

**BEFORE THE HEARINGS COMMISSIONER
FOR SELWYN DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Change 68 to the Operative Selwyn District
Plan by ***Urban Holdings Ltd, Suburban Estates Ltd,
Cairnbrae Developments Ltd***

STATEMENT OF EVIDENCE OF NICK WILLIAMSON

for submitters:

0012 - Dave & Julie Sommerfield
0025 - Jen & Greg Tod
0030 - Sarah & Adam Pollard
0032 - Trevor Holder & Kate Mayne

0035 - Fiona & David Lees
0037 - Bernard & Andrea Parsonage
0040 - Nettles & Brian Lamont
0041 - Helen & Roger Urquhart

Dated: 16 March 2022

INTRODUCTION AND EXPERIENCE

1. My name is Nicholas (Nick) Eyre Williamson, and I am a Spatial Planning Consultant at Fluid Industries Ltd. I am an Associate Member of the New Zealand Planning Institute and a Former Member of the New Zealand Institute of Surveyors. I hold a Bachelor of Science Degree in Land Planning and Development and a Postgraduate Diploma of Science in Spatial Information Studies, both from the University of Otago.
2. I have held resource management positions in both local government and private practice since 1994. My experience in these positions has included strategy development, district plan formulation, policy advice, and the preparation and administration of plan changes, designations, resource consents, and other statutory approvals from both public and private perspectives. For most of my resource management career I have been responsible for managing growth and development issues in rural and dynamic peri urban areas in a variety of regional contexts, including Otago, Canterbury, Wellington, Waikato, Auckland, and Northland regions.
3. In my former management and senior specialist positions in local government I have been responsible for overseeing all aspects of the plan making process, from the development of long-term growth strategies and structure plans, through to the formulation of engineering standards and development contributions policies through the Local Government Act 2002 (“LGA”). Since 2014 I have been engaged in consulting, strategy, and spatial planning roles for a variety of central and local government agencies, network utility providers, private sector investors, and community organisations.
4. I am currently engaged by Auckland Council to provide specialist advice to their Parks (Open Space & Recreation) and Regulatory Services (Consenting & Compliance) Teams, Waipa District Council (managing a private plan change within the Hamilton Airport Precinct), Far North District Council (supplier to their District Plan Review Panel), Waka Kotahi (supplier of ‘Tactical Urbanism’ services for their “Streets for People” initiative) and other private land developers and investors. I also act for Counties Energy Ltd in their capacity as Network Utility Operator experiencing significant urban growth issues in the Auckland and Waikato Regions.
5. I appear on behalf of eight submitters who are landowners in the immediate vicinity of the Proposed Plan Change 68 (“PC68”). One of these submitters owns land within the PC68 extent as notified, and another owns land that the s42A report recommends be included in the re-zoning request.
6. I have prepared this evidence in accordance with the Environment Court Consolidated Practice Note and agree to comply with the Expert Witnesses Code of Conduct. I confirm that the evidence I present is within

my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express in respect of the appropriateness of the proposed plan change.

7. I have not visited Prebbleton in person at the time of writing this evidence, nor have I visited the Canterbury Region since February 2021 (despite best endeavours) due to public health measures surrounding Covid-19. I am an avid proponent and user of publicly available open data and actively contribute to the Open-Source mapping community via Open Street Maps ("OSM"), QGIS, and the suite of Google mapping products, such as 'Google Maps', 'My Maps', 'Street View', and 'Google Earth' (VR Edition). In that respect I understand the spatial context of the area to the extent that is possible remotely.

STRUCTURE OF EVIDENCE

8. Between them, the submitters I represent have raised an array of concerns about the impact of the proposed plan change. Many of their concerns relate to effects on the immediate environment, although matters of growth policy, process, and methods of implementation (including funding of public infrastructure) are equally concerning. To illustrate how these concerns fit together in the context of submissions to PC68, my evidence is structured as follows:

- Existing Plan Provisions
- What is proposed
- How it is intended to work
- The ways it will not work as intended
- The current policy settings
- Procedural flaws and associated risk
- The resulting environmental impacts
- Alternatives not considered
- Relief sought

9. The properties owned by the submitters I am acting for are shown in teal relative to PC68 (in orange) in Figure 1 below. The cumulative area of their land holdings is 12.5 hectares, which is a touch over 18% of the 67.5ha land area proposed to be rezoned via PC68:

