

Before the Independent Hearing Panel
Appointed by the Christchurch City Council

Under The Resource Management Act 1991

In the matter of Plan Change 14 (Housing and Business Choice) to the
Christchurch District Plan

Cashmere Park Limited, Hartward Investment Trust and
Robert Brown

Submitter ID: 593

Evidence of Bryan John McGillan

20 September 2023

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**anderson
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Introduction

- 1 My name is Bryan John McGillan.
- 2 I have completed a Bachelor of Applied Science (Resource Management). I have worked in the field of resource management for over 20 years with extensive experience in subdivision and development. More recently I have been involved in preparing and reviewing subdivision and comprehensive development consent applications. My experience covers a range of planning activities including District and Regional plan hearings.
- 3 I am a member of the Resource Management Law Association and a full member of the New Zealand Planning Institute.
- 4 I am employed by Eliot Sinclair and Partners Limited as Team Leader/Resource Management Planner. I have worked for Eliot Sinclair on resource management and planning matters for the last 18 months. Prior to being employed by Eliot Sinclair I worked as a senior planner for Pattle Delamore Partners for 5 years and Mahaanui Kurataiao Ltd for the previous four years.
- 5 In conjunction with my Eliot Sinclair colleagues I have prepared a section 32AA assessment supporting the submission of Cashmere Park Ltd, Hartward Investment Trust and Robert Brown (the **Submitters**), seeking to rezone the below sites (the **Site**) from Residential New Neighbourhood (**RNN**) and Rural Urban Fringe (**RUUF**) zones to Medium Density Residential Zone (**MDRZ**):
 - (a) 126 Sparks Road (Lot 1 DP 412488)
 - (b) 17 Northaw Street (Lot 2 DP 412488)
 - (c) 36 Leistrella Road (Lot 3 DP 412488)
 - (d) 240 Cashmere Road (Lot 23 DP 3217)
 - (e) 236 Cashmere Road (RS 41613)
 - (f) 200 Cashmere Road (Lot 1 DP 547021)
- 6 I have visited the sites on a number of occasions and regularly drive pass the area via both Sparks and Cashmere Roads.

- 7 In preparing this evidence I have considered the following documents:
- (a) Plan Change 14 Section 32 report (Part 1)
 - (b) Plan Change 14 Section 42A report, Ian Bayliss
 - (c) Plan Change 14 Section 42A report, Sarah Oliver
 - (d) Plan Change 14 Evidence

Code of Conduct for Expert Witnesses

- 8 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 9 I have prepared evidence in relation to the following matters:
- (i) Background and Overview of the Proposal
 - (ii) The Planning Framework and Key Matters to Consider
 - (iii) National Policy Statement on Urban Development 2020
 - (iv) National Policy Statement on Highly Productive Land 2022
 - (v) Urban Form and Landscape Amenity
 - (vi) Economics
 - (vii) Transport and Connectivity
 - (viii) Infrastructure and Servicing
 - (ix) Natural Hazards and Health of the Land
 - (x) Tāngata Whenua and Cultural Values
 - (xi) Reverse Sensitivity
 - (xii) Positive Effects

(xiii) The particular key matters of dispute

(xiv) The Section 42A report of Mr Bayliss

Executive summary

- 10 The Submitters propose rezoning the Site Medium Density Residential Zone (the **Proposal**) through Plan Change 14 (**PC14**). The Proposal is based on the desire of the Submitters to develop a fully functioning urban area and is supported by a range of experts.
- 11 The proposed urban intensification of the site is not unanticipated due to the extensive history that has looked to achieve that result. The Site is strategically located in close proximity to local amenities and the central city. In the 2015 Replacement District Plan process, Christchurch City Council (**CCC**) planning and urban design staff supported the rezoning of the Site for a greater proportion of residential development. Any previous impediment to urban intensification has been weighed heavily based on early flood modelling evidence. This flood modelling evidence has now been superseded by more accurate modelling based on CCC agreed processes.
- 12 The planning assessment demonstrates that the Proposal gives effect to all provisions, except where limited to Map A of the CRPS. In all other respects, the Proposal provides for the consolidated, logical, integrated provision of growth for the Greater Christchurch area, and provides housing choice which gives effect to the urban environment.
- 13 Mr Ian Bayliss has recommended in his section 42A report that the submission seeking rezoning to MDRZ be declined. However, Mr Bayliss addresses the issue of scope and potential flood hazard from outdated information.
- 14 Urban intensification has been anticipated for a long time and any impediment to that intensification has been addressed.

