a shortfall there may be some risk associated with not acting (i.e. refusing the proposal). Shortfalls are also referenced in relation to his Vehicle Kilometres Travelled (VKT) assessment (paragraph 250) and his comments on the loss of productive farmland (paragraphs 196 and 197). As identified earlier in my report, I do not agree that the demand, granularity and capacity evidence justifies providing additional capacity at Ōhoka, and accordingly I question the accuracy of Mr Walsh's s32 assessment on the benefits and costs of this proposal.

Transport Matters

78 I have referenced Mr Binder's funding evidence later in my assessment of funding certainty, so to avoid repetition I will not cover this topic here.

79 In his evidence Mr Binder reiterates his concern over traffic safety effects, stating that the JWS concluded that the Ōhoka rezoning would increase crashes on road sections between intersections by 29% and the "offset" from the applicant's proposed safety improvements still resulted in a crash increase of 16% and that the actual quantity of increased crashes would likely be substantially higher (paragraph 19). Mr Binder notes that even with the tens of millions of dollars proposed to be invested in roading improvements, the site will remain connected to Greater

Christchurch by a predominantly high-speed, high-volume rural road network, as opposed to a lower-speed urban road network, (paragraph 20) and that the amount of investment required to bring Tram Road (and Mill Road, Threlkelds Road, Ōhoka Road) up to a comparable level of safety service to an urban road far exceeds any improvements discussed thus far and that without this investment, future residents of the development and existing residents of surrounding areas who use Tram Road (and parallel routes) are likely to be exposed to a far higher crash risk resulting in death or serious injury (paragraph 21). Mr Binder considers this to be a result of locating urban development in rural areas without well-connected transport.

- 80 Mr Binder considers the NPS-UD's requirements for development to be 'well connected' and have 'good accessibility' and identifies the comparatively larger walking, cycling and public transport (PT) requirements from Ōhoka, relative to average trip length data (paragraph 24). Mr Binder remains of the opinion that it is unlikely that a PT service will be financially viable for Ōhoka after the 10-year developer funded contract ends (paragraph 25). Mr Binder states that a development fails to be "well-connected" or have "good accessibility" if the only realistically viable way its residents connect to and access Greater Christchurch is via private motor vehicle (paragraph 26), which is the situation for Ōhoka.
- 81 Mr Binder reiterates his opinion that the rezoning request is likely to result in a worse outcome from a Greenhouse Gas (GHG) perspective, as future residents are likely to generate higher GHG emissions due to their location further from activity centres (paragraph 36). This is compared to alternative urban development areas which have shorter distances to travel and more viable access to active and PT (paragraph 34).
- 82 Mr Binder also reiterates his concerns over increased VKT stating that providing for housing growth in the established urban areas of Kaiapoi, Rangiora, or Woodend would be much more

consolidated, adjacent to existing services and PT, and likely to result in lower VKT-related effects than locating the same number of new households at Ōhoka (paragraph 39).

83 I note that, while all the transport experts agree that works are required to the Tram Road / State Highway 1 interchange prior to subdivision,³⁷ the submitters' transport experts have not provided evidence on correspondence with NZTA on design, costings and timings. This is important because changes to the interchange ultimately will be approved, funded, and implemented by NZTA – the Council does not control this process. Mr Binder states (paragraph 7) that NZTA have confirmed: that options to upgrade the interchange are constrained by its current design; the changes proposed for the development will require significant and costly works to widen or replace the existing overbridge; NZTA has no plans to improve the Tram Road / State Highway 1 interchange; nor is it likely to receive priority funding in the near future. Mr Binder considers that this introduces significant uncertainty in relation to funding, timing, and feasibility of critical upgrades at this location.

84 I agree that this is a significant uncertainty and that this demonstrates that the proposal is not integrated with infrastructure planning and funding decisions, nor that the NPS-UD Policy 8 responsive pathway can be relied upon. As set out in the Planning JWS (dated 30 August 2024), all experts agreed that having confidence that the development enabled by the proposal can be serviced with adequate road infrastructure is a relevant consideration, as without the necessary infrastructure, the proposed development capacity could not be realised. Without 'development capacity' (as defined in the NPS-UD) the Policy 8 pathway is not available (paragraph 12). In paragraph 42 of the JWS all experts agreed that as NPS-UD Policy 8 is being relied

³⁷ JWS Transport, dated 23 August 2024, Paragraph 9

upon, there needs to be certainty that the infrastructure can be physically and legally provided and can be funded.

85 In summary, Mr Binder remains concerned over the transport-related effects of the proposed development (paragraph 40) and states that (paragraphs 41 to 42):

“...locating a development of this scale and this distance from established urban areas with their established transport infrastructure is likely to result in substantial environmental, economic, and traffic safety effects. Further, if from what I understand of the history of development at West Melton is any guide, this proposal could be the “toe in the door” that leads to further urban development around Ōhoka and I consider that these would also likely result in the same safety, economic, and environmental effects on the transport system, due to the location.

Regardless of any short-term benefits to the housing market, I consider that the proposal will result in long-term safety and transport-related financial impacts on both existing and future residents, should it be approved.”

86 I accept Mr Binder’s evidence on these transport related matters.

Urban Design Matters

87 Mr Nicholson (**Attachment 5**), responds to Ms Lauenstein’s comments on accessibility and connectivity, noting that riding a bike on narrow rural roads with higher speed limits is not the same as commuting on urban roads and that the 6-10km cycling distances identified by Ms Lauenstein are in excess of the 4km national average length for cycling trips (paragraphs 12 to 14). Mr Nicholson states the supplementary evidence does not change his conclusions about the low accessibility or safety of cycling trips to surrounding towns and areas (paragraph 15).

