

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

UNDER

the Resource
Management Act 1991

IN THE MATTER

of Private Plan Change
68 (Prebbleton) by
Urban Holdings Ltd,
Suburban Estates Ltd
and Cairnbrae
Developments Ltd

**STATEMENT OF EVIDENCE OF MARCUS HAYDEN LANGMAN ON BEHALF OF
CANTERBURY REGIONAL COUNCIL AND CHRISTCHURCH CITY COUNCIL**

16 MARCH 2022

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SUMMARY

1. Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**) (collectively the **Councils**), have sought that Private Plan Change 68 (**PC68**) to the Operative Selwyn District Plan (**SDP**), to the extent that that it is not provided for under the Canterbury Regional Policy Statement (**CRPS**), be declined.
2. The request seeks to rezone land situated between Shands Road, Hamptons Road and Trents Road, to the south of Prebbleton (**the subject land**) from Rural Inner Plains to Living Z, with a strip of land to Living X along Shands Road. PC68 seeks a minimum density of 12 households per hectare, which will provide for approximately 820 households. I note that additional land has been sought for inclusion in the plan change area through submissions. This raises a scope question, and concerns regarding the potential lack of adequate assessment relative to the effects of including that additional land.
3. The key concern expressed in the Councils' submissions is that PC68 is inconsistent with the agreed strategic planning framework established through *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update*, and that it does not give effect to the CRPS. I share those concerns.
4. I have reviewed the PC68 request and supporting evidence and other material, the s42A officer's report for Selwyn District Council, and the relevant statutory documents and legislation. In my opinion, the relief sought¹ should be declined because:
 - (a) While I accept that PC68 could be considered to add significant capacity for housing in the local context (in terms of quantum of dwellings):
 - (i) the relevant urban environment context against which significant development capacity should be considered is Greater Christchurch;

1 Amended application dated October 2020, received by Council on 25 February 2021.

- (ii) no criteria have yet been set by CRC for determining or guiding what is significant additional development capacity, in terms of the National Policy Statement on Urban Development (**NPS-UD**);
 - (iii) sufficient development capacity has already been identified to meet expected housing demand over the medium-term for the Greater Christchurch urban environment, including the Selwyn District, and the proposed housing typologies do not go far enough to align with the housing needs stated in the 2021 Housing Capacity Assessment;
 - (iv) the cumulative impact of this and other unplanned / unanticipated greenfield expansion would likely compromise opportunities for intensification elsewhere in Greater Christchurch, and impact on servicing ability, in particular areas that are already planned for development;
- (b) the government has targeted intensification of existing urban areas by requiring that Tier 1 local authorities incorporate the new Medium Density Residential Standards (**MDRS**) into their plans. One of the reasons for doing so is to more productively and efficiently use urban land, and reduce pressure for urban expansion/sprawl into greenfield areas, including on to highly productive land.² In my view PC68 runs counter to that intention;
- (c) no evidence has been filed by the PC68 applicant which addresses whether any qualifying matters exist for the plan change land that would warrant modifying the MDRS, and as a result, there is the potential for further downstream impacts if this land is rezoned and then later intensified. This warrants close and careful consideration of constraints and a precautionary approach due to potential effects;
- (d) the request is out of sequence with planned infrastructure development, as depicted through the CRPS, and the

² Cabinet Paper seeking introduction of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill <https://environment.govt.nz/assets/publications/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-approval-for-introduction.pdf>, para [9]; Report of the Environment Committee Resource Management (Housing Supply and Other Matters) Amendment Bill https://www.parliament.nz/resource/en-NZ/SCR_118070/e14e3e97b6f73854163fcd0ba2df2d4b62e4538f, page [29].

- implications of the MDRS in terms of infrastructure development capacity have not been taken into account;
- (e) it would not contribute to a well-functioning urban environment that is well-connected along transport corridors; and
 - (f) PC68 does not give effect to the following key provisions in the CRPS:
 - (i) Objective 5.2.1 which seeks that *“Development is located and designed so that it functions in a way that achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accomodating the region’s growth...and avoids conflicts between incompatible activities”*;
 - (ii) Objective 6.2.1(3) which seeks that *“recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that...avoids urban development outside of existing urban areas or greenfield priority areas for development unless expressly provided for in the CRPS”*;
 - (iii) Objective 6.2.2 which seeks an urban form that *“achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas by...providing for development of greenfield priority areas (GPA), and of land within Future Development Areas (FDA) where the circumstances in Policy 6.3.12 are met, on the periphery of Christchurch’s urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure”*;
 - (g) Policy 6.3.1(4) to “ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless otherwise expressly provided for”, as well as a number of other provisions, particularly Objective 6.2.4, and Policies 6.3.4 and 6.3.5, and the methods identifies in the CRPS which direct territorial authorities to implement the directions set out in the policy statement. In relation to the

Selwyn District Plan, the limited new provisions sought through PC68 are not the most appropriate to achieve the objectives of the Plan, in particular Objectives B4.3.1, B4.3.3, B4.3.5, B3.4.5, and B3.4.4;

- (h) the plan change application and evidence³ does not properly attempt to reconcile the statutory requirement to 'give effect' to both the CRPS and the NPS-UD, and applies an incorrect test when concluding that the proposed rezoning 'is not consistent' with Policy 6.3.1⁴, where the correct test should be 'does not give effect' to Policy 6.3.1;
- (i) in my opinion, the operative CRPS and the higher order NPS-UD provisions can and should be read together, and there is nothing in the NPS-UD that in my view can be interpreted as taking precedence over the provisions of the CRPS; and
- (j) taking into account the higher order planning documents, and the provisions of S32 of the Resource Management Act 1991 (**RMA91**), I consider that the most appropriate zone for the balance of the land is to remain Rural Inner Plains.

