

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF IAN BAYLISS ON BEHALF OF
CHRISTCHURCH CITY COUNCIL**

**SUBDIVISION, FUTURE URBAN ZONE, AND
OUTLINE DEVELOPMENT PLANS**

Dated: 9 October 2023

TABLE OF CONTENTS	
EXECUTIVE SUMMARY	1
INTRODUCTION	1
SCOPE OF REBUTTAL EVIDENCE	2
JONATHAN CLEAVE, PLANNING EVIDENCE FOR KĀINGA ORA	3
PIA JACKSON – PLANNING EVIDENCE FOR CASHMERE LAND DEVELOPMENTS LTD	5
BRYAN MCGILLAN PLANNING EVIDENCE FOR CASHMERE PARK LTD, HARTWARD INVESTMENT TRUST AND ROBERT BROWN	7
ANDREW MACTIER FOR DANNE MORA IN RELATION TO MILNS PARK AND THE NORTH HALSWELL OUTLINE DEVELOPMENT PLAN AREA	9
OTHER MATTERS	12

EXECUTIVE SUMMARY

1. My section 42A report addressed Chapter 8 Subdivision earthworks and development, the Future Urban Zone (**FUZ**) and related rezoning requests and Outline Development Plans.
2. In response to submitter evidence on those topics, my rebuttal statement addresses the following:
 - (a) I do not support the changes to subdivision standards for vacant lots recommended by Jonathan Clease on behalf of Kāinga Ora, namely that the proposed minimum lot sizes for vacant sites of 400m² in the medium density residential zone (**MRZ**) and 300m² in the high density residential zone (**HRZ**) be deleted in favour of an amended minimum dimension rule of 8m x 15m.
 - (b) Nor do I support the changes to permitted earthworks thresholds outside of Flood Management Areas recommended by Mr Clease (namely to increase the allowance for 20m³ to 50m³ of fill above existing ground level).
 - (c) I support changes to the Plan to remove references to the Outline Development Plan and protection of the historic stonewalled drain which have become redundant, as recommended by Pia Jackson on behalf of Cashmere Estates Limited.
 - (d) I do not support rezoning of sites from Residential New Neighbourhood (**RNN**) and Rural Urban Fringe (**RUUF**) zones to MRZ at Cashmere Park recommended by Brian McGillan on behalf of Cashmere Park Limited, Hartward Investment Trust and Robert Brown.
 - (e) The proposals to rezone land from HRZ to MRZ and FUZ at North Halswell by Andrew Mactier on behalf of Milns Park and Danne Mora Ltd will be addressed in the evidence of Ike Kleynbos. Land where development and consenting has progressed such that the FUZ provisions are no longer of critical importance should generally be rezoned through PC14 as MRZ, but I defer to Ike Kleynbos in relation to the appropriate extent of the HRZ around the proposed town centre.

INTRODUCTION

3. My full name is **Ian William Bayliss**. I am a Senior Associate at Barker & Associates in Queenstown. I have held this position since June 2021 prior to

which I was the Planning Policy Manager for Queenstown Lakes District Council, from December 2016 to April 2021.

4. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **RMA**), dated 11 August 2023 (**Section 42A Report**) in relation to:
 - (a) the topics of Subdivision, earthworks and development within chapter 8 of the District Plan;
 - (b) mapping, rezoning requests and plan provisions for the Residential Future Urban Zone; and
 - (c) Outline Development Plans mapping notations and plan provisions.
5. I have the qualifications and experience set out at paragraphs 2.1.2 of my Section 42A Report and repeat the confirmation given in my section 42A report that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

6. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my Section 42A Report. In this evidence I respond to evidence from the following witnesses:
 - (a) Jonathan Clease for Kāinga Ora (in relation to submissions #834, #2082, #2099) and matters regarding replacing minimum vacant lot size requirements with modified shape factor controls, and proposed changes to earthworks standards within Chapter 8 Subdivision Earthworks and Development.
 - (b) Pia Jackson for Cashmere Land Developments (**Cashmere Estate**) in relation to submission #257 and the Cashmere and Worsleys' Outline Development Plan (ODP) provisions.
 - (c) Bryan McGillan for Cashmere Park Limited and Hartward Investment Trust in relation to submissions #593, #2009.
 - (d) Andrew Mactier for Danne Mora Limited in relation to submissions #903 and #2066 and the plan provisions applicable to Milns Park and the North Halswell Outline Development Plan area.