88 Mr Nicolson reiterates his opinion that Ōhoka-Mandeville would function as a dormitory suburb, noting that the 2018 Census found that in Mandeville-Ōhoka, 77% of workers drove to work, 18% worked at home, and less than 2% walked or cycled to work (paragraph 16).

89 Relying on the evidence of Mr Nicholson, it is clear that the proposed development will be distinctly different from the existing 'character' of the Ōhoka Village, principally due to the smaller proposed 600m² lot sizes compared to the 3000m² average lots sizes along the northern side of Mill Road (paragraph 18) and built form density (paragraph 19).³⁸ The proposed Ōhoka development is not the same character as the existing Ōhoka village.

90 Having considered the supplementary evidence provided by Ms Lauenstein, Mr Falconer and Mr Compton-Moen, Mr Nicholson retains his view that "*the proposed re-zoning does not contribute to a well-functioning urban environment as defined by Policy 1 of the NPS-UD, and in particular does not have good accessibility between housing, jobs and community services, by way of public or active transport.*" In particular, Mr Nicholson concludes that (paragraph 41):

90.1 The requested rezoning would not contribute to a compact or consolidated urban form for Ōhoka, and would create a 'peninsula' of urban development extending south from the existing township surrounded on three sides by rural or rural residential land;

90.2 The level of connectivity within the ODP is positive, however, there are not sufficient pedestrian, cycle or long-term PT connections on the rural roads connecting

³⁸ Nor the average lot size overall in the Ōhoka SETZ of 2,723m².

the site to the wider district to provide a well-functioning urban environment;

90.3 While some daily shopping needs could be met in the proposed commercial centre, most employment, community services and recreational opportunities would be dependent on car travel given the lack of active or a viable long-term PT options;

90.4 The requested rezoning would add a significant number of households to an extended area of rural-residential lifestyle sections between Ōhoka and Mandeville which would have limited employment, recreational opportunities, or community services, and would not contribute to a well-functioning urban environment or support reductions in GHG emissions;

90.5 The requested rezoning could create a new 'sympathetic' village character, however, it would not retain or recognise the existing Ōhoka village character as a result of the significantly increased size and population of the settlement, the smaller sections and gardens, and the potential scale of a retirement home.

91 I accept Mr Nicholson's advice on these matters.

Provision of Greenspace

92 In my s42A report (s3.6.2.6), based on the evidence of Mr Read I identified an under provision of greenspace. Mr Compton-Moen responded to this in his supplementary evidence (dated 13 June). Mr Compton-Moen states that (paragraphs 17 to 20): the reserves in the ODP are indicative only in terms of location and size and will be confirmed at subdivision stage; there is a substantial amount of greenspace proposed in the ODP; the Ōhoka Domain can offset any shortfall; the stream and waterway corridors

contribute additional reserves; and the education overlay and polo grounds will provide additional recreational space.

- 93 Mr Read has reviewed Mr Compton-Moen's response and states (in his memo in **Attachment 6**) that the proposed development is a large-scale urbanisation and triggers formal urban/suburban levels of service for greenspace provision. This includes neighbourhood parks, as well as recreation/ecological linkages. Mr Read notes that the two serve different functions and meet different needs. While the linkages provide important off-road green corridors and connectivity, neighbourhood parks are destinations. These parks are critical for community gatherings, social interaction, and play and are also important in providing genuine open space relief to break up and soften the density of urban development.
- 94 To meet the Council's formally adopted commitments to the community, Mr Read identifies the Council's level of service requirement for neighbourhood park access in urban and suburban areas as: "*Most residents to be within 500m, or a 10-minute walk of a neighbourhood park; and 1.0ha of park space to be provided per 1,000 residents (approx. 420 dwellings at 2.4 residents per dwelling).*" In addition, Mr Read notes that the minimum viable size for a neighbourhood park is 0.3ha and that if the Council was to agree to the park provision to provide for more residential lots, this would only compound the problem (shortfall). Mr Read states that if the spatial access requirements (distance to a park) are still met, the land area requirement can be composed of either Local parks (average 0.5ha.) and/or Community catchment parks (up to 1.5ha.) and that this may only require two neighbourhood parks instead of three within the development. Also, having neighbourhood parks integrated with the green linkage/esplanade network could make their provision more cost-effective for the development and maximise the amenity value for residents. Mr Read states that having the Ōhoka Domain nearby does not reduce the greenspace provision requirements triggered by the proposed urban development and

that the Domain's primary function and character is to provide for the existing local rural/village catchment and occasional visitors from further afield e.g. market day. While new residents will use it, the proposed development should not be in any way dependent on it.

95 I consider that this matter may be able to be resolved at subdivision stage, but note that the submitters' experts have to date chosen not to provide the additional greenspace identified as required by Mr Read.

HEARINGS PANEL QUESTIONS

96 In minute 47, the hearing panel asked three questions. I have responded to these questions in the order provided in the Minute, repeating the question first, then providing my response.

1. Having reviewed the legal submissions and planning evidence in respect of Variation 1, please provide your view as to:

a. Whether there is scope for rezoning the site through Variation 1;

b. Whether there is scope for the introduction of a General Residential Zone (GRZ) at this point; and

c. If there is scope to introduce a GRZ, your view on the appropriateness of that zoning.