5. In reaching these conclusions I outline why I consider the CRPS is not inconsistent, or in conflict with, the NPS-UD. I note that I have previously outlined the same position in my evidence for Plan Change 69 at Lincoln, Plan Change 72 at Prebbleton, and Plan Change 71 at Rolleston, which have been heard by a different commissioner appointed by Selwyn District Council.

6. I also highlight the importance of strategic planning in Greater Christchurch. The local authorities in Greater Christchurch, together with other agencies and iwi, have undertaken collaborative strategic planning for nearly twenty years. Importantly, increasing supply of housing in greenfield areas will, in my view, compromise investment in intensification within existing urban areas. This has important knock-on effects in terms of reduced transport efficiency and uptake in public transport, and achieving a 'sinking lid' target for the proportion of greenfield land development to intensification development as set out in the CRPS and Urban Development Strategy (**UDS**).

³ Plan change application, para [134]-[149], evidence of Ms Aston, para [121].

⁴ Plan change application, page 21.

7. A spatial planning exercise has recently been initiated by the Greater Christchurch Partnership (**GCP**)⁵ which will involve comprehensive engagement with all affected stakeholders. This process will strategically consider preferred locations for future growth, including identifying the broad locations in which development capacity will be provided over the long term. This will then inform identification of areas for greenfield expansion in the CRPS, which will be given effect to through the respective district plans. In my view, this spatial planning exercise is the preferred option for identifying areas for additional urban development, as opposed to through private plan change applications such as PC68.
8. Given the number of current private plan change requests seeking additional urban development in Selwyn, including outside the PIB in areas that are not anticipated for urbanisation in the CRPS, any planning decisions that are not aligned with the current strategic planning framework and that are made prior to completion of this initiative run the risk of being too narrowly framed, based on incomplete information and could potentially undermine the achievement of longer-term outcomes, such as intensification across Greater Christchurch. I consider this a directly relevant, and important, consideration, as approving any of these requests could result in ad hoc development and set a precedent for subsequent requests without fully considering the cumulative impacts of other requests. In addition, in my opinion a collective view should be taken so that there is an umbrella view of how these various private plan change requests will impact on, or undermine, growth scenarios across Greater Christchurch (and subsequent spatial planning exercises). Furthermore, approval of such proposals are likely to place pressure for further greenfield development on the periphery of Christchurch City and within Waimakariri District Council, because of the precedent that would be set.

5 The Greater Christchurch Partnership consists of Christchurch City Council, Canterbury Regional Council, Selwyn District Council, Waimakariri District Council, Te Rūnanga o Ngāi Tahu, Waka Kotahi/New Zealand Transport Agency and Canterbury District Health Board.

INTRODUCTION

9. My full name is Marcus Hayden Langman.
10. I am an independent planning consultant engaged by Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**). I hold a Bachelor of Resource Studies from Lincoln University (1998). I have previously appeared as a planning witness for the parties on SDC Private Plan Change 69 at Lincoln, Plan Change 72 at Prebbleton, and Plan Change 71 at Rolleston.
11. I have 21 years' experience in planning, of which 19 have been in New Zealand. For the last 8 years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations on consenting and policy matters in Canterbury, Otago, Tasman and the Auckland region.
12. I am currently the lead author for a number of proposed chapters for the district plan review processes for Waimakariri and Waitaki District Councils, and have recently assisted Otago Regional Council with the drafting of the Energy, Infrastructure and Transport chapter as part of the Proposed Otago Regional Policy Statement 2021 process. I am also on the supplier panel for the Tasman Environment Plan. In addition, I have recently prepared section 42A reports and evidence for Queenstown Lakes District Council (**QLDC**) in relation to rezoning requests within the Wakatipu Basin, and have appeared as an expert witness in the Environment Court on behalf of QLDC as part of its district plan review.
13. I assisted the Hearing Panel as part of the *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga* process, which constituted the future development strategy (**FDS**) for Greater Christchurch prepared under the National Policy Statement on Urban Development Capacity (**NPS-UDC**).
14. I was contracted as the Principal Planning Advisor to the Independent Hearings Panel for the Christchurch Replacement District Plan, between 2016 and 2018, and assisted the Panel with procedural matters, decision drafting, plan drafting and reviewing. I have been engaged by a number

of district councils on subdivision and rural residential plan change matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for Kaikōura District Council.