- (e) Other matters overlapping with my topics raised in submitter evidence, to be addressed in the evidence of Mr Kleynbos:
 - (i) Fiona Aston on behalf of Red Spur Ltd and submission #881;
 - (ii) Andrew McCarthy and submission #861; and
 - (iii) Fiona Small on behalf of Fire and Emergency NZ and submission #842.

7. Where I am relying on the primary evidence or rebuttal evidence of technical witnesses for the Council, I make that clear in this rebuttal evidence.

JONATHAN CLEASE, PLANNING EVIDENCE FOR KĀINGA ORA

Subdivision standards for vacant lots

- 8. In paragraphs 8.1 to 8.4 of his evidence Mr Cleave explains his support for amending Rule 8.6.1 minimum net site area and dimension so that the requirement for vacant sites of 400m² in the MRZ and 300m² in the HRC be deleted in favour of an amended minimum dimension rule of 8m x 15m.
- 9. Mr Cleave has not addressed paragraphs 8.4.5 to 8.4.6(a)-(d) of my Section 42A Report. In those passages I agree that the proposed shape factor approach could be more efficient in enabling development of unusually shaped sites whilst ensuring that new vacant lots are capable of containing a compliant unit, and state my reasons for preferring the Council's evaluation of the proposed minimum allotment sizes (as notified) as being appropriate minimums to support the provision of affordable housing choices and the forms of development intended to be enabled by the MDRS.
- 10. I have considered Mr Cleave's evidence and the section 32 evaluation he refers to carried out by Tauranga City Council,¹ including architectural testing of the proposed 8m x 15m shape factor rule using development compliant with MDRS, and agree that this dimension approach should ensure compliant sections are capable of accommodating a dwelling in compliance with the MDRS. However, without repeating my previous evidence, I still disagree that the benefits of increased flexibility to allow unusual shapes and sizes of sites to be created outweigh the benefits of the proposed standards identified in the Council's section 32 evaluation.

¹ S32 evaluation report-vol8 (Tauranga.govt.nz)
https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s32-evalreport-vol8.pdf

11. Mr Brian Norton for the Council notes the need for robust hydraulic modelling in managing urban growth and intensification in Christchurch, and for an understanding of site sizes to inform Onsite Stormwater Mitigation (at paragraph 60 of his evidence). Mr Clease's suggestion would lead, in my view, to less reliable hydraulic and stormwater modelling; minimum vacant lot size standards (in combination with the 10m minimum dimension requirement) lead to greater certainty in this regard.
12. The same issue arises with transport modelling (which relies on estimating the number of household unit equivalents) and could also make the calculation of realisable development capacity under the National Policy Statement on Urban Development 2020 (which already contains a range of debatable assumptions) less reliable.

Earthworks

13. In paragraphs 8.5 to 8.9 of this evidence Mr Clease supports the submission from Kāinga Ora that the permitted volumes for earthworks outside of Flood Management areas of 20m³ per site in the residential zones (excluding earthworks associated with a Building Consent) are *"unrealistically low"* and that the earthworks are *"not worthy of specific assessment"* in his opinion.
14. The relief sought is (in summary) to amend Table 9 in Rule 8.9.2 so that earthworks exceeding 20m³ and less than 50m³, in order to remain permitted, require that *"an effective erosion and sediment control plan is in place for the duration of the earthworks"*. The change sought is confined to net fill above existing ground level – presumably on the basis that, in Mr Clease's view, such earthworks are more likely to result in effects of concern, namely either *"erosion and sediment"* and *"overlooking of neighbouring properties"*.
15. Mr Clease has not addressed my evidence in paragraphs 8.5.1 to 8.5.4 where I outline reasons why a number of factors would need to be carefully evaluated in making changes to these standards. I remain of the view that the way the change is proposed would affect zones and areas not subject to change through PC14 and is potentially out of scope, although I accept that the changes sought could be drafted to be confined to residential areas subject to PC14 (as has been done with other controls). I also maintain that further detailed evaluation is needed to establish claims that such consents do not involve effects that are worthy of specific assessment. I would support further investigation of the conditions of consent that are being applied to

earthworks and consideration of a range of options for standards to address the matters raised in those consents to achieve the relevant objectives, while ensuring earthworks with potentially significant effects are subject to appropriate assessment and onsite management.