97 The submitters sought a GRZ zoning to the PDP (submissions [160.1] and [237.1]). The submitters also sought an MRZ zoning under Variation 1 (submission [60.1]) to enable the equivalent outcomes as sought in the PC31 request and also the express

purpose of removing the appeal rights of objectors.³⁹ I note that an MRZ zoning would not achieve the equivalent outcomes sought in the PC31 request which sought significantly lower density residential. I also note that there is no technical evidence (e.g. transport, three waters and urban design evidence) supporting MRZ for the subject site, or MRZ density and that this level of development would be very inconsistent with the submitter evidence presented in support of a SETZ zone. I note that at no point have any MRZ provisions been proposed in support of the Variation 1 submission. I also note the evidence of Mr Phillips who stated (paragraph 15):

“In the absence of evidence that assesses the implications of enabling increased density by way of MRZ, I am unable to conclude that this zoning is appropriate for parts of the subject land”.

98 Accordingly, in my s42A report⁴⁰ I recommended against rezoning the site MRZ under Variation 1. I consider that recommendation is sound, irrespective of any scope issues.

99 Based on the legal submissions and other evidence presented, I do not consider there is scope for rezoning the site through Variation 1. I agree with the Buddle Findlay legal opinion dated 18 November 2024 that the submitters' Variation 1 submission is not “on” or within the scope of Variation 1.

100 In terms of whether there is scope to introduce GRZ at this point in time in relation to the PDP [160.1 and 237.1] submissions, in his evidence⁴¹ Mr Walsh indicated that the scope of the proposal has changed and *“the revised proposal seeks a combination of*

³⁹ As stated at paragraph 25 of the submitters' Memorandum of counsel regarding scope of Variation 1, dated 8 November 2024.

⁴⁰ Section 3.8.1.

⁴¹ Paragraph 40 of Mr Walsh's evidence dated 5 March 2024.

SETZ, LLRZ, LCZ and Natural Open Space Zone ('NOSZ'). The originally proposed GRZ has been replaced with SETZ, the smaller of the originally proposed LCZs has been removed...".

This suggested that the submitter was no longer seeking a GRZ zoning and this was reinforced by the submitters' experts providing multiple iterations of SETZ provisions, but no GRZ provisions.

101 However, I acknowledge Mr Walsh did go on to state (in paragraph 41) that while the revised proposal has been drafted to seek SETZ rather than GRZ, the proposed rules package could readily be drafted to use the GRZ zoning and if the Panel preferred GRZ zoning (instead of SETZ) for those areas of the site, an amended set of provisions could be prepared. I also note that the original submissions [160.1] and [237.1]) sought the GRZ zone.

102 I consider that seeking GRZ provisions now is within the scope of the original submission. It is however unfortunate that the submitters' experts have only provided a set of GRZ provisions on 19 November 2024 after the adjournment of the reconvened H12D and after the point at which submitters would be able to comment on them, unless the Panel expressly provided the opportunity. This raises issues of natural justice.

103 I consider a remaining issue of uncertainty is the status of the MRZ submission and Variation 1 [60.1] submission. While arguably GRZ and SETZ could fall within the scope of what the submitters' Variation 1 submission requested, I am not clear on how a GRZ / SETZ zoning brings the site into the ambit of Variation 1, when the actual Variation 1 submission is clearly inconsistent with the SETZ / GRZ provisions proposed by the submitter. The proposed bespoke SETZ / GRZ provisions are expressly and purposefully not meeting the MDRS objectives and policies and density requirements set out in that Act, despite there not being a qualifying matters report justifying the non-application of the MDRS. I note that there was no supporting evidence

provided by the submitter in support of the MRZ zoning. I consider this matter is confusing and that this confusion is a barrier to submitter participation.

104 With regard to the appropriateness of a GRZ zoning under submissions [160.1 and 237.2], if there is scope to introduce this, while a SETZ zoning would better match the existing village character, the village character will be significantly altered by the proposal (contrary to PDP Objective SETZ-O1 and Policy SETZ-P1). I also note the proposal has an LCZ where commercial activity will be directed to if zoned GRZ, whereas under a SETZ, some commercial activity is enabled throughout the zone unless excluded as per Mr Walsh's proposed restrictions in his bespoke SETZ's provisions.⁴² I consider these matters favour applying a GRZ zoning.

105 In paragraph 345 of my s42A report I stated that, *"if the Panel preferred a GRZ zoning for the subject site, then a GRZ zoning for all of Ōhoka would make more sense as Ōhoka would no longer be a "cluster of residential, commercial, light industrial and/or community activities that are located in rural areas"*. I considered the resultant urban area would have a population larger than Oxford and would therefore no longer be a settlement consistent with other settlements and noted that Oxford has GRZ zones and no SETZ zones. However, I understand that the submitter is no longer seeking to rezone the existing Ōhoka village SETZ area to GRZ, and no evidence was presented expressly justifying this change in zoning.⁴³ Adopting GRZ for the submitter site only would therefore result in two different residential zones in Ōhoka.

⁴² I note this restriction was proposed to also apply to the existing Ōhoka village but that this is no longer being pursued based on Mr Walsh's latest set of provisions provided for this right of reply.

⁴³ As set out in my s42A report (paragraph 339), in his evidence Mr Walsh (paragraph 72) states that the submitter is no longer seeking GRZ for the existing Ōhoka SETZ.

106 Overall and on balance I favour applying a GRZ zoning to the subject site because a GRZ zoning better matches the activity separation of residential and commercial activities (to defined residential and commercial zones) and because the proposed development and indeed Ōhoka will no longer be a settlement in scale and character - a new town is being proposed, rather than a modest expansion of an existing settlement. This means there will be both a GRZ and SETZ in Ōhoka. While this is 'uncomfortable' from a planning consistency perspective, in practice I do not see this as creating significant issues that must be resolved at this time and note that it could be resolved through future district plan reviews.