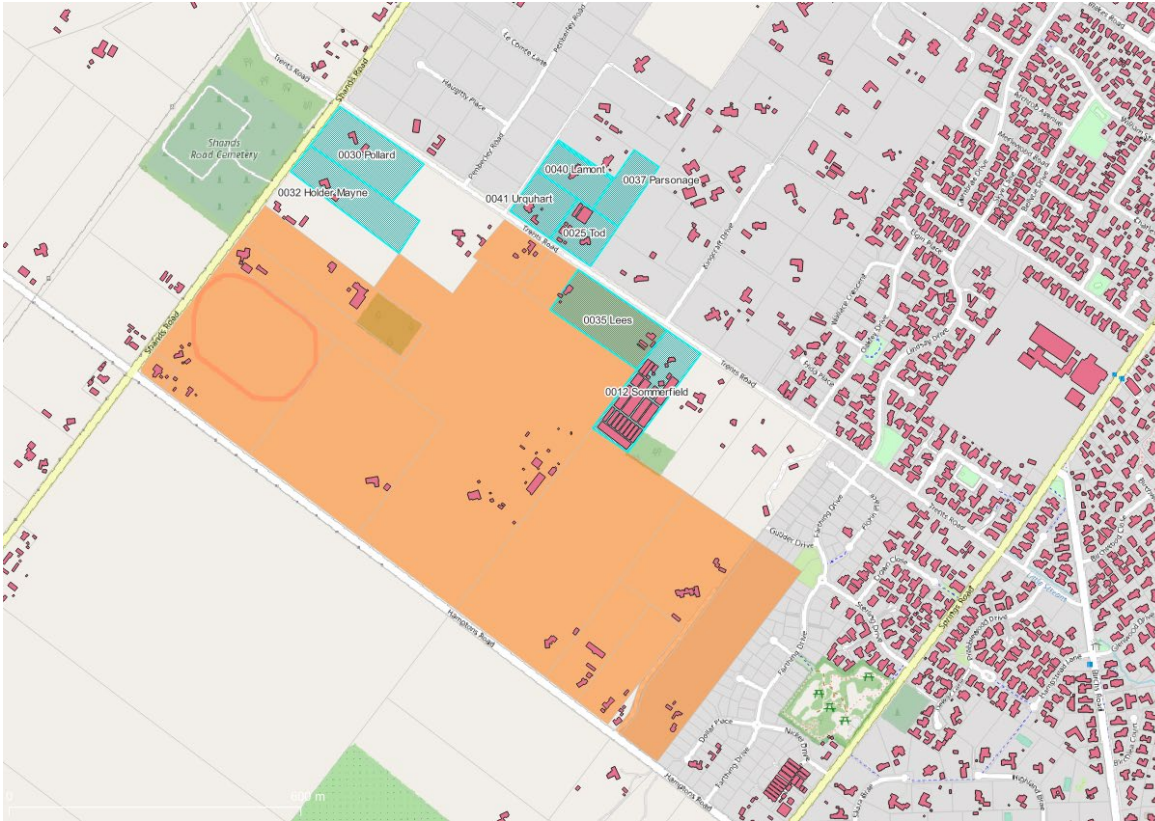


Figure 1 – Location of submitters' properties

10. In preparing this statement of evidence, I have:

- Reviewed the application documents as notified and the supplementary material provided by the applicants.
- Read the s42A report and attachments referred to therein.
- Reviewed the relevant statutory framework, plans, policies, and related materials that are referred to in the above.
- Read the pre-circulated evidence provided by the applicant.

STATEMENT OF POSITION

11. The proposal to re-zone the PC68 area from Inner Plains to Living Z is inconsistent with the community-led approach to urban growth as set out in the Operative Selwyn District Plan.
12. The 'narrative' described in the Outline Development Plan is inadequate and will not achieve the necessary level of certainty as the "standards" anticipated by the Operative Selwyn District Plan.

13. The absence of development standards limits the enforcement of mitigation measures recommended by the Applicants' experts to address urban design issues, existing infrastructure limitations, and other shortfalls.
14. The suggested means of providing and funding the necessary off-site infrastructure upgrades are at best opaque and highly uncertain, and at worst vague, impractical, and unrealistic.
15. The relationship between PC68 and "consequential amendments" is a distinct and separate process from, and which will ultimately be over-ridden by the Operative Selwyn District Plan.
16. The PC68 area as notified includes one of my client submitters' properties, and another is recommended to be included. Both submitters oppose their inclusion.
17. The nature and scale of the proposed development relative to existing settlement community has direct effects on the social, economic, and cultural characteristics of the community.
18. The submissions made by Christchurch City Council and Environment Canterbury, and the conclusions reached therein, are supported.
19. The decision by Selwyn District Council to withhold any decision on PC68 until such time as a Variation to the Proposed Selwyn District Plan is advanced is supported.
20. There are alternative options that are more fit for purpose that have not been properly considered. The outcomes sought by the current Resource Management policy framework would be better served if PC68 is declined.

EXISTING PLAN PROVISIONS

21. The thirteen separate properties that make up the 67.5 hectares of land subject to PC68 are presently zoned Rural (Inner Plains) in the Operative Selwyn District Plan, which was made fully operative on 3 May 2016. The Operative Selwyn District Plan ("OSDP") consists of two volumes – Township Volume and Rural Volume. Selwyn District has four urban areas of similar size (Leeston, Lincoln, Rolleston and Darfield), and many smaller townships and villages. The District Plan has classified the 23 largest settlements as 'townships'¹. At A4.5 (Townships and Zones) the OSDP states:

The District Plan *contemplated* the use of private plan change procedures under the Act as the method by which to expand townships. Any person may request a plan change to rezone their land at almost any time. The plan contained *a 'private plan change' or 'market-led' policy framework* to guide decisions to rezone land, to ensure it promoted 'sustainable management'. The policy

¹ A4.5 Townships and Zones - Selwyn District Plan 2016 (Revision 16 February 2022)

framework for rezoning land as Living or Business, and the Councils' reasons for using this method, are outlined in Part B, Section 4.3.

In order to address the *issues arising* from a *continuing population growth rate* and an *absence of strategic planning* in the provision of appropriate affordable infrastructure, including good connectivity and linkages through and between developments, and retaining the character of townships, the Council is now to take a *directive role* in determining where, and in what fashion, urban growth is to occur (*i.e. a change from a 'market-led' to a 'community-led' approach*).

In this respect, the Council has been involved in the development of the Greater Christchurch Urban Development Strategy, which is to provide a direction and planning framework for managing population growth and its impacts in the Greater Christchurch area (including Selwyn District) over the next 35 years (*to 2041*). The *change to a community-led approach* is being initiated through the preparation of structure plans for those *larger townships* within the *Greater Christchurch area, including* Lincoln, Rolleston and *Prebbleton*.