15. Prior to becoming a consultant, I was a Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. I led the review of the Canterbury Regional Policy Statement 2013 (**CRPS**) from 2008 until the CRPS was made operative in January 2013, as well as Chapter 6 of the CRPS that was included with the Land Use Recovery Plan, having re-written the residential component of Proposed Change 1 for inclusion in the LURP to respond to the Canterbury Earthquakes.
16. I also have experience preparing a number of district plan changes for the Auckland City District Plan, and presenting evidence as a planning witness at numerous plan change and resource consent hearings in Auckland on behalf of the former Auckland Regional Council.
17. I have appeared in the Environment Court as an expert planning witness, including appeals on the Queenstown Lakes District Plan, and the Partially Operative Otago Regional Policy Statement (PORPS19) on behalf of the Environmental Defence Society and the Royal Forest and Bird Protection Society in relation to Port-related Activities.
18. While this evidence is for a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

19. My evidence addresses:

- (a) CRC and CCC's interest in PC68 and how it relates to strategic planning in Greater Christchurch;
- (b) the relevant statutory and planning framework, with a focus on the CRPS and the NPS-UD; and
- (c) the substantive matters of concern, as outlined in the CRC and CCC submissions, regarding PC68.

20. Where relevant to the matters considered in my evidence, I discuss the analysis and recommendations within the section 42A Report prepared by Jonathan Clease, Consultant Planner for Selwyn District Council (**SDC**), dated 25 February 2022 (**s42A Report**). I have also reviewed the following documents, as relevant:

- (a) the notified PC68 plan change request;
- (b) the submissions made on PC68, to the extent they are relevant to the interests of CRC and CCC;
- (c) the Resource Management Act 1991 (**RMA**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**RM Amendment Act**);
- (d) the s42A Report and associated expert evidence;
- (e) the evidence filed by the plan change applicant;
- (f) the National Policy Statement on Urban Development 2020 (**NPS-UD**);
- (g) the CRPS, including Change 1 to Chapter 6 (**Change 1**);
- (h) the SDP and the proposed SDP (**pSDP**);
- (i) Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga* (**Our Space**), the FDS for Greater Christchurch; and
- (j) the Greater Christchurch Housing Development Capacity Assessment (**HCA**), 30 July 2021.

21. I have also reviewed the previous evidence filed on behalf of CCC and CRC in relation to other private plan change requests to the SDP, which

have been heard recently. My evidence adopts some of that earlier evidence.

22. I have recently visited the subject site, and nearby land that is subject to other plan change requests, and I am familiar with Prebbleton township and the surrounding area.

CRC and CCC's interest in PC68 and how it relates to strategic planning in Greater Christchurch

23. CRC and CCC are local authorities with statutory functions under sections 30 and 31 of the Resource Management Act 1991 (**RMA**) respectively. In performing these functions, these councils (together with SDC and WDC) have long recognised that urban development interrelationships across the Greater Christchurch sub-region necessitate strong collaborative strategic planning. Since 2003, CRC and CCC have worked together with SDC and other entities through the GCP on planning and managing urban growth and development in Greater Christchurch.⁶
24. This collaboration is supported by further engagement on a raft of mechanisms that assist delivery of agreed strategic objectives, including district plans, district development strategies,⁷ structure plans and town centre strategies. Where necessary, to maintain alignment with these objectives and relevant individual plans of each organisation, the councils also lodge submissions on publicly notified plan changes. In the case of CRC, this is also consistent with its statutory duty under section 84 of the RMA, which states:

"While a policy statement or a plan is operative, the regional council or territorial authority concerned, and every consent authority, shall observe and, to the extent of its authority, enforce the observance of the policy statement or plan".

6 Being the metropolitan urban area comprising towns stretching from Lincoln, Prebbleton and Rolleston in the south to Kaiapoi, Rangiora and Woodend/Pegasus in the north and the rural areas between (as described in the Introduction to Chapter 6 and contained in Map A of the CRPS).

7 Such as Selwyn 2031.

25. In relation to PC68, the CCC and CRC submissions address strategic planning matters.
26. The CRC submission is focused on ensuring that the SDP gives effect to the CRPS and that any inconsistency with the regional and district planning framework is avoided. Notable points include:
- (a) The requirement to avoid urban development outside of existing urban areas or greenfield priority areas for development identified on in Map A, Chapter 6;
 - (b) That the nature, timing and sequencing of new development should be integrated with funding, implementation and operation of transport and other infrastructure, and that potential future but unconsented upgrades to Selwyn District's reticulated services should not be relied on;
 - (c) The plan change area is not well serviced by public transport services and needs to demonstrate how effective provision is made for a range of transport options, including public transport, and while a business case to investigate mass rapid transit is being progressed, it is too early to determine if this can be relied upon;
 - (d) The proposal does not sufficiently address wider transport and environmental impacts arising from trips into Christchurch City, nor does it take into account potential for other proposed plan changes to impact on efficiency of the network;
 - (e) There will be impacts on on versatile soils, which conflicts with the SDP and directions contained in the draft National Policy Statement on Highly Productive Land (**NPS-HPL**);
 - (f) Additional yield of the scale proposed is best considered as part of a spatial planning exercise rather than in an ad hoc manner, so that the benefits and implications of urban growth at Prebbleton are appropriately weighed against alternative growth scenarios in a manner that delivers the outcomes sought by the shared vision established through the Greater Christchurch Partnership;
 - (g) For the reasons above, the plan change as proposed is not considered to contribute to a well functioning urban environment that is well connected.