2. Please provide your views on whether the final set of proposed provisions are fit for purpose, vires and will achieve the submitters' stated intent.

107 A key issue is that in the course of reviewing the vires and consistency of the proposed provisions with the remainder of the PDP, many of the provisions that were included to support achieving the submitters' aims (for example the residential design requirements and restrictions on minor units) have been removed, with the intention that these will be required through private developer agreements. I am unable to comment on whether these outcomes will be achieved or not.

108 One obvious example of a rule included to demonstrate compliance with the submitters' aims is DEV-O-BFS3 roof colour in residential zones. This is not replicated elsewhere in the PDP (except if located within a sensitive overlay such as an ONL). Another example is DEV-O-BFS4 height in the local centre zone which requires a slightly lower height limit in the Ōhoka LCZ. Mr Nicholson has also raised these departures as concerns. As these are limited to the submitters' Ōhoka development and Mr Walsh has provided evidence justifying these, on balance I consider these can be included in the PDP should the Panel support the rezoning.

- 109 I also note that DEV-O-S5 GHG is not replicated elsewhere in the PDP. This is proposed by the submitter as an attempt to offset the significant GHG emissions arising from future residents' transport requirements, relative to lower GHG emissions expected from development more centrally located or co-located with the District's (or Greater Christchurch's) main towns. While I do not consider this rule sufficient to address the significant GHG emissions from the proposal, I consider that the rule is workable and responds to an identified resource management issue.
- 110 I note that as per the ODP, Whites Road and Bradleys Road require Landscape Treatment A along them and that this includes a 20m building setback from these roads. In the fly through provided at the hearing both Whites and Bradleys roads had mature landscaping shown in this 20m setback. Whilst this may be established by the developer in accordance with the ODP, I note that there is no requirement to maintain this landscaping which is located on private land, and could be replaced overtime with private open space such as grassed areas. This matter was raised with Mr Walsh and Mr Compton-Moen during previous discussions on the bespoke provisions and ODP but was not addressed in subsequent iterations of the provisions. In the latest version (dated 3.12.24) this matter is now resolved (under the landscape Approval, Implementation and Maintenance section of the ODP) through the addition of a requirement to provide an appropriate legal mechanism to ensure the planting is retained in perpetuity.
- 111 As identified in my earlier assessment of the appropriateness of applying a GRZ, a key issue with the SETZ provisions is that the provisions are inconsistent with the SETZ approach of having commercial activity interspersed with residential activity throughout the zone (for example see SETZ-O1 and SETZ-P1(2) and SETZ-P1(4)), whereas the Ōhoka proposal includes an LCZ and restricts dispersed commercial activity.

- 112 This interspersed commercial activity is one of the defining features of the SETZ and recognises that these areas are small villages or groupings of residential and minor commercial activities, without obvious commercial nodes. I note Mr Walsh is not proposing to amend either SETZ-O1, nor SETZ-P1 to resolve this matter, presumably because there is no scope to do so. In my opinion this creates misalignment between the SETZ objectives and policies and the proposed SETZ rules (for example the commercial activities covered by SETZ-R15 to SETZ-R20).
- 113 This issue has been reduced somewhat in Mr Walsh's latest bespoke provisions iteration as the exclusions for these commercial activities are now limited to the Ōhoka Development Area, as opposed to also covering the existing Ōhoka SETZ. I also note Mr Walsh has included text in the SETZ introduction to identify that specific provisions and exclusions apply to the Settlement Zone within the Ōhoka Development Area to provide for the outcomes sought in that area.
- 114 I consider there remains some inconsistency which will be tested if those commercial activities are proposed in the residential development area in the future. However, noting the SETZ objectives, the issue is not necessarily one of amenity impacts on residential areas, but more impacts on the viability of the proposed LCZ. I have no comment on this commercial viability matter and consider that if Mr Walsh can support his proposed SETZ provisions then, on balance I can accept these also. However, the Panel may consider that there is consequential scope to amend SETZ-O1 and SETZ-P1 for the development area anyway.
- 115 While there is a general policy DEV-O-P1 on development area character and amenity, I note that there is no obvious link to the proposed controlled activity rules for parking lots (DEV-O-R3), educational facilities (DEV-O-R4), the polo field (DEV-O-R5), and retirement villages (DEV-O-R6). However, I do not consider this to be significant such that it needs resolving. I note that if the

above suggested addition to the introduction is made then this will help explain why there is a different approach for the Ōhoka development area. I also note a controlled activity status would not normally require recourse to the policy for guidance on assessments.

116 While I consider the policy link to the identified controlled activities is not expressly required, I note Mr Nicholson does not support the approach of requiring a different activity status for these activities in the Ōhoka development area (paragraphs 30 to 32) relative to the standard SETZ / GRZ provisions. I consider that the status of the controlled activities is variable in the existing SETZ and GRZ zones, as set out in the table below.