16. I also disagree with Mr Clease that the only effects of earthworks that need to be controlled are limited to erosion and sediment and overlooking of neighbouring properties. Earthworks exceeding these standards are subject to a wide range of assessment considerations in Rule 8.9.4, as well as the sedimentation, erosion and effects on privacy mentioned by Mr Clease. These include effects from dust, effects on the road network, patterns of surface or subsoil drainage, flooding, effects on trees, groundwater quality, vibration and noise, the Avon River, versatile soils, the National Grid, land stability, coastal hazards, quarries and amenity. In my view these further effects are not irrelevant with developments that involve a further 30m³ of filling above existing ground level which would be made permitted under the changes proposed in Kāinga Ora's submission.
17. I also note that Mr Ike Kleynbos is considering recommending changes to the way earthworks are managed in the area of the Port Hills through his rebuttal evidence which may affect these provisions.
18. In summary, having considered Mr Clease's evidence, I agree there is potentially an issue with the current earthworks controls requiring consents and wide-ranging assessments of relatively innocuous and unavoidable earthworks and potential to use amended permitted standards to reduce reliance on consent processes. However, I remain of the view that the objectives of the Plan that relate to earthworks (8.2.4 and associated policies 8.2.4.1 to 5) would not be better achieved by the proposed amendment and that it would be more appropriate to make changes to these important controls through a standalone plan change rather than through this process.

PIA JACKSON – PLANNING EVIDENCE FOR CASHMERE LAND DEVELOPMENTS LTD

19. Ms Jackson's evidence records the extensive agreement between the submitters, Mr Kleynbos and myself for the Council over recommendations for appropriate plan provisions for the land subject to the Cashmere and Worsley's Outline Development Plan (ODP) set out in Appendix 8.10.7 of the District Plan known as 'Cashmere Estate'. Nevertheless, a further change is

sought to delete references to protection of the historic stonewalled drain and to Appendix 8.6.7(d) from the provisions of the Plan.

20. I agree with the assessment of Ms Jackson that the vesting of the non-developable areas of land with the Council (including the land that contains the historic stonewalled drain), the upgrading of the intersections identified in the ODP, and conditions of consent for the overall subdivision of the site (RMA/2015/3550 granted on 14 April 2016 through Environment Court decision), together with the application of the MRZ and Residential Hills Precinct provisions to the developable areas of the land under the ODP provide an appropriate framework for the site.
21. Consequently, references to the Appendix 8.10.7 ODP provisions can and should be removed as it is noted in particular that the historic stonewalled drain (as well as being vested in the Council) is not located within the MRZ making the rule redundant. This requires a further amendment to the provisions of Chapter 8 Rule 8.6.1 Table 1.(b.) Medium Density Residential Zone – Residential Hills Precinct, Additional Standards (e), and 8.7.10 Additional matters – Cashmere and Worsleys Development Plan area, which I support as set out below:

Table 1.(b) Medium Density Residential Zone – Residential Hills Precinct Additional Standards:

~~*e. In the Cashmere and Worsleys area (shown at Appendix 8.10.7)*~~

~~*i. the minimum net site area shall be 4ha unless in compliance with the development plans at Appendix 8.10.7*~~

~~*ii. The historic stonewalled drain shown at Appendix 8.10.7(d) shall be protected.*~~

~~**8.7.1** — *Additional matters — Cashmere and Worsleys Development Plan area*~~

~~*a. Whether upgrades to the road network and access restrictions shown on the development plan are necessary, including:*~~

~~*i. Whether access onto Shalamar Drive from the development plan should be restricted.*~~

~~*ii. Whether Worsleys Road should be realigned in accordance with the "Required Roads" shown in Appendix 8.10.76.*~~

~~iii. Whether the Hoon Hay, Cashmere and Worsleys Roads intersection requires upgrading (refer to Appendix 8.10.76).~~