The right to decent and affordable housing in Aotearoa/New Zealand is a basic human right, a part of our international agreements and Te Tiriti. We are a long way from achieving this, but supporting this Proposal is a step in the right direction and supports a positive outcome for the community.

- 15 In conclusion, for the reasons detailed throughout this evidence, I support the submission as part of PC14 seeking to rezone the Site from a combination of Rural Urban Fringe (**RUUF**) and proposed Future Urban Zone (**FUZ**) to MDRZ within the Christchurch District Plan (**CDP**).

Background and Overview of the Proposal

- 16 The Site has a long history of being considered for urban development spanning back prior to 2010. The following is the timeline of the rezoning proposed for the area:
- (i) 2009 – Southwest Area Plan
 - (ii) 2009 – 2010 – Rezoning application submitted
 - (iii) 2015 – Christchurch Replacement District Plan Submission
 - (iv) 2022 – Discussions with CCC regarding a Private Plan Change for Rezoning
 - (v) 2023 – Submission of Plan Change 14
- 17 Of particular note is the evidence of Ms Sarah Oliver and Ms Janet Reeves from 7 December 2015. This evidence was prepared for the Christchurch Replacement District Plan Independent Hearings Panel.
- 18 Plan Change 1 to the Regional Policy Statement set the boundary for future potential greenfield development (or the urban limit as it was known under this document) at the 19m contour which equated to (at the time) to a 200-year flood event.
- 19 The complexity of assessing this appears to have been the main impediment excluding the area from rezoning at that point. Ms Reeves noted at the time that:
- The boundary of the Canterbury Regional Policy Statement (CRPS) GPA and the updated Hendersons ODP included in the RNN Revised Proposal 7 December 2015, will not in my opinion achieve the most appropriate urban development form.
- 20 The outcome favoured by Ms Reeves and also by Ms Oliver in her evidence is shown in Appendix A, **attached**, which also includes Map 45 which included an even larger area of the submitters site. This effectively proposed rezoning the land currently zoned as RUUF fronting Cashmere Road to RNN.

- 21 We are now in the position where expert urban design evidence shows the benefit of extending the urban development through to Sparks Road which also will achieve an even better urban form.
- 22 The flood modelling assessment provided by DHI and supported by the evidence of Mr Greg Whyte shows that the site will not be subject to any inundation even in a 1 in 200-year flood event.

Planning Framework and Key Matters to Consider

- 23 In preparing my evidence I have reviewed and considered the following:
- (i) Resource Management Act 1991 (**RMA**)
 - (ii) RMA-Enabling Housing Supply and Other Matters Amendment Act 2021 (**EHA**)
 - (iii) National Statement on Urban Development 2020 (NPS-UD)
 - (iv) National Policy Statement for Highly Productive Land 2022
 - (v) Canterbury Regional Policy Statement
 - (vi) Christchurch District Plan (relevant provisions, including changes proposed by PC14)
- 24 Amongst other matters, the EHA seeks to increase housing supply through directing Tier 1 Councils to update their District Plans to provide for medium density housing across all urban environments, unless 'qualifying matters' such as natural hazards or heritage are in play.
- 25 Through PC14 the CCC proposes that the Site will have a combination of RUUF as well as a new proposed zoning of FUZ which will replace the current RNN zone.