DEV Provision	LCZ Provision	SETZ Provision	GRZ Provision
DEV-O-R2 – construction or alteration of a building or structure in the LCZ PER if less than 450m ² . RDIS if not	LCZ-R1 PER if less than 450m ² . RDIS if not for urban design reasons DEV is the same	N.A.	N.A.
DEV-O-R3 – Parking lot CON	LCZ-R23 RDIS DEV is less restrictive	Likely DIS under SETZ-R30 DEV is less restrictive	Likely DIS under GRZ-R28 DEV is less restrictive
DEV-O-R4 education within the education overlay CON	-	SETZ-R12 PER if meets standards DIS if not DEV is both more and less restrictive	GRZ-R12 PER if meets standards DIS if not DEV is both more and less restrictive
DEV-O-R5 polo field CON	-	SETZ-R21 PER if non-motorised DEV is more restrictive	GRZ-R17 PER if non-motorised DEV is more restrictive
DEV-O-R6 Retirement village CON	-	SETZ-R22 RDIS with a design statement	GRZ-R20 RDIS with a design statement

		DIS if not DEV is less restrictive	DIS if not DEV is less restrictive
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117 While I consider that consistency with the PDP’s provisions is desirable, on balance I consider there is sufficient justification for the bespoke approach proposed by Mr Walsh for the variances and specific rules proposed, given that they are all now proposed to be limited to the Ōhoka development area (as opposed to also applying to the existing Ōhoka SETZ area). Had these also applied to the existing Ōhoka SETZ area or indeed to the SETZ provisions generally, then I would not consider there to be sufficient justification for the discrepancies.

121 In paragraphs 37 to 40 Mr Nicholson assessed the Ōhoka Assessment Criteria and raised a number of concerns over clarity. I raised these matters with Mr Walsh, who provided revised assessment criteria (dated 2 December – Revision H). Mr Nicholson assessed these revised criteria and states that they address the concerns he raised. Accordingly, should the Panel support the proposal Mr Nicholson has no outstanding concerns with the proposed Ōhoka Assessment Criteria.

122 I also note there is no obvious link for rule DEV-O-S6 provision of retail activities to the objective and policies and consider that as this is a fully discretionary activity there should be guidance in DEV-O-P3 local centre design and integration or a new policy on this matter. I raised this with Mr Walsh and he has addressed this in the bespoke provisions version received 3 December 2024 (see DEV-O-P6).

123 Mr Walsh has also addressed other minor matters I have raised with him, for example excluding educational facilities from SETZ-R12 to avoid this activity simultaneously being permitted under SETZ-R12 and controlled under DEV-O-R4, and more clearly

clarifying the purpose and application of the Ōhoka Design Assessment Criteria.

- 124 I understand from discussions with Mr Wilson and Mr Buckley that if approved, the Ōhoka Development Area should be included in the PDP as a 'precinct'. I consider this is a structural matter and is not relevant to the merits of the proposal and can be amended if required to provide consistency. I have raised this matter with Mr Walsh who similarly believes this is merely a structural issue.
- 125 I have considered the matter of which activity status to apply to development in advance of the required network upgrades, namely restricted discretionary, fully discretionary, or non-complying. I note that in Mr Walsh's original bespoke provisions, development in advance of the required transport network improvements was a fully discretionary activity under DEV-O-S4. I also note that the Transport 12D JWS⁴⁴ was undertaken on the basis that development in advance of the required network improvements was to be a fully discretionary activity (see paragraph 10 and rule DEV-O-S4 contained in the JWS) and that Mr Metherell and Mr Binder and Mr Fuller all appear to support the proposed fully discretionary rule given the uncertainty over whether the upgrades can be delivered (paragraphs 11 and 12).
- 126 In responding to the Panel's question on the certainty of funding, I have reviewed the Selwyn District Plan's (SDP) provisions for new growth areas. The SDP has a default status of fully discretionary for subdivision ahead of the required road upgrades,⁴⁵ and applies a non-complying status for those upgrades that are critical to the functioning of the network,

⁴⁴ Dated 23 August 2024.

⁴⁵ See for example RIDL's DEV-LI8 (Lincoln) under SUB-REQ 3 Outline Development Plan and DEV-DA-9 (Darfield) under SUB-REQ 3.

especially in relation to a state Highway.⁴⁶ I could find only one example of an RDIS activity⁴⁷ which I understand from discussions with SDC was expressly chosen to respond to the specific network issues for that area which were not significant.

127 Given the significant scale of the proposal, the significance of the transport upgrades, the level of uncertainty around their funding and the requirement for third party approval from NZTA / Waka Kotahi for the critical Tram Road / State Highway 1 interchange, I favour adopting a similar approach as the SDP, i.e. applying a non-complying activity status to subdivision proceeding the critical upgrade of the Tram Road / State Highway 1 interchange and fully discretionary for the remainder of the upgrades. I note in his evidence Mr Binder also supports this approach (paragraph 10).

128 However, based on the transport JWS (and the Transport JWS prepared for PC31), I understand that some subdivision is likely to be acceptable up to currently 'undefined' thresholds, which are different for each of the required upgrades, and noting potential cumulative impacts from other developments utilising the same corridors. I therefore consider a non-complying status for any subdivision in advance of the interchange upgrade is not supported by the available evidence. Had there been a proposed threshold for the Tram Road interchange then my preference would have been to apply a non-complying status beyond that. I consider it unfortunate that this matter is not better determined at this time and is another example of the proposed development not being fully integrated with infrastructure planning and funding decisions.

129 While I generally favour restricted discretionary activity status where the matters of discretion can be identified, given: the

⁴⁶ See for example DEV-PR3 (Prebbleton), DEV-WM1 (West Melton) and DEV-RO7 (Rolleston) under SUB-REQ13.

⁴⁷ DEV-RO12 under SUB-REQ13.

uncertainty around how this development will progress in terms of stages; the potentially longer term development timing; the possibility of cumulative impacts from other developments; the uncertainty over whether a polo field, school and retirement village will be established; the potential for other as yet unforeseen matters to arise; the significance of the proposal, its costs and its traffic implications, including on a critical State Highway interchange; the Transport JWS statements; and the value of being consistent with the approach in the SDP; I consider it prudent to apply a fully discretionary activity status. This will enable the consideration of more than just transport network effects should the need arise in the future.

