

SUMMARY OF ANDREW ROSS (PLANNING)

MACKENZIE PROPERTIES LTD PC23.33

DATED: 28 MAY 2024

1. The zone change request made by Mackenzie Properties Ltd seeks to rezone an area of 120ha of General Rural Zoned (GRUZ) land to Rural Lifestyle (RLZ).
2. Furthering from the documents I reviewed when preparing my expert evidence and rebuttal evidence, I have since reviewed the Ms Yvonne Pflüger's Response to Rebuttal, and the Legal Submission prepared by Mr Michael Garbett on behalf of Mackenzie District Council.
3. It is clear that Ms Thorne and I have reached different conclusions when considering the most appropriate zoning for the site, which is rather notable when considering Natural Hazards under the Regional Policy Statement, and in the context Landscape.
4. Regarding ***natural hazards***, Dr Forrest has concisely summarised his findings and explains how earthquake risk is characterised, particularly within the Objectives and Policies of the Canterbury Regional Policy Statement (RPS).
5. Under s32, a key component of the analysis is to consider efficiency and effectiveness, and to apply Objective 11.2.1 in a manner proposed by Ms Thorne which is to *avoid all increase in risk* is, in my opinion, not efficient or effective. Well it is important for the Hearings Panel act cautiously with natural hazards, I am of the opinion that this application of Objective 11.2.1 is perhaps going further than the intentions of the RPS.
6. In response to the above, I carefully considered the structure of the RPS and its application. In doing so, I reviewed the s32 report for the RPS, and under 'effectiveness', it refers to Policy 11.3.3 which gives effect to Objective 11.2.1. By looking toward Policy 11.3.3. for guidance, I am of the opinion that it helps understand earthquakes and their associated risk.
7. I believe the RPS recognises that mitigation is an appropriate route through Policy 11.3.3, and Dr Forrest has clearly outlined this when applying his findings directly to this policy.
8. In terms of ***landscape*** matters, I have adopted the findings of Mr Smith's assessment which considers the Strategic Directions of the Operative Mackenzie District Plan, the context of the rezoning request, and acknowledges that the site does not sit within an ONL or contain an ONF.
9. Regarding ***demand***, I acknowledge s31 which outlines Council's requirement to ensure sufficient development capacity. As the Hearings Panel know, when undertaking development, site restrictions impact development capacity. I consider it important to calculate a site's development potential with the inclusion of limitations associated aspects such as hazards, setbacks, overlays, feasibility and so on, rather than the area of zoned land.

10. Therefore, I do not believe that this rezoning would create a glut in the market or undesirable impacts on supply and demand. Mr Hocken has acknowledged that demand is there, and the site lends itself to rural lifestyle activity to address demand.
11. With consideration of **S32AA**, and deciding on what zoning is the most appropriate for the site, I consider that:
 - a) The site is not of a size that provides meaningful contribution to the districts rural production capacity, and the best use of the site is achieved by way of rural living opportunities that is connected to the urban environment;
 - b) If the site were retained as Rural, it would result in it becoming anomaly in the surrounding environment. Noting the pathway provided through the Natural Hazards Chapter of the RPS, the RLZ is an efficient use of the proposed land and is consistent with the RPS;
 - c) Considering the Strategic Directions relating to Urban Form and Development, the RLZ as it is a logical expansion of RLZ which abuts existing lifestyle and large lot residential zoned land. With regard to the Natural Environment Strategic Directions, the site is not Highly Productive Land and enables growth to occur in an area that is not protected by higher order Objective; and
 - d) If the Hearings Panel were to accept the rezoning request, I consider the effects on the environment can be managed appropriately through the notified provisions, subject to the inclusion of a No Build Area.