Enabling Housing Supply and Other Matters Amendment Act 2021

- 26 The purpose of the EHS is to accelerate the supply of housing through the use of an intensification planning instrument (**IPI**). An IPI is (relevantly) a change to a district plan that must incorporate the MDRS; and give effect to policies 3 and 4 of the NPS-UD.
- 27 The Submitters request that the MDR zoning apply to the whole Site. The proposed rezoning better aligns with the objectives of the EHA and is considered a rational and logical approach to consolidation of the site that

is supported by the extensive detailed reports in respect of infrastructure, servicing connectivity and amenity.

National Policy Statement on Urban Development 2020

28 It is important to note that even where appropriately zoned land is not required in order to deliver on capacity, CCC still need to be open to development proposals and rezoning requests in areas that are not anticipated for urban development. Guidance for CCC on this is found within Policy 8 of the NPS-UD. Subpart 2 – Responsive Planning, 3.8 "Unanticipated or out of sequence developments."

29 As detailed on page 16 of the Economic Assessment Report prepared by Formative and supported by Natalie Hampson:

...the proposed development of the Site would be significant at:

- ❖ 10% of demand for new dwellings in the locality in the next decade
- ❖ Around 10% of existing feasible capacity
- ❖ Close to 20%, or possibly up to 40% of capacity that is reasonably expected to be realised in the locality.

30 The proposed rezoning is also consistent with the objectives of the NPS-UD through being able to achieve a well-functioning urban environment for people and communities to provide for their needs and is adjacent to the existing suburb of Hoon Hay, while being in close proximity to Christchurch.

31 Formative's economic assessment and supported by Natalie Hampson has concluded that without the expected rezoning of the Site there will be an expected shortfall of residential development capacity within the vicinity of the site over the next 10 years. This would therefore then require additional capacity that CCC would need to provide to for sufficient development capacity in line with the requirements set out within the NPS-UD.

National Policy Statement on Highly Productive Land 2022

32 The NPS-HPL requires councils to consider the availability of highly productive land for primary production now and in the future. Of relevance to this Submission, a purpose of the NPS-HPL is to protect highly productive land from inappropriate subdivision, use and development as

urban expansion and change of land-use in rural areas is creating a loss of productive land.

- 33 The site is identified as a combination of Land Use Class (LUC) Class 2 and 3 (Canterbury Maps, shown below). However, the RNN/FUZ zoned land is excluded from the definition of highly productive land.

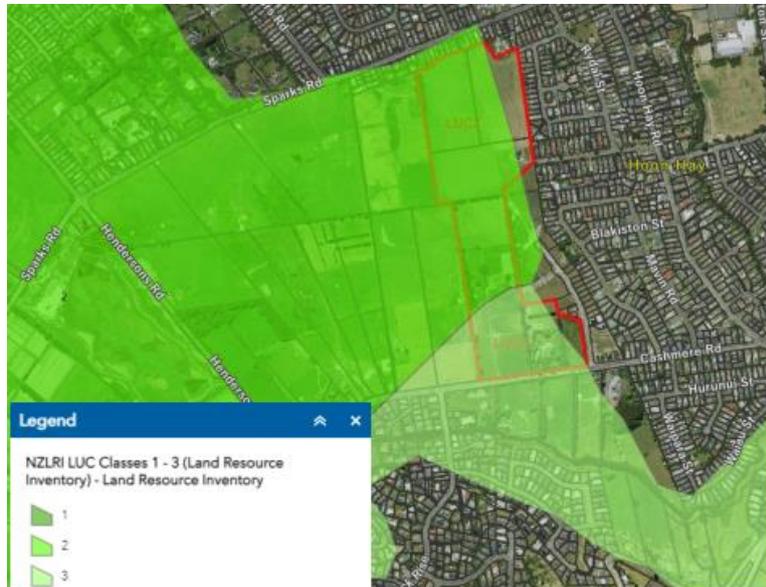


Figure 1 LUC classes on the Site

- 34 As the RUUF zoned areas of the Site are potentially classed as highly productive land, proposals to rezone it are subject to Clause 3.6 of the NPS-HPL. It is noted that the use of the site is in reality a mix of residential and rural lifestyle.
- 35 Sections a, b & c under 3.6(1) of the NPS-HPL allow the rezoning of highly productive land where all 3 points are able to be met.
- 36 It is considered that while the site has a combination of LUC 2 & 3 productive soils, that the proposed change in use of the Site to residential is not inappropriate and is not an uncoordinated urban expansion. The site can achieve a well-functioning urban environment for people and communities to provide for their needs as it is adjacent to the existing suburb of Hoon Hay to the east and is in close proximity to Christchurch. This is supported by the economic evidence (paragraph 34) completed by Formative and supported by Natalie Hampson.