27. The CCC submission:

- (a) Notes that the scale for considering “significant development capacity” should be at a Greater Christchurch level, not at a Selwyn District level;
- (b) Recognises that the CRPS seeks to avoid urban development outside of existing urban areas or greenfield priority areas, unless expressly provided for in the CRPS, and could delay other growth and urban regeneration areas identified in Our Space, where infrastructure and the public transport system, has already been built and served;
- (c) References the transport implications on Christchurch City, and notes that the proposal is not well connected to public transport routes, noting that the nearest bus stop is approximately 1-2.5 kilometres from the plan change area, and it is unclear how the proposal will lead to a reduction in greenhouse gas emissions, which is a requirement of the NPS-UD;
- (d) Notes that 67% of residents from Prebbleton commute to Christchurch, and that an increase in commuter traffic will mean more people making more trips, resulting in increased emissions, congestion and longer journey times;
- (e) Seeks a higher minimum density requirement of 15 hh/ha to support viable public transport if approved; and
- (f) Seeks that any outcomes from the Social and Affordable Housing Action Plan are incorporated into the plan change, if approved.

28. Both submissions consider PC68 is inconsistent with the agreed strategic planning framework established through Our Space, and that it does not give effect to the CRPS. As a result, the Councils submissions seek that the request be declined.

STATUTORY AND PLANNING FRAMEWORK

29. The statutory tests to be applied for determining the most appropriate provisions in the district plan are set out below:

- (a) whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);*
- (b) whether the provisions accord with Part 2 of the Act (section 74(1)(b));*
- (c) whether the provisions give effect to the regional policy statement (section 75(3)(c);*
- (d) whether the provisions give effect to a national policy statement (s75(3)(a);*
- (e) whether the territorial authority has had regard to the actual or potential effects on the environment of activities, including, in particular, any adverse effect (s76(3));*
- (f) the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a));*
- (g) whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account (under s32(2):*
 - (i) the benefits and costs of the proposed policies and methods; and*
 - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.*

30. Specifically, section 75(3) of the RMA requires that:

A district plan must give effect to –

- (a) any national policy statement; and*
-*
- (c) any regional policy statement.*

31. In addition, when preparing or changing a district plan, section 74(2) requires the territorial authority to have regard to:

- (b) any—
 - (i) *management plans and strategies prepared under other Acts;*
 - *and*
- (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

32. This section of my evidence addresses certain aspects of the statutory framework. Firstly, it describes relevant aspects of both the NPS-UD and Chapter 6 of the CRPS in the context of the collaborative strategic planning that has occurred in Greater Christchurch. Secondly, it then provides my opinion on if and how the NPS-UD is relevant to PC68, considers the interplay between giving effect to both the NPS-UD and the CRPS and whether there is a conflict in the provisions, and if so, how such conflict can be resolved.

National Policy Statement on Urban Development 2020

33. The NPS-UD was consulted on throughout 2019 and came into force on 20 August 2020,⁸ replacing the former NPS-UDC. It applies to all local authorities that have all or part of an urban environment within their district or region, and to planning decisions by any local authority that affect an urban environment.⁹ An urban environment means any area of land that is, or is intended to be, predominantly urban in character and is, or is intended to be, part of a housing and labour market of at least 10,000 people.¹⁰

34. The NPS-UD identifies Christchurch as a Tier 1 urban environment.¹¹ Although the NPS-UD does not identify the geographic extent of the Christchurch urban area it specifies CRC, CCC, SDC and WDC as Tier 1 local authorities relevant to this area.¹²

8 NPS-UD Cl. 1.2(1).

9 NPS-UD Cl. 1.3 Application.

10 NPS-UD Cl. 1.4 Interpretation.

11 NPS-UD Appendix Table 1

12 Our Space, the future development strategy adopted by each of these local authorities, has determined that the Greater Christchurch area (as identified in Map A of Chapter 6 of the CRPS) is the relevant urban environment for the purposes of the NPS requirements.

35. The NPS-UD contains 8 objectives and 11 policies. No objectives or policies are expressed as having priority over another. The introductory guide to the NPS-UD confirms this where it states: “*Policies in the NPS-UD interact and affect the interpretation and implementation of each other*”.¹³ The NPS-UD also sets out the implementation of the objectives and policies in Part 3, providing for implementation methods set out in 3.1-3.38.
36. Objective 1 of the NPS-UD is that New Zealand has “well-functioning urban environments”. The direction to achieve ‘well-functioning urban environments’ informs many of the policies and provisions in the NPS-UD, including Policies 1, 6 and 8.¹⁴ To give effect to Policy 1, planning decisions must contribute to well-functioning urban environments, which are described at sub clauses (a)-(f). The wording used in Policy 1, and the supporting Ministry for the Environment (**MfE**) guidance, recognises however that the list in Policy 1 is not exhaustive.¹⁵ I provide my assessment of PC68 in relation to contributing to a well-functioning urban environment later in my evidence.
37. The other objectives and policies that I consider to be particularly relevant to the matters raised by PC68 are summarised below (**bold** my emphasis):

Objective 2 - that planning decisions **improve housing affordability**;

Objective 3 - enable **more** residents and jobs in areas of an urban environment **in or near employment centres**, (and/or) **well-serviced** by existing or planned public transport, (and/or) where there is **high demand relative to other areas**;

Objective 6 - decisions on urban development are **integrated with infrastructure planning and funding**, strategic over the medium

¹³ Introductory Guide to the National Policy Statement on Urban Development 2020, p10.