130 I also consider that if an RDIS status was adopted as proposed by Mr Walsh, this then brings into question the validity of the Transport JWS, which was predicated on a fully discretionary activity status for the roading upgrades. Arguably, an RDIS status would require the Transport JWS to be revisited by the transport experts.

131 I have raised the DEV-O-S4 activity status matter with Mr Walsh but understand that he prefers an RDIS status and has therefore not changed this in his latest bespoke provisions. I consider this to be a significant matter of disagreement and accordingly have included my recommended amendments to DEV-O-S4 in my **Attachment A** should the Panel recommend approving the rezoning submissions.

132 With the exception of the matters identified above and noting that I do not support the urban rezoning, I consider that if limited to the Ōhoka development site, the latest iteration of the proposed PDP amendments (dated 20 November) would on balance be acceptable from a PDP structure, application and vires perspective.

3. In reviewing the questions from the Panel, and answers from witnesses, on downstream transportation issues, do you

maintain it is reasonable to expect a developer (in an NPS-UD environment such as this) to be able to demonstrate they have 'locked in' the funding and design including land requirements for upgrades at this stage in the process when the developer (and the roading authorities) has no certainty that the development will be able to gain planning approval. If you do maintain that view, what would in your experience be a realistic and practical way for this developer to provide the Panel with certainty that such upgrades will be provided, rather than relying on staged development thresholds as the proposed provisions are based upon?

133 The submitters' proposal includes funding of the required transport upgrades by development contributions and the ratepayer.⁴⁸ I do not consider it reasonable to expect the developer to fully 'lock in' all the design and funding at the time of rezoning, but I do expect that it is reasonable to clearly demonstrate that this can and will be done – I remain of the opinion that a site should not be rezoned if it cannot be serviced, and I note this is a requirement of NPS-UD Policy 8. As stated in the Planning JWS (paragraph 42), all experts agreed that as NPS-UD Policy 8 is being relied upon, there needs to be certainty [my emphasis] that the infrastructure can be physically and legally provided and can be funded. In the Planning JWS all experts also agreed (paragraph 40) that decisions made subject to the NPS-UD may not bind District Council decision-making under the LGA, under which funding decisions are made. These matters were also considered in the Transport JWS (e.g. paragraph 11) and the Buddle Findlay legal response to Minute 33 (paragraphs 46 to 61).⁴⁹

⁴⁸ See for example the Movement Network section (page 31) in the proposed ODP included as part of Mr Walsh's evidence dated 1 November 2024.

⁴⁹ I referred to the Buddle Findlay legal response dated 23 August 2024 in my S42A Report Addendum Update, dated 4 November 2024.

- 134 I note that the roading changes identified as being required are significant – they are not confined to minor works. In his evidence (paragraph 12) Mr Binder has identified a cost of \$15 to \$34 million for four of the six required intersection upgrades, noting that this is well in excess of the \$9.7 million the Council is anticipating spending on this section of Tram Road over the next 30 years, and equates to up to 24% on top of the total projected District spend on growth-driven roading changes over the next 30 years (paragraph 13). Mr Binder does not consider it appropriate for the applicant to rely on ratepayers to fund the majority or all of this cost through the LTP process and that if this rezoning submission were to be accepted, this funding should be expressly identified and agreed with the applicant prior to any rezoning.
- 135 I note that development contributions do not cover the full cost of the required upgrades, and consider that this is usually appropriate. I understand that any new projects are likely to be minority funded by the development / developer, based on the Council's development contributions policy framework. I understand that there is likely constrained Council funding from rate payers and / or central government to make up the funding majority. As set out in Mr Binder's evidence (paragraph 10), in order to fund the Council's share of the development infrastructure costs the Council would need to either raise rates or reprioritise its existing planned infrastructure spending (such as through deferral of other projects), or a combination of these approaches through the publicly consulted LTP process.
- 136 The identification of the need for a project does not guarantee inclusion in the LTP because projects are balanced across the needs of the District, and are subject to consultation processes with elected members and the public. There are already identified funded transport projects contained in the LTP, as noted by Mr Binder in his evidence (paragraph 10). Noting the quantum of costs involved, that the local community has already signalled through submissions that they do not support this development, and constrained Council budgets, I consider it is not

certain at this time that the Council will provide funding through an LTP process to pay for the rate-payer share of the required roading upgrades. I note that Mr Binder also considers the proposal does not identify funding or implementation details for the intersection upgrades and that they lack a well-defined process to implement the mitigation of deleterious traffic safety effects, which creates uncertainty in implementing the necessary improvements not already identified in Council's long-term planning and budgeting (paragraphs 9 and 10).

137 I note that requirements to provide developer funding and enter into developer agreements for transport network improvements have been included as conditions of a recent Environment Court consent order for a Rolleston rezoning request to the SDP.⁵⁰ I have included the relevant transport component as **Attachment 7**. This requirement has been included at the time of rezoning (i.e. not after rezoning, such as when subdivision is proposed or when detailed network design has been undertaken) and provides certainty up front that the infrastructure does not solely rely on a public LTP process and can be funded. I also note that the partially operative SDP includes express requirements for developer funded infrastructure and private developer agreements for the submitters' LI8 Lincoln Development Area,⁵¹ and again that these have been included in a district plan as part of the rezoning, before some of the more detailed network design would be expected. I also note that in places they refer to LTP funding, which further demonstrates the integration of planning and funding decisions, which is not demonstrated for the Ōhoka

⁵⁰ Consent Order NZEnvC 269 (dated 31 October 2024) – see DEV-RO7-TABLE1: Transport network upgrades, page 17 (which is now in the SDP as under DEV-R07 Table 1) which specifies how required transport upgrades will be funded, including through private developer agreements and developer funding. The appellant includes Rolleston West Residential Limited, under the Carter Group.