- 37 Rezoning of the RUUF land encapsulating RNN/FUZ zoned land that bisects the submitters land supports and is consequential to achieving the objective of a well-functioning urban environment.

Canterbury Regional Policy Statement

- 38 Refer to assessment provided with submission, overall conclusion is the proposed rezoning is mostly consistent with the objectives and policies in Chapter 6 of the CRPS. It is acknowledged that the site is not located within an identified development area or within the projected infrastructure boundary in Map A, however, is a logical site for rezoning in respect of a portion of the site being within a projected infrastructure boundary within Map A and all other relevant CRPS objectives and policies.

Christchurch District Plan

Refer to assessment provided within Sections 5, 8 and 9 of the submission, overall conclusion is the site is considered suitable for residential rezoning and future development.

Consideration of Effects and Specialist Assessment Summary

- 39 The following sections of evidence provide a summary of the detailed specialist assessments that were prepared and submitted in support of the original submission, and are further addressed through expert evidence filed.

Urban Form and Landscape Amenity

- 40 Given that the site adjoins existing residential areas which are part of the Hoon Hay suburb to the east and rural areas to the west, the boundary interfaces have been carefully considered to mitigate and minimise any adverse effects.
- 41 The outline development plan (**ODP**) proposes that the residential intensification areas of the developed site will be located to the east of the site and along the boundary where the existing residential areas and the suburb of Hoon Hay is located. Between the boundary where the existing rural land is located and the proposed residential areas is land to be set aside for stormwater management, recreational and conservation use. Overall, this mitigation will provide open space and a visual buffer to the

majority of the site located to the west where the existing rural land is located.

- 42 Overall, any potential adverse effects on urban form and visual amenity can be appropriately mitigated. Therefore, the potential adverse effects of the proposed rezoning and residential development will be minor.

Economics

- 43 An Economic Assessment has been prepared by Formative Ltd which has concluded that because of the site being constrained in its ability to accommodate productive rural uses, the economic benefits of the existing rural activities are very small. Comparing this to the economic benefits of rezoning the site would positively impact local businesses and contribute to the functioning of nearby centres and business areas. Residential activity could also increase local employment in centres and improve the level of amenity as well.
- 44 The site is also in an efficient location which means that the associated costs with necessary infrastructure will be comparatively lower, and that the site minimises transport effects by being in close proximity to Hoon Hay, Westmorland, and with good transport links to Christchurch City.
- 45 In conclusion, the economic effects of the residential rezoning are predominantly positive and outweigh any negative economic effect. The economic effects from this proposed rezoning are considered to be positive.

Transport and Connectivity

- 46 The site is effectively bounded by three minor arterial roads being Sparks Road, Hoon Hay Road and Cashmere Road. The Integrated Transport Assessment (ITA) details the sites connectivity to the network based on the proposed ODP.
- 47 The integration of the site within the transport system for Christchurch District has been considered as having public and active transport modes.

There are three bus routes area which all connect to Barrington Mall and beyond. Allowing for the connection from Cashmere Road and the Quarryman's Trail cycleway will be a good outcome enabled by the proposed ODP.

48 The ITA concludes that:

It is concluded that the additional residential development areas that will be enabled by the proposed rezoning will be logical, well-connected, accessible extensions of the existing / zoned residential areas and the proposed rezoning can be supported from a transport perspective.

Infrastructure and Servicing

49 The report has confirmed that the Site can be serviced for wastewater, stormwater and potable water. Telecommunications and power capacity have also been confirmed by Enable and Orion.