[Emphasis added]

22. The Private Plan Change Request suggests that the “*current operative District Plan has been in place since [2016] (sic) and inevitably is now not well placed to provide sufficient zoned land to support the most up-to date growth projections and needs*”². In my view, the above excerpts demonstrate that the OSDP fully contemplated the dynamic nature of village growth in the Greater Christchurch area. At B4.3 the OSDP states that the Resource Management Issues relating to Residential, and Business Development are:

- Effects on the environment from the *location, amount and rate* of residential or business growth in the District.
- *How to provide* for new residential and business growth *in a way* that achieves an integrated land use planning approach, while recognising that *parts of the district are at different stages* of strategic planning.

[Emphasis added]

23. That same section of the OSDP sets out the ‘Greater Christchurch Urban Development Strategy’ which:

- Reinforces the *Selwyn communities desire* to maintain its *uniqueness and individual character*;
- Encourages townships to become more *self-sufficient, without attempting to duplicate* the range of facilities that are in Christchurch City;
- Sets a broad *framework for growth* within which Council can *facilitate market driven township* growth through mechanisms such as structure plans (and subsequent *outline development plans* as part of a change to the District Plan);
- Reinforces the principles of *integrated* land use, transport and water systems;
- Sets *density targets* to encourage a full *range of section sizes* in a township to accommodate all ages and the increase of single person households;
- Encourages new growth to be designed in a manner that *integrates and connects to the existing township*;

[Emphasis added]

² Private Plan Change Request (v2) page 6

24. Under the heading “Effects on the Environment”, the OSDP states³:

Residential or business *growth may have adverse effects on the environment* if:

- The site is unsuitable for the proposed activity.
- The capacity of *existing* utilities, services or facilities *is inadequate*; or
- *The rate or amount of growth is greater than residents expect.*

[Emphasis added]

25. As resource management practitioners, we know that “sustainable management means managing the use, development, and protection of natural and physical resources *in a way, or at a rate*, which enables *people and communities* to provide for their social, economic, and cultural *well-being* and for their health and safety”. It says so in Section 5 of the Resource Management Act 1991 (“RMA”). While the ‘market’ and the ‘developer’ are not specifically listed in Part 2 of the Act, I agree that they form part of the ‘community’ and are in a legal sense ‘people’ respectively. Yet in an RMA context the OSDP chooses to identify (and arguably favour) “residents” and their ‘expectations’ about the “rate or amount of growth” as a primary resource management issue.

26. The OSDP recognises that the reliance on the private plan change process is problematic⁴:

However, a rapid population growth rate and a reliance on a private plan change approach has led to issues associated with the availability of, and ability of the Council to provide appropriate and affordable infrastructure; difficulties in integrating new development with existing townships resulting in a lack of cohesiveness; and retaining the open and spacious rural identity of the character of the District.

27. Consequently, the Council has adopted a more strategic ‘community-led’ approach to managing growth through the preparation of structure plans for the larger townships in the Greater Christchurch area, such as Prebbleton. The purpose of the structure plans is to provide a strategic framework to guide development, including the setting of urban limits, against which plan changes can be judged.

28. The Prebbleton Structure Plan was adopted by Selwyn District Council on 24 February 2010⁵. The Structure Plan Map (Figure 2 below) illustrates the location of the urban limits described in the Residential and Business Development Strategy in Section B4 of the OSDP:

³ Selwyn Operative District Plan Section B “Growth of Townships” 4.3 “Residential and Business Development”

⁴ Ibid.

⁵ <https://www.selwyn.govt.nz/property-and-building/planning/strategies-and-plans/prebbleton-structure-plan>