⁵¹ See DEV-LI8 – Lincoln 8 Development Area Access and Transport, Table 1: Transport Network upgrades, which specify how required transport upgrades will be funded, including through private developer agreements and direct developer funding.

proposal (I have included DEV-RO7 Table 1 in **Attachment 7** for the Panel's information). I consider that these examples demonstrate a realistic and practical way for the developer to provide the Panel with certainty that funding for such upgrades will be provided.

138 I consider that if the submitter agreed to developer agreements and developer funding similar to that for the identified Selwyn developments, then certainty of funding would be provided. In the absence of this funding certainty, I remain of the opinion that it has not been demonstrated with sufficient certainty that the proposal is integrated with infrastructure planning and funding decisions,⁵² nor that the NPS-UD Policy 8 responsive pathway can be relied upon.⁵³

4. Please set out whether your overall recommendation on the requested rezoning has changed because of evidence presented at the reconvened hearing

139 My overall recommendation has not changed on the basis of evidence presented at the hearings. I remain of the opinion that there are some meritorious components of the proposal (as set out in my s42A Report and s42A Report Addendum). However:

- I consider that capacity does not need to be provided under the NPS-UD at the sub-market levels that the submitters' experts are stating and that the Council's approach is consistent with the ten other identified Councils. I also consider that taking a granular approach to West Melton is not binding on the PDP panel and that in any case, Ōhoka is easily distinguishable from West Melton.

⁵² NPS-UD Objective 6(a).

⁵³ The Policy 8 pathway requires significant development capacity to be provided and this includes the provision of the required development infrastructure to support the rezoning and development.

- Relying on the demand evidence provided, I consider the submitters' residential demand evidence contains significant deficiencies and does not adequately demonstrate that there is high demand or significant demand for residential development at Ōhoka, relative to other urban areas (contrary to NPS-UD Objective 3).
- I consider that there is additional LLRZ capacity provided or recommended to be provided within Ōhoka, in the vicinity of Ōhoka and in other parts of the District and that there is significant substitutability available for the SETZ / GRZ component within the District and Greater Christchurch.
- I consider that the quantum of required funding for the necessary transport infrastructure is significant and its provision is uncertain at this time and that therefore the submitter has not demonstrated with sufficient certainty that the development infrastructure can be provided and therefore consider that NPS-UD Policy 8 cannot be relied upon. I also consider that it has not been demonstrated that the proposal is integrated with infrastructure planning and funding decisions (Objective 6), including funding of PT services at the completion of the 10-year development funded service.
- Relying as it does on private motor vehicles for commuting to services, schooling and work in Rangiora, Kaiapoi and Christchurch and relying on the evidence of Mr Binder and the Transport JWS, I consider that the site is not well serviced by existing or planned PT and is not well connected nor has good accessibility including by PT and active transport (contrary to NPS-UD Policy 1(c) and Objective 3) and will contribute relatively larger increases in VKT and GHG than better located developments and thereby not support a

reduction in greenhouse gas emissions (contrary to NPS-UD Objective 8 and Policy 1(e)).⁵⁴

- Based on the evidence of Mr Binder, the proposal will lead to transport network safety issues, even if the identified improvements are made, noting that the roads will continue to operate as rural roads, not urban roads.
- Relying on the evidence of Mr Read, there currently remains an under provision of greenspace.
- I consider that the proposal accords with many of the relevant Proposed Plan objectives assessed, however, it is not consistent with or is contrary to objectives and policies which discourage relatively remote and unconsolidated urban growth, and its associated poor accessibility, loss of productive farmland, loss of small settlement character and increases in greenhouse gas emissions. These include:
 - SUB-O1(2) which requires subdivision to achieve an integrated pattern of land use and urban form that consolidates urban development and maintains rural character;⁵⁵
 - SD-O2(1) and (2) around consolidation and integration of new areas of urban growth and recognising existing character and amenity;⁵⁶
 - SETZ-O1 as the proposal's scale will not retain the existing character of Ōhoka.⁵⁷

⁵⁴ As set out in my s42A report in section 3.6.2.9.

⁵⁵ As set out in my s42A report in paragraph 323.

⁵⁶ As set out in my s42A report in paragraph 319.

⁵⁷ As set out in my s42A report in paragraph 325.

- Because Ōhoka is a small rural village that will be expanded approximately 7-fold, or by over 2200 additional residents⁵⁸ as a result of this proposal, I consider that the proposal will effectively create a new town that is bigger than Oxford, but which is not supported by the relevant strategic planning documents, nor infrastructure planning and funding. I consider that if this proposal is found to contribute to a WFUE despite its identified connectivity issues, then other developments on nearby rural blocks with the same connectivity issues could similarly justify contributing to a WFUE.
- The proposal is contrary to the directive urban growth requirements in Chapter 6 of the CRPS and its transport and energy provisions as set out in my s42A report (s3.6.2.28). The proposal is contrary to the Greater Christchurch Spatial Plan and the Waimakariri District Development Strategy (as set out in my s42A report).
- There is significant opposition from the local community on matters such as: flooding; loss of the village and rural character; increased traffic and congestion, increased GHG emissions; the loss of productive farm land; and a lack of infrastructure to support the development. Except for flooding (which I understand can be acceptably managed)⁵⁹, I agree that these identified matters are adverse effects of the proposal.
- Overall, I remain of the opinion that the proposal will not contribute to achieving a WFUE and therefore the NPS-UD pathway is not available to the proposal. Accordingly, I

⁵⁸ Based on the average District household size of 2.6 people in the proposed 850 to 911 new lots.