¹⁴ The associated factsheet on well-functioning urban environments states that Policy 1 “sets direction for the intended outcomes of the NPS-UD”, p1.

¹⁵ Policy 1 uses the term “as a minimum” and the above factsheet states, p2: “The NPS-UD does not provide an exhaustive list of factors that contribute to well-functioning urban environments. There are other factors that contribute to the outcomes that councils and other decision-makers may wish to consider alongside those of the NPS-UD, such as principles of urban design.”

term and long term, and **responsive to significant development capacity proposals**;

Objective 8 - urban environments **support reductions in greenhouse gas emissions** and are resilient to the effects of climate change;

Policy 2 - local authorities, at all times, **provide at least sufficient development capacity to meet expected demand** for housing and for business land over the short term, medium term, and long term;

Policy 6 - when making planning decisions, decision makers must have **particular regard to the planned urban built form anticipated by RMA planning documents**, the benefits of and changes resulting from urban development, and the relevant contribution to provide or realise development capacity;

Policy 8 – Local authority decisions affecting urban environments **are responsive to plan changes** that would **add significantly to development capacity and contribute to well-functioning urban environments**, even if the development capacity is unanticipated by RMA planning documents, or out-of-sequence with planned land release;

Policy 10 - local authorities that share jurisdiction over urban environments work together when implementing this National Policy Statement and engage with infrastructure providers to achieve **integrated land use and infrastructure planning** and the development sector to identify development opportunities.

38. Finally, I note two clauses within the balance of the NPS-UD that provide further direction on two important matters.

- (a) First, relative to Policy 2, Clause 3.2.2 directs that at least sufficient development capacity is provided to meet expected demand for housing. ‘Sufficient development capacity’ for

housing as set out in that clause means development capacity that is:

- (i) plan-enabled (i.e. in relation to the short term, zoned in an operative district plan; in relation to the medium term zoned in an operative or proposed district plan; in relation to the long term, zoned or identified for future urban use or intensification in an FDS);¹⁶
- (ii) infrastructure-ready (i.e. development infrastructure is available (short term), funded (medium term), or identified in a local authority's infrastructure strategy (long term));¹⁷
- (iii) feasible and reasonably expected to be realised;¹⁸ and
- (iv) for Tier 1 and 2 local authorities, required to meet the expected demand plus the appropriate competitiveness margin.¹⁹

(b) Second, the Policy 8 requirement for local authority decisions to be responsive to plan changes that would add significantly to development capacity is elaborated on by clause 3.8. Clause 3.8 requires that local authorities must have 'particular regard' to the development capacity provided by the plan change only if that development capacity:

- (i) would contribute to a well-functioning urban environment; and
- (ii) is well-connected along transport corridors; and
- (iii) meets the criteria set and included in a regional policy statement, that determine what plan changes will be treated as adding significantly to development capacity.

39. CRC has initiated but not yet completed work to develop and include the criteria in the CRPS that will respond to clause 3.8(3). When developed these criteria will, to my understanding, guide the determination of what constitutes 'significant development capacity' in a Greater Christchurch

¹⁶ NPS-UD 2020 Part 3, sub-part 1, clause 3.4(1).

¹⁷ NPS-UD 2020 Part 3, subpart 1, clause 3.4(3).

¹⁸ NPS-UD 2020 Part 3, subpart 5, clause 3.26.

¹⁹ NPD-UD 2020 Part 3, subpart 1, clause 3.2.

and Canterbury context.²⁰ Given the criteria are not yet operative, the plan change cannot technically achieve criterion (b)(iii) above, and it is my evidence that the plan change does not achieve (b)(i) or (b)(ii).

40. It is important, in my view, to carefully consider the wording of Policy 8 and Clause 3.8, and the language used. Policy 8 requires that local authority *decisions* are 'responsive to' plan changes, and that 'particular regard' is had to development capacity.
41. In my view, the need to be 'responsive' requires careful consideration of such proposals, but it does not demand approval or override the more directive requirement in section 75 of the RMA to 'give effect' to higher order planning documents. This is important when considering the requirement to give effect to both the NPS-UD and the CRPS.
42. I note also that in 'giving effect' to the NPS-UD, as per clause 3.8(2), decision-makers need to have 'particular regard' to the additional development capacity that will be provided. However, in doing so the statutory framework also demands that decision-makers consider the other relevant higher order policy directions, which may require a different approach.
43. Being responsive in this context could also mean liaising with the Regional Council with a view to undertaking a change to the CRPS, or seeking to have land subject to plan changes included in the CRPS review and updated spatial planning exercise. This would enable consideration of a broader range of region-wide issues, including integration of infrastructure, and at the same time evaluate and compare a range of development options across the Greater Christchurch area that achieve the outcomes sought by the CRPS. While this approach would not be immediate, given the need for transport upgrades over time required by this proposal, such urgency is not, in my opinion, warranted, and would also take into account further analysis, such as implications in relation to intensification as a result of the MDRS. Such an approach would still, in my opinion, be responsive, without falling foul of the requirement to give effect to the CRPS.