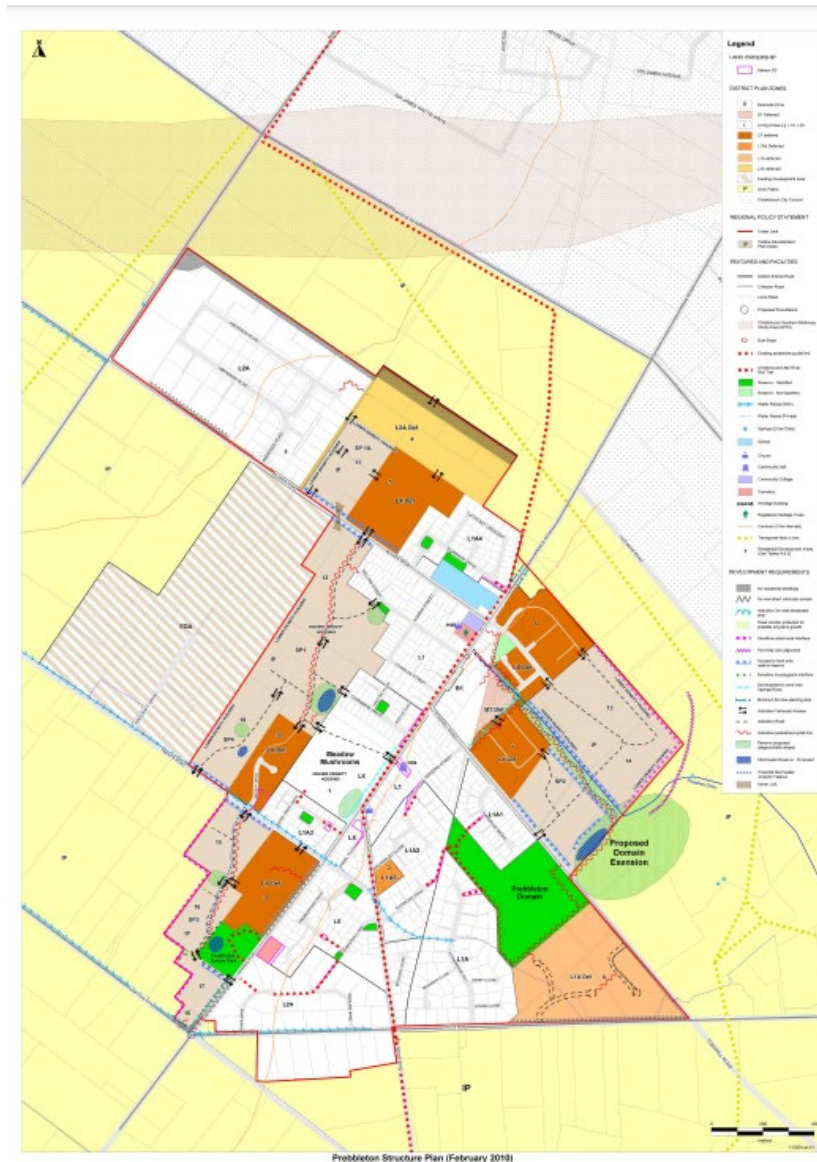


Figure 2 – Prebbleton Structure Plan

29. After the adoption of the Prebbleton Structure Plan, a Rural Residential Strategy (“RRS”) was developed in 2014 following the Land Use Recovery Plan 2013 (“LURP”) and changes to the Canterbury Regional Policy Statement. The RRS provides the policy direction and guidance on how best manage rural residential development within the Greater Christchurch area of the district, establishes the optimal form, function and character of rural residential development and where that development is best located. Rural residential development is in the range of 0.3ha to 2ha at an average density of one to two households per

hectare. Based on preliminary strategic planning, servicing and constraints analysis, the strategy identifies locations around Prebbleton, with 'Area 7' falling within the PC68 area:

Figure 31: Prebbleton – Rural Residential Areas 4 to 9

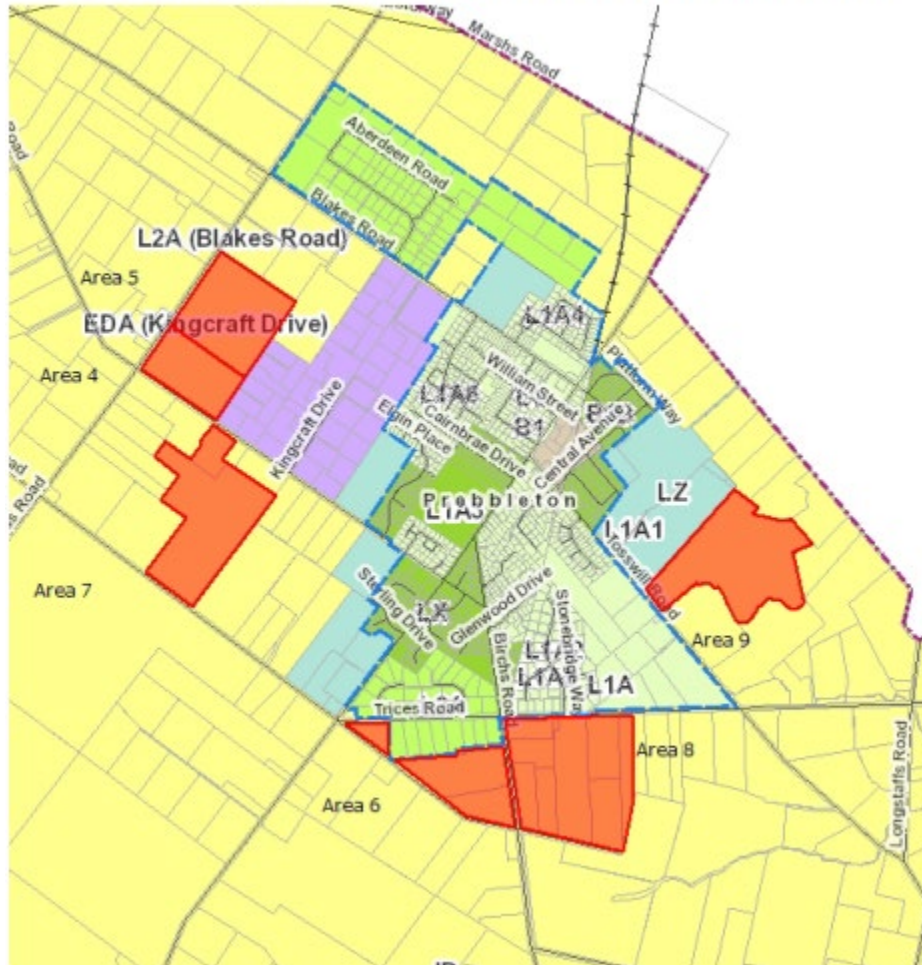


Figure 3 – Rural Residential Strategy - Prebbleton

30. Area 7 in the RRS encompasses three parcels of land totalling 22.32ha that are currently used for small scale agricultural purposes. The RRS states that Area 7 can sustain 35 rural residential sections.
31. However, under its present zoning of "Inner Plains", the has a minimum lot size of 4 hectares. The 67.5 ha area subject to the plan change is presently held in 14 allotments, which averages 4.8ha per allotment. Only 4 of the existing parcels can be subdivided under the existing zones rules (those with more than 8ha area), yielding 7 additional allotments within the PC68 area. All four of those allotments, none front Trents Road:

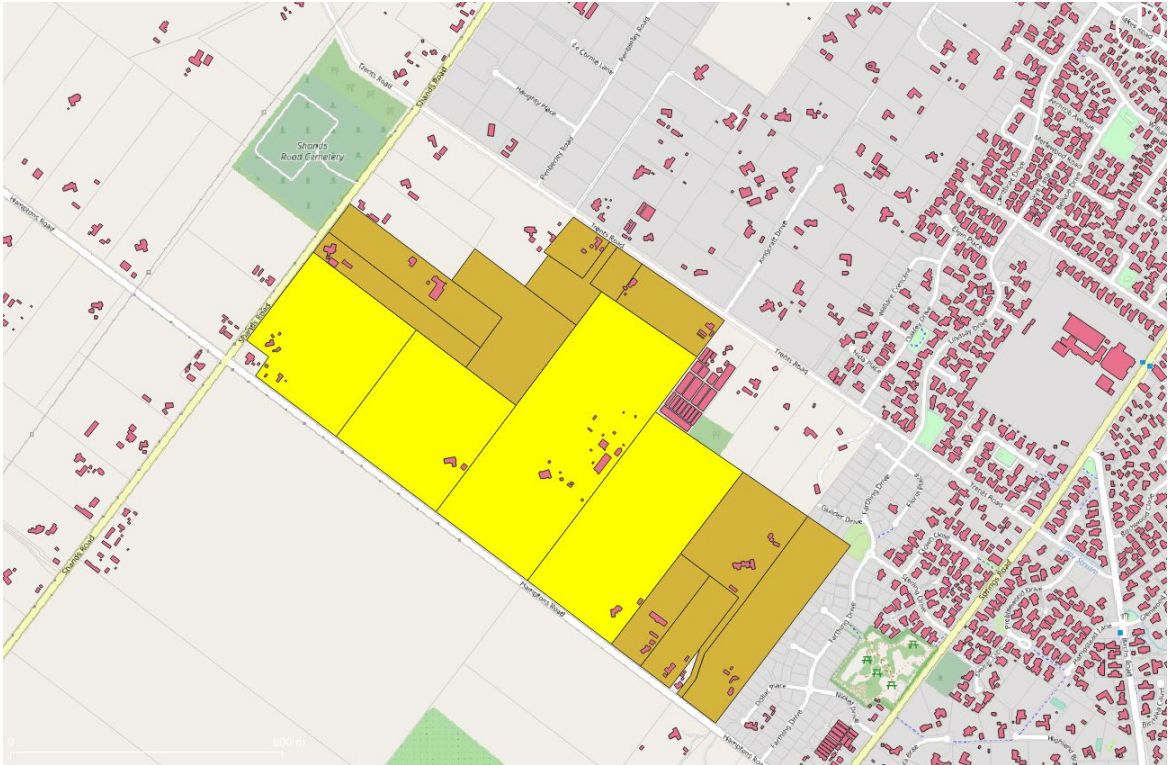


Figure 4 – Properties larger than 8ha shown in yellow

32. Any subdivision of land which does not comply with the minimum lot sizes is a non-complying activity and would be assessed against the objectives and policies of the OSDP and other higher order planning documents.

WHAT IS PROPOSED

33. PC68 proposes the rezoning of 67.5047ha of the south-west edge of Prebbleton from Rural Inner Plains to Living Z and a new Outline Development Plan (“ODP”) and accompanying ‘narrative’ be inserted into as an Appendix to the OSDP. Consequential amendments are also proposed (including the addition of a new Policy B4.3.77) that seek to achieve a minimum yield of 12 households per hectare and provide some policy context against which future subdivision and development proposals can be assessed. This yield equates to some 820 new households.
34. The development depends on a list of works that include the construction of three roundabouts and seal widening along Trents Road and Hamptons Road, although there remains some debate about when and how the works will be undertaken and to what standard⁶. The applicant’s Transport expert recommends

⁶ Evidence of Dave Smith (Transport) Paragraphs 4.7-4.8

that the development be limited to its initial stages (up to 120 lots), although no details of how this will be achieved have been provided.

35. The ODP identified areas of proposed open spaces surrounded by 'higher density' housing and lot sizes. It is not clear whether the open space areas are intended to remain private or vest as public open space. The process by which this decision is made, and whether they will be vest without compensation or cost, or whether the Council will be expected to purchase those areas is not addressed in PC68.
36. PC68 is proposed to be serviced by reticulated Council Services. The required infrastructure upgrades (and there are a few) will need to be undertaken (and funded) by the developer, including the 'proportional costs' of off-site or downstream effects where they are necessitated by growth beyond PC68. When and how this will be undertaken is dealt with only through various vague references to "the subdivision stage", "a Private Developer Agreement or some other similar instrument", "additional developer contributions" (to fund upgrades beyond those currently programmed in the Long Term Plan), or other such processes, many of which are subject to separate statutory processes which can have less than certain outcomes.
37. The applicants' Urban Design evidence states that there are a series of mitigation measures or design aspects proposed to either avoid, remedy or mitigate potential adverse effects on urban design, landscape character, landscape values or visual amenity. It recognises that some of these measures are difficult to 'quantify' or need to be dealt with at subdivision stage, but they are nevertheless "*important urban design measures to ensure a well-functioning urban environment can be developed*". The proposed mitigation measures do not translate into any rules *per se*, and in a request for further information⁷ the Council planner expressed some reservations about the absence of any District Plan mechanism to ensure that the anticipated outcomes (including proposed densities) can be achieved. In their response the applicant advised they would be relying on discretionary activity consents to achieve the outcomes promoted in PC68.
38. It is stated that "PC68 does not seek to amend any objectives or policies of the District Plan, and neither does it seek to amend or add in new rules, beyond the consequential referencing" to ensure that the site is appropriately referenced in the subdivision rules.⁸ However, there also appears to be some intention to use PC68 "consequential amendments" as a means of 'converting' through some undisclosed means into the Proposed District Plan process⁹:

No other changes to the Selwyn District Plan are proposed to be inserted into the District Plan however "consequential amendments" are provided for primarily to enable this rezoning to be converted to the new General Residential Zone and associated provisions which are contained in the Proposed Selwyn District Plan.