**BRYAN MCGILLAN PLANNING EVIDENCE FOR CASHMERE PARK LTD,
HARTWARD INVESTMENT TRUST AND ROBERT BROWN**

Rezoning of greenfield land

22. Mr McGillan states in paragraphs 69 and 70 of his evidence that the reasons for rejecting the proposed rezoning of the RUUF to MRZ focussed on the constraints around the scope for an intensification planning instrument to certain residential zones and on the potential flood hazards identified in the district plan based on outdated information (which they sought to remedy through their evidence).
23. I largely agree with Mr McGillan's assessment against the planning framework and key matters to consider. I agree with the suitability of the location for urban development in relation to relevant strategic objectives policies and that urban intensification of this area has been anticipated for a long time, with the key impediments to intensification having been extensively addressed with a draft Outline Development Plan addressed by the evidence of Jade McFarlane, flood modelling evidence from Greg Whyte, Transport modelling evidence from Andrew Leckie, Geotech evidence from Nicholas Traylen, Economics evidence from Natalie Hampson together covering key informational requirements.
24. However, I am still concerned that the PC14 process does not provide a suitable framework for confirming the proposed rezoning and draft ODP. At the time of writing this rebuttal, more time is needed than the short window available for a range of specialist experts to test the information provided and confirm if it is comprehensive and robust and whether changes or further information is needed.
25. The Canterbury Regional Policy Statement sets out in policies 6.3.1 Development within the Greater Christchurch area, 6.3.2 Development form and urban design 6.3.3 Development in accordance with outline development plans, 6.3.4 Transport effectiveness, 6.3.5 Integration of land use and infrastructure, 6.3.6 Business land, 6.3.7 Residential location, yield which must be given effect to under section 75(3)(c) of the Act. While I accept that extensive information addressing matters within these policies

has been provided, no specific assessment of these provisions has been provided.

26. I maintain that the issue of rezoning greenfield RUUF land for urban development is out of scope of PC14, although I accept that this is a question of legal interpretation and that this proposal is somewhat distinct from other potential new greenfield rezoning proposals in that the location actually sits within the existing urban environment. I agree with the section 42A report of Sarah Oliver, which addresses the issue of the scope of PC14 in detail, and notes (at paragraph 10.8) that consideration of additional (new) greenfield development should be through a separate plan change process and/or review of the Canterbury Regional Policy Statement (Chapter 6) which identifies and maps Future Development Areas and Greenfield Priority Areas.
27. I note similar caution regarding support for this proposed rezoning in the Joint Witness Statement for Infrastructure in relation to Cashmere Park where Mr Brian Norton on behalf of Christchurch City Council records that he *"cannot commit to agreement to rezone this land until flood modelling of effects have been fully analysed and considered."* Relying on the expertise of Mr Norton on that matter, I do not support this proposed rezoning at this time.

National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

28. After referring to the zone descriptions in the National Planning Standards and comparing them to the District Plan zone description, objectives, policies, activity table and subdivision provisions (in the round) I agree with the assessment of Mr McGillan that the nearest equivalent zone to the RUUF zone is the General Rural zone. Therefore, the requirements of the NPS-HPL in particular clauses 3.6(1)(a), and 3.6(1)(b) apply to any rezoning.
29. As commented on further below, in the greater Christchurch urban setting, a surplus of residential zoned development capacity already exists for the lifetime of the District Plan, therefore clause 3.6(1)(a) of the NPS-HPL has not been satisfied. On the face of it, when considering that sufficient development capacity against the avoid direction of the NPS-HPL the rezoning must be declined.

National Policy Statement on Urban Development 2020

30. Relying on the expert evidence of Ms Natalie Hampson, Mr McGillan states in paragraphs 30 and 31 that the Council would need to provide additional capacity without this rezoning of the site in order to avoid a shortfall of residential development capacity within the vicinity of the site over the next 10 years. With regard to the potential for the submitter's proposal to fulfil a very localised demand, I accept this point to the extent that it further increases greenfield land supply in a popular location (evident from development take-up rates) that has long been planned to cater for urban growth.
31. There is, however, as set out in detail in the section 42A report of Ms Oliver (and summarised in paragraph 11.1), there is no identified housing sufficiency issue to address.
32. I do however acknowledge the expertise of Ms Hampson in this area and I acknowledge that, if developed to provide for a greater range of typologies than typical for greenfield developments (to date), the proposal does have the potential to meet some specific housing needs, such as for smaller households and older persons housing.
33. I otherwise agree with the analysis of Mr McGillan in relation to the NPS-UD, but do not consider it appropriate to make a recommendation to support the rezoning without clarity regarding the issue of scope and further time and expert input to consider the adequacy and completeness of the information provided in support this significant rezoning proposal.