20 Noting that Timaru and Ashburton also qualify as urban environments under the NPS-UD.

Canterbury Regional Policy Statement

44. The policy framework in the operative CRPS that is relevant to urban development is primarily found in Chapters 5 - Land Use and Infrastructure and 6 - Recovery and Rebuilding of Greater Christchurch. Some of the issues and objectives within Chapter 5 apply across the entire Canterbury region, while others apply outside the Greater Christchurch area. For the Greater Christchurch area, the issues to be resolved, and the manner in which the objectives are to be implemented, are set out in Chapter 6. Given Prebbleton is located within Greater Christchurch my evidence concentrates on the Chapter 6 provisions. For completeness, the CRPS (through its other various chapters) regulates the full extent of RMA issues affecting the Canterbury Region.
45. Chapter 6 provides the resource management framework for earthquake rebuild and recovery in Greater Christchurch through to 2028. Its insertion into the CRPS was directed by the Minister for Canterbury Earthquake Recovery through the Land Use Recovery Plan 2013 (**LURP**). Chapter 6 also implements the strategic direction provided in the Greater Christchurch Urban Development Strategy 2007 (**UDS**).
46. Chapter 6 was prepared in order to promote a more sustainable urban environment, and tackle the challenges identified by Issues 6.1.1 to 6.1.5. Chapter 6 provides a directive framework for urban growth and development within Greater Christchurch that seeks to consolidate existing urban settlements, this being considered the form of development most likely to minimise the adverse effects of travel for work, education, business and recreation, minimise the costs of new infrastructure and avoid adverse effects of development on sensitive landscapes, natural features and areas of high amenity.
47. A key feature of Chapter 6, and the UDS, is to provide for sustainable growth, along with certainty about where and how this is to occur, by providing a framework which enables greenfield growth in the Greater Christchurch Area, as outlined in Map A of Chapter 6, and also provides for intensification within existing urban areas. This is noted in Issue 1, which reads:

How to provide certainty to the community and businesses around how Greater Christchurch will accommodate expected population and household relocation and growth, housing needs and economic activity during the recovery period in an efficient and environmentally sustainable manner. This includes providing for a diverse community with a range of incomes, needs and business types.

48. This is elaborated on by Objective 6.2.2 which, among other things, sets targets for intensification through the period to 2028. Objective 6.2.2 reads:

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:

- 1. aiming to achieve the following targets for intensification as a proportion of overall growth through the period of recovery:*
 - a. 35% averaged over the period between 2013 and 2016*
 - b. 45% averaged over the period between 2016 to 2021*
 - c. 55% averaged over the period between 2022 and 2028;*

...

49. The explanation to Objective 6.2.2 recognises that there is a need for greater intensification within Christchurch's urban areas, and that this will reduce the need for further expansion of peripheral areas. It also recognises that while the majority of intensification will take place within Christchurch City rather than Selwyn or Waimakariri, the contribution of these areas to the overall growth pattern is important.

50. In light of this, development of greenfield land outside of that planned in the CRPS has a two-fold impact. It increases the amount of land made available for greenfield development, and as a proportion of the overall supply of housing this then impacts on the ability to achieve intensification targets within Greater Christchurch. Significant increases

in greenfield development above anticipated levels will have the flow-on effect of proportionally reducing the success of delivery of housing through intensification of existing brownfield areas. This would run counter to the intention of the RM Amendment Act and the NPS-UD, which both seek greater levels of intensification in existing urban areas.

51. Other key features of Chapter 6 are:

- (a) Identification of the existing urban area (along with a Projected Infrastructure Boundary (**PIB**), which I acknowledge has no directly associated policy);
- (b) Greenfield Priority Areas (**GPAs**) adjacent to the Christchurch urban area and certain towns in the Selwyn and Waimakariri Districts;
- (c) Policies to avoid urban development outside of identified locations; and
- (d) Inclusion of Map A, which accompanies the policy provisions and clearly depicts the Greater Christchurch area and areas identified for urban development.

52. Map A identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery in Greater Christchurch. All land identified for urban development is located within the PIB, as this constitutes the area that the relevant local authorities and other infrastructure providers have agreed can be serviced with necessary and planned supporting urban infrastructure.²¹

53. The Chapter 6 requirement to avoid urban development outside of the areas identified on Map A is deliberately restrictive. It was anticipated through the preparation of Chapter 6 that there would be requests for development adjoining existing townships, which led to the notification of the 'avoidance' framework. This framework provides certainty around the spatial extent of growth, and targeting of investment (including infrastructure) into *planned* greenfield areas, and enables the community

²¹ The PIB was inserted into the LURP as the indicative area reflecting local authority infrastructure strategies that were required to be prepared after amendments to the LGA2002 in 2014. My understanding is that these areas were indicative only and had little planning input as to the suitability of land for urban development, which would take place at a later date. As such, there is no accompanying policy around the PIB in Chapter 6.

to understand and appreciate where greenfield development will take place. In addition to this certainty, it also acts as a tool to ensure that where greenfield development is not anticipated, resources and investment in housing markets would be targeted at intensification within existing urban areas rather than ‘testing’ development locations for further greenfield development on the periphery of urban areas through a range of private plan change requests (as is occurring now, through this and other requests).