⁵⁹ Engineering JWS, dated 6 August 2024, question 3.

remain of the opinion that the urban rezoning submissions
should be rejected.



.....
Andrew Willis
(Waimakariri District Council)

Attachment 1 - Recommended Amendments to the Ōhoka Provisions

Where I recommended changes in response to submissions in my s42A report, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

Where I have recommended changes to Mr Walsh's version, these changes are shown in blue text (with underline and ~~strike-out~~ as appropriate). As I am only recommending changes to one rule, I have only included this change

DEV-O-S3 Road infrastructure upgrades	
<p>1. <u>The following road infrastructure upgrades (as detailed in DEV-O-APP1) shall be completed prior to issue of a completion certificate under section 224 of the RMA (other than for a boundary adjustment or creation of an allotment solely for utility purposes) for any subdivision of the Development Area:</u></p> <ol style="list-style-type: none"> a. <u>a roundabout at the Flaxton Road / Threlkelds Road intersection with associated changes in priority at the Mill Road / Threlkelds Road intersection,</u> b. <u>a roundabout at the Whites Road / Tram Road intersection,</u> c. <u>a roundabout at the Bradleys Road / Tram Road intersection,</u> d. <u>improvements at the Tram Road / State Highway 1</u> 	<p><u>Activity status when compliance not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>DEV-O-MCD4 — Transport network effects</u></p>

<p><u>interchange, to increase the capacity for right turning traffic onto the south bound on-ramp,</u></p> <p>e. <u>road widening of Tram Road between Bradleys Road and Jacksons Road, and</u></p> <p>f. <u>Tram Road safety improvements as included in the Waimakariri District Long Term Plan 2024-2034 with any required amendments in response to additional traffic from the Development Area.</u></p>	
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Attachment 2 – Response of Mr Yeoman on Economic Matters

Attachment 3 – Memo from Mr Wilson on Lot Sizes

Attachment 4 – Response of Shane Binder on Transport Matters

**Attachment 5 – Response of Mr Nicholson on Urban Design and
Landscape Matters**

Attachment 6 – Response of Mr Read on Greenspace Matters

Attachment 7 – DEV-RO7-Table 1 (from Consent Order NZEnvC 269 and the Selwyn District Plan)

DEV-RO7-TABLE1		
Transport Network Upgrades		
Upgrade Required	Timing	Anticipated Funding Mechanism
Commencement of SH1/Dunns Crossing Road /Walkers Road Intersection upgrade in accordance with the Waka Kotahi NZ Upgrade Programme.	Prior to any development (including earthworks or construction related activities) in the ODP area.	Works already funded by Waka Kotahi.
Dunns Crossing Road /Newmans Road Intersection.	Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13), in the ODP area.	Developer funded and/or as part of Waka Kotahi works to SH1/Dunns Crossing Road .
Dunns Crossing Road /Granite Drive Intersection.	Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13), in that part of the ODP area north of Burnham School Road .	Developer funded.
Dunns Crossing Road /Burnham School Road Traffic Signals.	Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13), in the ODP area.	Developer agreement (as in the Long Term Plan for 2024/2025).
Dunns Crossing Road /Loves Road Roundabout.	Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13), in that part of the ODP area south of Brookside Road .	Developer funded and/or developer agreement (as in the Long Term Plan for 2029/2030).
Goulds Road /Dunns Crossing Road /Selwyn Road Upgrade (Realignment of Goulds Road to intersect with Dunns Crossing Road approximat	Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13), in that part of the ODP area south of Brookside Road .	Developer agreement (as in the Long Term Plan for 2026/2027).

<p>ely 150m north-west of Selwyn Road. Selwyn Road/Goulds Road /Dunns Crossing Road to become a roundabout).</p>		
<p>Dunns Crossing Road Frontage Upgrade.</p>	<p>Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13).</p>	<p>Developer funded or developer agreement where partly funded in the Long Term Plan.</p>
<p>Selwyn Road Frontage Upgrade.</p>	<p>Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13) for any subdivision in the ODP area adjacent to Selwyn Road.</p>	<p>Developer funded.</p>
<p>Realignment of Brookside Road at Dunns Crossing Road (in accordance with DEV-RO7-FIGURE1 below) and gateway threshold (in accordance with the requirements of Road Traffic Standard 15) on Brookside Road.</p>	<p>Prior to issue of a completion certificate under section 224 of the Act (other than a subdivision subject only to any of SUB-R12 or SUB-R13), in that part of the ODP area south of Brookside Road.</p>	<p>Developer funded.</p>
<p>Edwards Road frontage upgrades as shown on the ODP.</p> <p>The carriageway upgrade of Edwards Road between Brookside Road and Selwyn Road including a gateway threshold on Edwards Road.</p>	<p>Prior to establishment of any vehicle crossing, access or road connection to Edwards Road or Brookside Road from the ODP area.</p>	<p>Developer funded.</p>
<p>Safety improvements to the Edwards Road/Ellesmere Junction Road intersection.</p>	<p>Prior to establishment of any vehicle crossing, access or road connection to Edwards Road from the ODP area.</p>	<p>Developer funded.</p>