50 The water supply report shows and confirms that through hydraulic modelling that water supply is available for the Site and that it can be serviced by the CCC's existing water supply network.

51 Updates on infrastructure and servicing are detailed further in the evidence of Ms Stephany Pandrea.

Natural Hazards and Health of the Land

The Site has been assessed to determine whether the land is subject to any natural hazards that could pose a risk to either the land or future residential development. Flooding

52 The Site is subject to CDP overlays for flood management, flood ponding management, high flood hazard management and liquefaction management area as shown below:

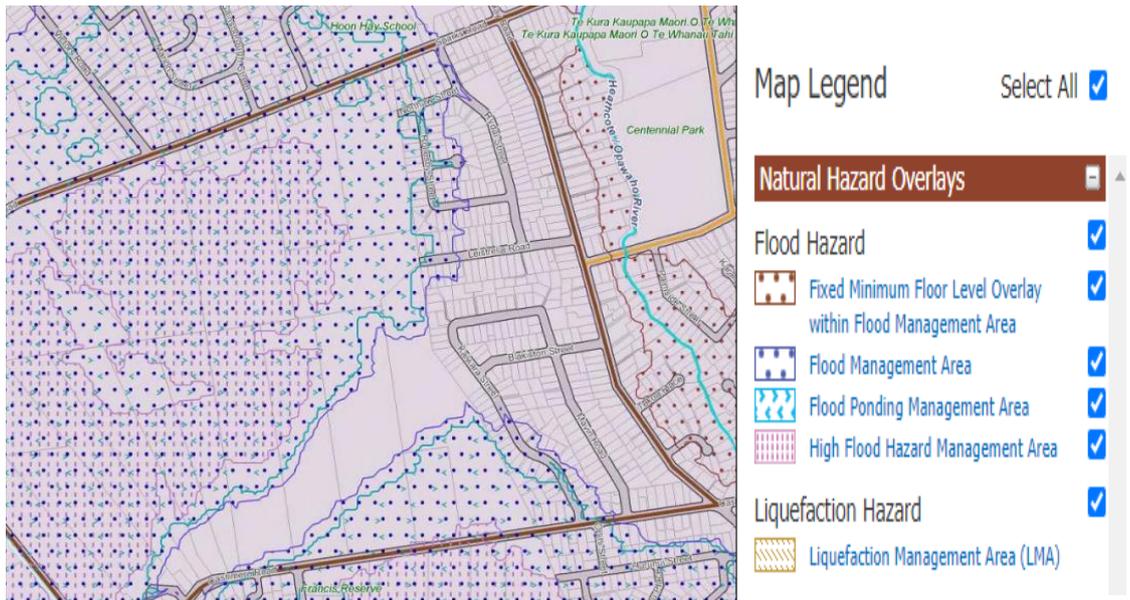


Figure 2 CDP Natural Hazard Overlays

53 A flood modelling assessment has been undertaken by DHI which has determined that the model results show that the proposed residential development has a minimal impact on surrounding flood levels. Aside from local runoff, floodwaters will enter into the north wetland via Henderson’s Basin from the west. In the south, water can cross Cashmere Road and enter the larger basin via a culvert. This essentially means no change in the south floodplain.

54 It appears that the RUUF zoned land has been excluded from intensification based solely on outdated flood modelling analysis which has now been superseded:¹

Areas similarly constrained by flooding hazards have been identified as QMs (pursuant to s77K (1)(a) and ss 77I – 77R) in PC14, which although they have not prevented changes of zone to apply MDRS, propose to limit development to one unit per site in the FPMA and HFHMA to protect the storage function, and to avoid increasing the extent of risk in the FPMA and HFHMA. The rules for Flood hazard management contained largely in chapter 5 Natural Hazards continue to apply in such areas. The submission does not explore the need for this QM to be applied as an overlay over the MDRZ, or provide detailed information exploring how stormwater and flooding might need to be addressed in developing the site under the MDRZ. A substantial part of this area is identified as land

¹ Officer’s Report of Ian Bayliss at 8.8.17 (c).

to be set aside for stormwater management recreational / conservation use.