⁷ Further information request dates 25 June 2021

⁸ Council s42A Report Page 4 Paragraph 15

⁹ Plan Change 68 Request Version 2 page 5

39. The proposal does in fact include an additional Policy B4.3.77 to the OSDP as set out in Annexure A to the applicants' Planning Statement of Evidence. That additional policy does not appear to have been assessed by either the applicant's planner or in the s42A report as required by s32(b) of the Act. Both planners made the assumption (in my view wrongly) that because one of the existing suite of OSDP zones is to be applied, that "an assessment of the appropriateness of the objectives and policies of the Plan is not required"¹⁰. I will discuss the significance of this later in my evidence.
40. In addition to the PC68 area as notified, the applicant has undertaken assessments of the additional land recommended for inclusion in the s42A report (the 'gaps') and it is expected that this expanded area will accommodate a further 220 dwellings, being the total planned development to 1,040 dwellings.

HOW IT IS INTENDED TO WORK

41. PC68 seeks to rezone most of the site from the Rural (Inner Plains) Zone to Living Z, with a strip of low-density Living X zoning (minimum 1,500m²) along the Shands Road frontage. PC68 proposes that the site will yield a minimum of 12 households per hectare ('hh/ha'), with such densities consistent with the minimum yields recently delivered in other greenfield sites in the Inner Plains. This yield equates to some 820 new households.
42. Existing rules contained in the District Plan will require any future subdivision and development to be in accordance with the ODP and the corresponding text. This provides the regulatory method of imposing and enforcing the ODP requirements as part of any future subdivision consent application received by Council should the plan change be successful.
43. The Living Z Zone subdivision rules are set out in Rule 12.1 of the OSDP. Under this rule, subdivision of land is generally a restricted discretionary activity if it complies with the standards and terms set out in that rule. Rule 12.1.3.58 (Outline Development Plans) states:

Any subdivision within a Living Z or 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and *shall comply with any standards referred to in that Outline Development Plan.*

[Emphasis added]

44. Any subdivision in a Living Z Zone that is not in general compliance with an operative Outline Development Plan is assessed as a Discretionary Activity in accordance with Rule 12.1.6.7. Any subdivision that does not comply with Rule 12.1.3.58 is a Non-complying Activity.

¹⁰ Private Plan Change Request Page 34 Section 7.2

45. In theory, once zoned Living Z, the applicants may proceed to make application for various applications for subdivision and land use consent applications, and associated permits relating to 3 waters, all in accordance with the sequencing and timing of each stage of development as agreed through private developer agreements and provided for in the Councils local government asset management and funding processes.

THE WAYS IT WILL NOT WORK AS INTENDED

46. Other than references to 'future development agreements' and 'conditions on subsequent applications' there has been *no* details about when and how the work required to service the development will be carried out. It is the view of the reporting officer that funding of any such infrastructure upgrades necessitated by the plan change is not an impediment to zoning¹¹. I completely disagree. To not have this issue set out on greater detail before approving the plan change and the resulting expectations being set will likely give rise to exactly those issues that the submitters have raised.
47. There are identified capacity limitations in the existing infrastructure, and while these are presently planned and budgeted for in 'forthcoming years', there do not appear to be any mechanisms put forward to determine the extent to which the developer will contribute to these, and what triggers are in place to ensure that the development does not proceed ahead of any required upgrading, particularly where there have been multiple other significant development proposal and plan changes being entertained by the Council on a 'first come first served' basis.
48. The s42A report recommends that additional land also be included within the PC68 to fill in the 'gaps' between the existing residential area and the proposed development area. Those areas do not form part of the Outline Development Plan - although one of the previous versions as lodged did include indicative layouts for the whole block before being amended through subsequent revisions.
49. There is a reason why most Councils provide upper limits on the number of users allowed to use a shared accessway before they must be formed and vested as a public asset – reaching agreement regarding the equitable allocation of ongoing maintenance costs relative to benefit and usage becomes hugely problematic. In the Selwyn District, the Council limits the number of shared owners to no more than six¹². Instead of simply sharing the responsibility for ongoing maintenance of an already constructed asset between 6 owners, what is being suggested in an 'agreement' between 19 sites (13 proposed plus 6 additional recommended for inclusion), with some of those owners having no interest in participating for

¹¹ Council s42A Report Page 18 Paragraph 78

¹² Operative District Plan Rule 4.5.1.7 Rural Volume

ALL shared assets (3 waters, roading, open space, etc) both within and beyond the site. I have absolutely no confidence that a development agreement is a practical or even viable option.

50. In the absence of such an agreement, there are very few (if any) mechanisms by which the required infrastructure upgrades can be required in other than an *ad hoc* manner as and when consent applications are made. There have been many statements pointing to Development Contributions under the Local Government Act 2002 (“LGA”) as the solution for funding the required off-site infrastructure. However, as acknowledged in the Applicant’s Engineering Evidence “[t]his will require the particular works being included in the Council’s Long-Term Plan.”¹³ The process for doing this is not quick or simple – it forms part of a political decision-making process with less than certain outcomes.
51. Adding to the existing complexity are further are the changes within the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (“the Amendment Act”) that reintroduces the ability for councils to charge financial contributions on Permitted Activities. The Selwyn District Council has yet to fully consider the implications of these changes. An even more significant and yet unknown influence on infrastructure funding is the 3 Waters Reform presently being advanced by the Government.
52. If the applicant was serious about locking down the provision and funding of infrastructure, they could have included Financial Contribution provisions in PC68 as described in Section 77E and 108 of the RMA.
53. One of the most critical flaws with PC68 is the ODP itself and the accompanying “narrative” as it is referred to by the applicants’ planner. The OSDP anticipates “**standards**”, which have a very different function in an RMA context than a ‘narrative’ (which could at best be described as an ‘explanation’).
54. I expect that the ODP ‘standards’ referred to in the OSDP are of the nature set out in all other Living Zones, which include most of the fundamental development and performance standards associated with urban form and development, amenity, open space provision, roading, and other infrastructure. Standards set out the expected levels of service and place obligations on developers to provide achieve them. Where the required standards are not met, applications are subject to the statutory consenting tests required for non-complying activities.
55. Instead, what is proposed through PC68 is that any subdivision of development that is in ‘general accordance’ with the ODP are assessed as discretionary activities, whether or not the aspirations set out in the ‘narrative’ are met.