54. Intensification is a key tool to achieve a number of outcomes in the CRPS, including efficient use of land, increase in uptake of public transport and increased transport efficiency, and the subsequent contribution of that efficiency to reducing carbon emissions to limit impacts from climate change. It is noted that the RM Amendment Act also looks to direct, or provide for significant incentives for, intensification.
55. Along with generating certainty for development, the Chapter 6 framework encourages the sustainable and self-sufficient growth of the key Greater Christchurch towns, enables efficient long-term planning and funding for strategic, network and social infrastructure (such as schooling and healthcare), and protects significant natural and physical resources.
56. On 28 May 2021, the Minister for the Environment (**the Minister**) approved Change 1 to Chapter 6 via a streamlined planning process. Change 1 implements agreed actions in Our Space and supports the requirement in the NPS-UD for local authorities to provide at least sufficient development capacity to meet expected demand for housing and business land over the short, medium, and long term.
57. When CRC provided its recommendation report to the Minister it included an evaluation of Change 1 against the relevant statutory framework, which included the NPS-UD. The evaluation documented how Change 1 would give effect to the NPS-UD. In approving Change 1 the Minister specifically acknowledged that CRC had complied with the RMA, regulations made under it, and any relevant national direction.
58. In summary, Change 1 amended Chapter 6 and Map A of the CRPS to identify Future Development Areas (**FDAs**) within the existing PIB in

Rolleston, Rangiora and Kaiapoi, and inserted associated policy provisions which enable land within these areas to be rezoned by the Selwyn and Waimakariri District Councils if required to meet their medium term (10 year) housing needs.²² Change 1 was made operative on 28 July 2021.

- 59.** The policy framework in Chapter 6 now provides for the development of land within existing urban areas, greenfield priority areas, and FDAs (where the circumstances set out in Policy 6.3.12 are met) at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure.²³ Urban development outside of these identified areas is to be avoided, unless expressly provided for in the CRPS.²⁴
- 60.** As discussed later in my evidence, PC68 relates to land that has not been identified as a GPA or FDA, and nor is development of the land for urban purposes expressly provided for in the CRPS.
- 61.** Ms Harte, in her evidence, considers Map A in the CRPS is out of date.²⁵ In my view, this opinion is erroneous, and at worst, misleading.
- 62.** While early versions of Map A had their genesis in 2008, there have been substantial additions of new urban greenfield land across Greater Christchurch since that time, including the addition of GPAs and the FDAs as recently as 2021.
- 63.** Chapter 6 was first developed with an intended timeframe through to 2028, as part of the response to the Christchurch Earthquakes. The identification of additional greenfield land (via the FDAs) as part of Change 1 in 2021 provided for the integrated development of greenfield land to align with Our Space, which was determined through a full special consultative procedure and LGA decision-making process, in accordance with the NPS-UDC (future development strategy) requirements at that time. Given the recent consideration and testing of

²² Policy 6.3.12.

²³ Objective 6.2.2.

²⁴ Objective 6.2.1 and Policy 6.3.1.

²⁵ EiC Ms Harte at para 8.12.

the GPAs and FDAs, including as against the RMA, it cannot simply said that Map A is “out of date”, without explaining how and why.

64. Ms Harte does not provide any evidence in relation to the “growth spurt” that she considers could not have been anticipated by the parties responsible for the CRPS, and provides no Greater Christchurch growth figures to support that claim.²⁶ Change 1 provided for anticipated growth projections to at least the medium term, which I address at paragraph 75.
65. Mr Colegrave’s evidence on population growth is narrowly focussed on the population growth of Selwyn District, rather than Greater Christchurch²⁷, which is a function of the land made available (mostly at Rolleston but also in Lincoln) for greenfield development in the previous 10 years. High numbers of commuters to Christchurch from all Selwyn townships indicate that population growth in Selwyn is not supported by an equivalent increase in business development. Much of the growth has been a result of high levels of land supply following the earthquakes, which saw growth rates decrease in Christchurch City, and respectively increase in Selwyn and Waimakariri.²⁸ *Our Space* identifies the delivery of new dwellings through redevelopment and intensification as a key issue, noting the upzoning of land through the review of the Christchurch District Plan.²⁹ The result of this is to enable people to live close to work opportunities, and established public transport routes.
66. Other provisions in the CRPS that are relevant to PC68 include:
- (a) Objective 6.2.1a - that sufficient, feasible development capacity for housing is enabled in Greater Christchurch in accordance with the targets set out in Table 6.1;
 - (b) Objective 6.2.4 - which prioritises the planning of transport infrastructure so that it maximises integration with priority areas and settlement patterns, and Policies 6.3.4 and 6.3.5 which support this objective, and others, in respect of transport effectiveness and the integration of land use and infrastructure;

²⁶ Ibid at para 8.13.

²⁷ EIC of Mr Colegrave section 8.

²⁸ *Our Space* at 2.1.

²⁹ Ibid at 4.1.

- (c) Policy 6.3.7 – which specifies minimum densities to be achieved in order to efficiently utilise identified areas and create a compact urban form with appropriate development controls that support more intensive developments;
- (d) Policy 6.3.11 – which prescribes the monitoring and review methods to demonstrate there is an available supply of residential and business land and provides the circumstances for initiating a review of the extent and location of land for development.