- 55 Current flood modelling shows that any future flood risk to the site and surrounding residential properties is now acceptable.

Contaminated land

- 56 A Preliminary Site Investigation (**PSI**) has been prepared by Eliot Sinclair. The PSI is based on a review of CCC records, Environment Canterbury records, historical aerial images, and an Eliot Sinclair site walkover.
- 57 The PSI confirmed that HAIL activities have historically and currently been undertaken on Site. However, it has been determined that the land is suitable for re-zoning on the basis that all HAIL areas are investigated further prior to the subdivision and earthworks taking place as required by the National Environmental Standards Contaminated Soil (**NES-CS**).
- 58 A recommendation has been made to carry out further DSI reports to establish guidelines regarding the nature, degree and extent of the contamination. A further assessment against the NES-CS can be conducted to determine the effect on human health once the contaminated areas are investigated further and a suitable remedial action plan developed if required.
- 59 GeotechnicalA geotechnical assessment has been conducted by Geotech Consulting Ltd. Based on the report it has been determined that the land is geotechnically suitable for rezoning for a residential development and the construction of future housing. It is noted that further ground investigations will be required at subdivision consent stage as well as building consent stage.
- 60 In conclusion through the PSI and Geotechnical reports the land is suitable for re-zoning and future residential development provided that further investigations regarding contamination and ground suitability are completed prior to subdivision and earthworks being undertaken.

Tāngata Whenua and Cultural Values

- 61 I would like to acknowledge Ngai Tahu and in particular the whanui of Te Ngai Tuahuriri Runanga and Te Taumutu Runanga. Their connection to the whenua and role as kaitiaki is valued.
- 62 The Runanga response of the Kaitiaki of Te Ngai Tuahuriri and Te Taumutu is that through viewing the plans and proposal at the submission location they have determined that they do not oppose the plan change request for a residential development. Their stance will only extend to the Site and not any wider changes to the District Plan zoning.
- 63 The proposed change of zoning from RUUF and RNN to proposed MDRZ is considered to be consistent with the provisions of the Mahaanui Iwi Management Plan 2013 and is therefore consistent with Tāngata Whenua values.

Reverse Sensitivity

- 64 The potential for reverse sensitivity effects occurs when a change in land use is incompatible with, and causes new conflicts with, existing activities nearby. Typical rural reverse sensitivity effects are typically noise, odour, and dust.
- 65 The proposal provides a positive effect in that it will remove the potential for reverse sensitivity effects to occur from the current rural site to the adjacent existing residential neighbourhood to the east once rezoning and development occurs. Such effects would be considered temporary in the interim.
- 66 Overall, it is considered that any new reverse sensitivity effects would be less than minor.

Positive Effects

- 67 In the case of this site, the rezoning of the land to residential would provide for a residential development in close proximity to the Hoon Hay suburb as well as having excellent transport links to Central Christchurch. The efficient location of the site has good transport links to existing employment hubs of surrounding suburbs which includes Hoon Hay, Hillmorton, Cashmere, Halswell as well as bigger hubs of Prebbleton and Christchurch.

68 The proposed residential growth will be managed through the proposed ODP which ensures that there is adequate vehicle and pedestrian access throughout the site and development. The ODP area adjoins existing residential area to the east which will allow the expansion of the Hoon Hay suburb.

The Section 42A report of Mr Bayliss

69 Mr Bayliss recommends rejecting the applicant's submission on the basis that rezoning the RUUF is out of scope and says those parts of the submission seeking rezoning of land from FUZ to MDRZ should be rejected. This matter will be addressed in legal submissions.

70 The other point of contention in the section 42A report of Mr Bayliss is his focus on the Flood Ponding Management Area and the High Flood Hazard Management Area. I consider the modelling provided by DHI based on a CCC agreed process is robust. The sensible action would be for CCC to revise the flood hazard overlay to reflect the updated information.