¹³ Evidence of Andrew Hall – Infrastructure – Page 6 Paragraph 3.30

THE CURRENT POLICY SETTINGS

56. There are several broader strategic planning initiatives presently underway across Selwyn and Greater Christchurch. These are helpfully set out in a Selwyn District Council memo dated 1 October 2021, which is attached as Appendix C to the s42A report. The most directly relevant to PC68 is the Proposed Selwyn District Plan (“PSDP”), which the s42A report notes is at the hearings of submissions stage, with hearings on specific rezoning submissions not likely to be heard until early to mid 2023¹⁴.
57. The submissions by Christchurch City Council (“CCC”) (PC68-0026) and Canterbury Regional Council (“EC”) (PC68-0034) describe the initiatives presently underway in the region to give effect to the National Policy Statement on Urban Development 2020 (“NPS-UD”) and the Amendment Act, both of which came into effect after the Selwyn District Council had already notified their Proposed District Plan. The submissions of both CCC and EC evaluate PC68 against the existing and proposed regional planning framework and conclude to approve PC68 as proposed will not give effect to the relevant policies. I agree with that conclusion.
58. The s42A report described in further detail the implications of the Amendment Act in paragraphs 32-38. Although not available at the time of writing the s42A report, a report on this topic was considered at a public excluded meeting on 23 February 2022 where it was resolved to prepare a variation to the Proposed District Plan to address the Amendment Act requirements. That report and resolution has since been published on the Council’s website¹⁵.
59. The Amendment Act requires Selwyn District Council to prepare and notify a variation to either its Operative District Plan or Proposed District Plan on or before 20 August 2022. The 23 February 2022 report to Council (“the Variation Report”) describes the advice that has been received on how to deal with private plan changes such as PC68 can, under various scenarios, be incorporated in any Variation. The Recommended (Option 1) approach is to approve a Variation that includes Prebbleton and any “PPCs that have a decision recommending approval within ... Prebbleton”. If declining the Plan Change is recommended, the proponent of PC68 will need to submit on the Variation to include the land subject to the PPC application.
60. The Variation Report clarifies that the variation will be subject to a full public participatory process post notification, where all parties will have an opportunity to submit on the Proposed Variation. Further submissions will be received after that, followed by a hearing which will allow an additional opportunity for the public to be heard.

¹⁴ Council s42A Report Page 5 Paragraph 19

¹⁵ <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/selwyn-district-plan-review/variation-to-proposed-selwyn-district-plan>

PROCEDURAL FLAWS AND ASSOCIATED RISK

61. For a proponent to make, and for the Council to accept and advance an application for a Private Plan Change to an Operative District Plan while a Proposed District Plan review is already underway is *highly* irregular. By way of analogy, it is tantamount to adding a room to your 15 year old house while waiting for a Building Consent to be issued for the house to be demolished with a brand new bigger and better one. It makes very little sense, which might be why the s42A reporting officer understands that the “statutory context is that there is no specific requirement to consider PC68 against the Proposed Plan”¹⁶.
62. Although pursuing a change to the ‘old rules’ while new ones are already being developed it is not generally done for a whole host of reasons, to effectively ignore or disregard the objectives and policies of the Proposed District Plan will inevitably result in a Plan Change that is out of step with the most current planning framework. This would be an absurd result in my view, albeit a short lived one, as when the Proposed District Plan is made operative it will supersede any such changes to the OSDP.
63. The only way PC68 could be incorporated into the Proposed District Plan at this stage of the proceedings was if there was already a corresponding submission made to the PDP that replicated what is presently being proposed. There has been no explicit reference to that scenario, and if it is the intention as I noted earlier regarding “consequential amendments”, then this has not been transparently communicated by either the applicant or the Council.
64. Council is proposing to develop Medium Density provisions and assessment matters, which will then be determined through further statutory processes that include opportunities for public consultation and assessment. Curiously, the s42A notes that it is premature to speculate what those medium density outcomes may be – so examines the proposed PC68 against the Operative District Plan and Living Z zone outcomes. This is quite an omission, given that PC68 itself promotes Medium Density in parts, although it is scant on detail as to form and function of those areas.
65. The s42A report also notes that there is no guarantee that land will be developed to the full extent enabled by the Medium Density provisions. It is entirely within the powers and functions of Councils to direct minimum densities, and in my view to not do so is a contradiction to the purpose of the 2021 Amendment Act.
66. In short, the significant misgivings I have regarding the process being followed by PC68 have been allayed somewhat by Council’s Variation Report and subsequent decision to incorporate (or not) the area within

¹⁶ Council s42A Report Page 5 Paragraph 19

PC68 as part of a Council led Variation to the Proposed District Plan, subject to the Commissioners recommendation to approve it (or not).