ANDREW MACTIER FOR DANNE MORA IN RELATION TO MILNS PARK AND THE NORTH HALSWELL OUTLINE DEVELOPMENT PLAN AREA

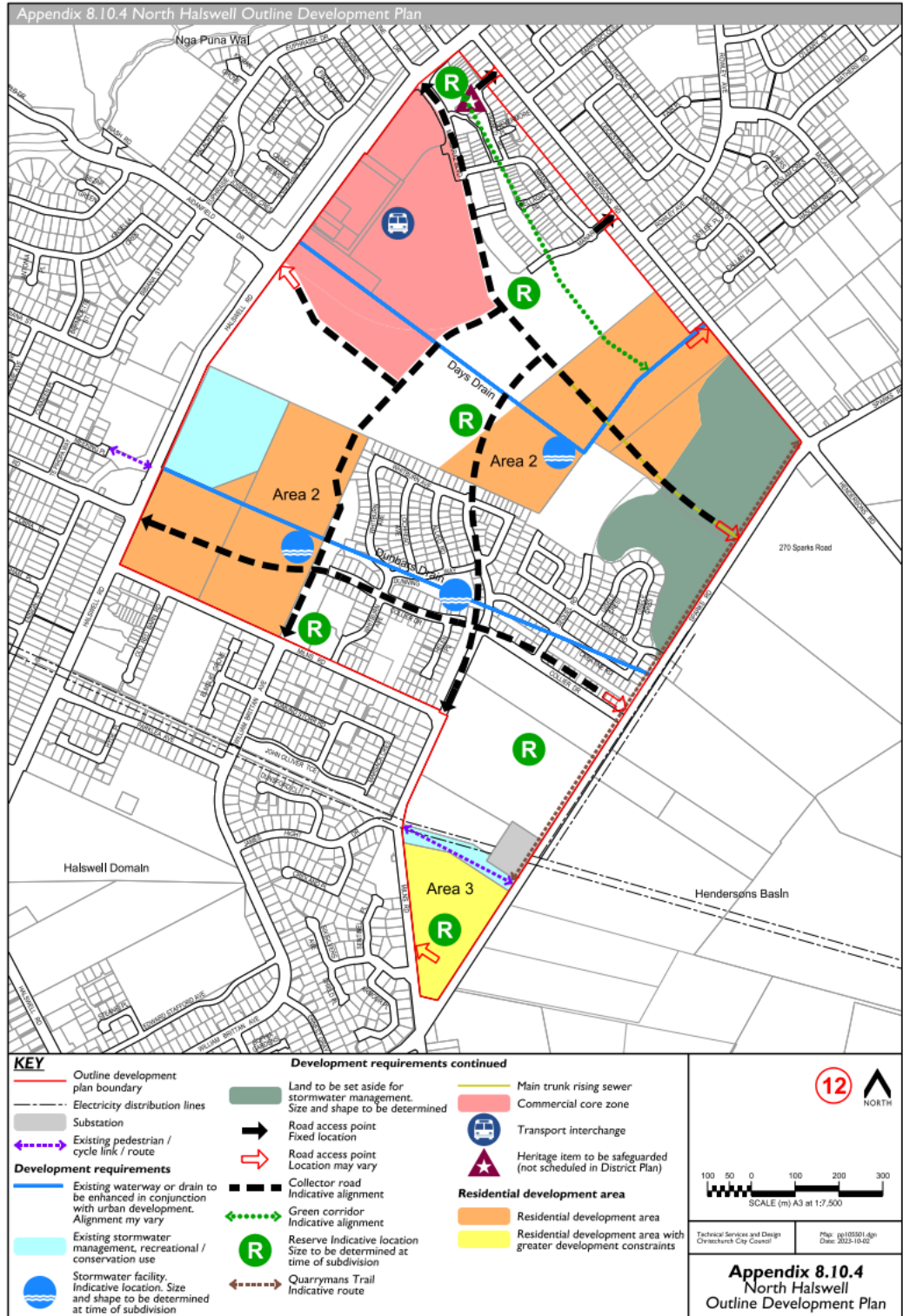
34. The evidence of Andrew Mactier in relation to submission #903 and #2066 is focused on the recommendations of Mr Ike Kleynbos on the proposed HRZ zone and I make no comment on those matters. However, Mr Mactier states in paragraph 1.7 that *"A large majority of land within the Danne Mora site and the Milns Park site is either already developed, has been consented for development or currently has an application being processed by Council."* For completeness I note that through my previous evidence I supported the approach of the Council to upzone land in these situations (where land is developed or has been consented for development such that the provisions of an outline plan and the FUZ are not necessary to achieve the objectives of