Conclusion

71 The submitters are requesting the site be rezoned in the CDP as part of the PC14 process. The requested zoning change is from RUUF and RNN/FUZ to the proposed MDR under PC14. The proposed rezoning and ODP will enable a potential yield of 336-420 residential lots depending on the minimum average of dwellings per ha.

72 This Proposal will provide housing options to meet the increasing housing supply shortage within the locality and to enable a consolidated, well-designed development that meets the objectives and policies of the CDP.

73 The CRPS does not have a definition of "affordable housing" and housing prices have increased significantly in the last few years. The submitters proposal will contribute to improving housing supply and affordability.

74 Whilst rezoning to FUZ has not been specifically considered in the Section 32AA assessment submitted by the applicants they are willing to consider this as an option if this was considered more acceptable in respect of a greenfield development.

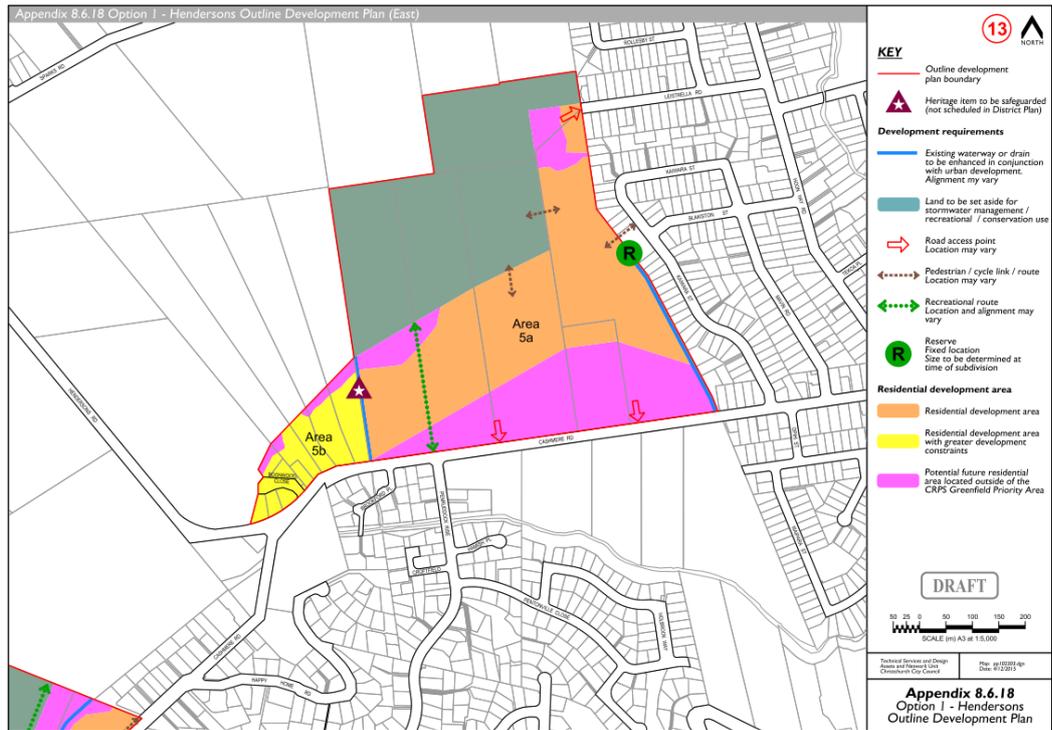
75 The planning assessment demonstrates that the Proposal gives effect to all provisions, except where limited to Map A of the CRPS. In all other respects, the Proposal provides for the consolidated, logical, integrated provision of growth for the Greater Christchurch area, and provides housing choice which gives effect to the urban environment.

Dated this 20th day of September 2023

BJ McGillan

Bryan John McGillan

Appendix A: Hendersons Basin Outline Development Plan



Attachment G: Hendersons Basin Outline Development Plan - Option 1; Evidence of Ms Reeves and Ms Oliver 7 December 2015. Planning Map 45 shows the original area proposed in the Christchurch Replacement District Plan. The cross hatched area of the submitters site was removed.