THE RESULTING ENVIRONMENTAL IMPACTS

67. Most of the environmental impacts of PC68 as expressed by submitters are a result of the disregard given to the previous policies and plans that were developed in consultation with the community. The divergence away from the clearly articulated vision for the future growth and development quite rightly gives rise to all those concerns held by the submitters. Coupled with the immense lack of certainty as to how this divergent proposal can be developed in practice without the risk of significant costs and burden to the community, in my opinion the proposal does not achieve sustainable management.
68. Given the Council's current intention (as outlined in the Variation Report) not to approve any PPC under Clause 17 of Schedule 1 of the RMA, there seems little merit in going through each of the submitters' individual topics of concern. As I expressed in my evidence thus far, the ability for the Council to take control and assume responsibility for the provision of infrastructure gives rise very different risks and development scenarios. Most notable of these is less reliance on opaque 'private development agreements', covenants, and the like to properly address infrastructure provision and its downstream effects.
69. That said, there are some very real environmental consequences from getting the location, form, and timing of urbanisation. This can manifest in the form of rural land use conflicts such as reverse sensitivity, tensions regarding the use and function of roads, as increased side friction reduces travel times on district and collector roads. The scale of development relative to existing settlement sizes and the rate of change within a community has direct effects on its social, economic, and cultural characteristics. This topic on its own has been the subject of significant studies, one of which I was invited to contribute to by the New South Wales Department of Planning and Environment.¹⁷
70. There are plenty of examples where urban rural interface has been managed badly. The most common problem is where attempts have been made to use rural residential zones as an 'intermediate' step towards full urbanisation. The resulting situation is explained in the Applicants' Statement of Planning Evidence¹⁸. First hand research I undertook during the preparation of the Auckland Regional Growth Strategy's Rural Southern Sector Agreement in the early 2000s showed that once site sizes in and around rural villages fell to less than 0.5 hectares, that would remain the final form of development for the foreseeable future. This

¹⁷ <https://www.planning.nsw.gov.au/Policy-and-Legislation/Local-Character/Local-character-and-place-collection>

¹⁸ Evidence of Patricia Harte – Planning – Page 15 Paragraph 11.3

was primarily due to the fragmented land ownership, capital relative to land value, and the location of buildings relative to boundaries.

71. Rather than Prebbleton being 'overlooked' by largely retaining the existing village extent into the PSDP, I would not be the least bit surprised if the Council had instead deliberately elected *not* to re-zoning the PC68 land as rural residential. I agree that this location has strategic importance in the context of future growth of Prebbleton and the Greater Christchurch area.
72. One of the major policies in the National Policy Statement for Urban Development as described by the Ministry of Housing and Urban Development¹⁹ is *Strategic planning* – "*Councils are required to work together to produce 'Future Development Strategies', which set out the long-term strategic vision for accommodating urban growth*". This can be executed responsively and at significantly increased intensities of development than has been the convention since the RMA came into force 1991.
73. The opposite of *strategic planning* could be described as 'opportunistic planning'. An example of that would be a proposal to spread more of 'what people want' because 'they want it now' under the guise of adopting a policy of 'responsiveness' before the over-arching objectives of 'medium and long term strategy' for 'significant development' that is integrated with 'infrastructure planning and funding decisions' are locked into place.
74. Responsive strategy is certainly not an oxymoron. It simply requires a better understanding of the issues, and an openness to developing different forms of development than what appears to have been considered by the applicant so far.

ALTERNATIVES NOT CONSIDERED

75. The approach taken in the s32 assessment in the original application is hugely simplistic and there are numerous other options that should be considered. Other than the do-nothing (leave rural), re-zone to Living Z, and apply for resource consent options, the s42A report includes the option of rural residential (Living 3) in the centre (as suggested by submitters as an alternative to the PC68 proposal), and two variations of those options.
76. Because of the approach taken to change only the maps, rather than explore the most appropriate objectives, policies, and methods to achieve sustainable management of the subject land, the options available have been arbitrarily limited. An assumption has been made that because existing zones are being used, they are somehow 'deemed' to give effect to the higher order policies. The simple fact is the

¹⁹ <https://www.hud.govt.nz/urban-development/national-policy-statement-on-urban-development/>

objectives and policies that presently apply to the land *are* changing. Instead of being subject to the Rural Volume of the OSDP, the entire PC68 area would be subject to the Township Volume. If that argument is logically extended to say that applying any existing zone framework to any piece of land in the district would maintain the integrity of that very framework is quite clearly nonsense.

77. What this illustrates is that there are alternatives that do not seem to have been considered at all by the applicant or the s42A report primarily because developing a zone that is fit for purpose and in accordance with the current legislative and policy framework requires a bit more work.
78. One is to introduce a 'future development' zone to hold the land in abeyance until such time as higher densities can be achieved, with a clear policy framework to set out minimum yields that would better achieve urban density targets and support compact urban forms. The downside of this can be land banking, although that seems to be occurring in this location even without such a zone. The advantage of a future or deferred development zone is that it provides time for the infrastructure planning to occur more comprehensively.
79. The other is to intrude a more 'agile' and adaptive approval to land development that provides for some development to occur now, but in a form that maintains the potential for full urbanisation in the future without the impediments that can result if land is allowed to be developed into a 'lifestyle' form of development. One such example that was developed in the Whangārei District under my tenure as Team Leader of District Plan & Policy was an 'Urban Transition Environment'. In effect, it was a 'rural apartment' zone that was a hybrid between the housing typologies often seen in 'golf resort' type rural developments and the clustered 'hamlets' that are more common in the European countryside. In a peri-urban situation, this form of development provides a physical transition between urban and rural areas, as well as a temporal transition from rural lifestyle to urban densities over time.
80. Both these two options that have not been fully considered have the advantage of signalling to the market and to the affected communities the nature and direction of growth that is planned, avoiding the impact and incongruous nature of rapid changes in village character.

RELIEF SOUGHT

81. That the proposed Private Plan Change 68 be declined.



NE WILLIAMSON

12 March 2022