the district plan and RPS and a well-functioning urban environment) from FUZ to MRZ and consequently would support upzoning to MRZ if that was clarified as being the submitter's preference. I note in this regard that the original submission from Danne Mora sought to retain the potential to choose one zone over the other depending on the outcome of the specific provisions.

35. Regarding the issue raised by Mr Mactier that stormwater infrastructure constraints mean that further intensification is impractical or will lead to significant adverse effects, the rebuttal evidence of Mr Brian Norton on behalf of Council, responding to the evidence of Mr Surman from Environment Canterbury in relation to the Halswell/Huritini River catchment² states in paragraph 10 that, *“all river systems in Christchurch City”* share *“hydraulic and hydrological principles in terms of stormwater discharges and land drainage”* that are to some extent *“universal”*.
36. In paragraphs 22 and 23 he states that the Council is aware of the potential for MDRS development to be unable to reduce impervious surface coverage below 70%, that he agrees that engineering solutions being impractical due to high cost, and potential adverse effects (paragraph 19), that onsite stormwater mitigation measures for small sites are potentially unlikely to fully mitigate PC14 enabled growth, and concludes that the Council may wish to consider a future plan change with “some combination of controlled impervious surface and/or use of readily available low impact design/green infrastructure (such as permeable pavement or green roofs) as an “effective mitigation strategy” (paragraph 23).
37. In relation to my previous recommendations on the zoning of MRZ and FUZ land in this area, I rely on and support the rebuttal evidence of Mr Brian Norton for the Council on this matter.
38. Either scenario is compatible with the changes to the North Halswell Outline Development Plan, some of which have been made as a result of plan change 10 and others that I recommend in my Section 42A Report, including:
 - (a) removal of the Quarryman's Trail cycle route from the ODP;
 - (b) removal of the Meadowlands exemplar plan provisions;
 - (c) removal of the Public Transport Interchange from the Town Centre;

² North Halswell is located in the Heathcote Catchment not the Halswell River catchment

- (d) the preferred alignment of Mansaraz Boulevard connecting with Hendersons Road;
- (e) expansion of the stormwater treatment facility; and
- (f) alignment of the road network with current consents and designations currently being implemented.



OTHER MATTERS

39. A number of matters raised in submitter evidence that overlap with my topics have been addressed in the section 42A report, and will be addressed through the rebuttal evidence, of Mr Kleynbos. To avoid doubt that they have been addressed and to reduce the potential for confusion, I cross-refer to the evidence of Mr Kleynbos in relation to the following:
- (a) Ms Fiona Aston on behalf of Red Spur Ltd and submission #881 in relation to subdivision standards for Redmund Spur in relation to the zoning and application of a qualifying matter and associated development controls for the site. The relief sought includes a minimum vacant lot size of 400m² for up to 15% of lots for Redmund Spur, otherwise 650m² minimum vacant lot size and with 50% site coverage for lots under 650m².
 - (b) Mr Andrew McCarthy and submission #861 in relation to subdivision standards for the hill suburbs of Christchurch. The relief sought includes removal of standards responding to the proposed Low Public Transport Accessibility Area QM, vacant allotment size of 575m², and deletion of the standards in the Hills precinct of the 100m² minimum identified building area and 200m² minimum curtilage area and 10m minimum site dimension rules.
 - (c) Mr Marcus Langman has recommended, in paragraph 61 of his evidence on the Council's submission (#751), in relation to Riccarton Bush, that a subdivision control is needed to align with the changes to the site density standards.

Ian Bayliss

9 October 2023