Strategic planning in Greater Christchurch

- 67. As noted earlier, the relevant local authorities (which includes SDC), together with other agencies and iwi, have been involved in collaborative strategic planning through the GCP for nearly twenty years. This collaboration has been in recognition of the interconnected nature of the Greater Christchurch urban environment and the complexity of the statutory legislation that underpins how councils enable and accommodate urban growth.³⁰
- 68. Collaborative strategic planning enables cross-agency tensions to be resolved, provides certainty for investment decisions (for councils, other infrastructure providers and the development sector), and provides the lens to achieve long term environmental and wellbeing outcomes. In many ways the NPS-UD (including Policy 10) and the current review of resource management legislation are only now catching up with voluntary partnership arrangements that have been successfully operating in Greater Christchurch over this time.
- 69. Strategic planning exercises such as the UDS, Our Space, and more recently the Partnership's Greater Christchurch 2050 Strategic Framework, can offer more integrated and accessible mechanisms to galvanise wider community engagement than standard RMA processes. Agreed strategic directions can then be consistently anchored in statutory and non-statutory plans which provide greater detail and reflect local circumstances.

³⁰ Integrated decision making must traverse the RMA 1991, Local Government Act 2002, Land Transport Management Act 2003 and a range of other supporting statutes.

- 70.** Importantly, a comprehensive spatial planning exercise has recently been initiated by the GCP in conjunction with delivery of the Greater Christchurch 2050 Strategic Framework and the establishment of an Urban Growth Partnership with the Crown. It is my understanding that the Greater Christchurch Spatial Plan will fulfil the FDS requirements of the NPS-UD, as well as integrating the future mass rapid transit and public transport business cases currently underway to determine routes and investment requirements to significantly improve the provision of public transport services across Greater Christchurch.
- 71.** Through this spatial planning exercise there will be opportunities to undertake comprehensive engagement and strategically consider preferred locations for future greenfield growth, including identifying the locations (greenfield and otherwise) in which development capacity will be provided over the long term. I expect this exercise will take into account the cumulative impacts of additional areas proposed for development, changes as a result of impending legislation, as well as the impact that this may have on achieving effective intensification within existing urban areas.
- 72.** In my view, if SDC were to approve this, and other, plan changes ahead of the wider strategic planning exercise being completed, this could result in ad hoc development and set a precedent for subsequent decision-making without fully considering the cumulative impacts of other requests, or having analysed alternative growth scenarios. Any decisions on these private plan changes would drive the spatial planning exercise, which is not in my view the most sensible approach to considering the location of urban growth.
- 73.** In my view (and with reference to NPS-UD Objective 6(b)), any planning decisions that are not aligned with the current strategic planning framework and that are made prior to completion of the strategic planning work that is underway run the risk of being narrowly framed, based on incomplete information and could potentially undermine the achievement of longer-term outcomes set by the GCP following extensive engagement with communities. I acknowledge, however, that the NPS-UD requires local authorities to be responsive to unanticipated or out-of-sequence

proposals, and for the reasons set out below consider that this is possible within the current CRPS framework, but not for PC68 unless a companion change to the CRPS is sought.

74. In terms of timing, I understand that the spatial plan exercise is expected to be completed within the next two years (but with earlier engagement on broad scenarios and options in mid-2022), to inform the 2024 Long Term Plans (**LTPs**) as required by the NPS-UD. This work will inform a full review of the CRPS, which is scheduled to be notified in 2024,³¹ and at a more local level the proposed development of an area plan for the Greater Christchurch part of the Selwyn District.³²
75. Finally, it is relevant to note that in July 2021 the GCP collaboratively prepared and published a Housing Capacity Assessment (**2021 HCA**),³³ in accordance with the requirements of the NPS-UD, which I rely on. The 2021 HCA provides an assessment of expected housing demand and the sufficiency of development capacity, through to 2051. Table 3 within the 2021 HCA shows that, with the inclusion of the FDAs identified through Change 1, there is sufficient development capacity (including the required competitiveness margin) within Selwyn, Waimakariri and Christchurch City, to meet expected housing demand at least over the medium term (i.e. 2021 to 2031).³⁴ I also note that, with the RM Amendment Act being legislated, this significantly impacts the potential for intensification and development capacity within existing urban areas, and increases the ability of existing urban areas to meet demand through re-development.

RECONCILING THE NPS-UD, CRPS AND THE STRATEGIC PLANNING FRAMEWORK

76. The plan change request and planning evidence provides little analysis in relation to the requirement to give effect to the CRPS, which requires avoidance of urban development outside of existing urban areas, GPAs and FDAs.³⁵ Nowhere in the section 32 report or application material

31 Environment Canterbury Long Term Plan 2021-2031, p90.

32 Appendix C to s42A report: Growth Planning memorandum from Mr Ben Baird, paragraph 38.

33 Greater Christchurch Housing Development Capacity Assessment, 30 July 2021.

34 As noted in paragraph 31(a), the NPS-UD only requires development capacity required in the long term to be identified within an FDS, and in relation to development infrastructure within a local authority's infrastructure strategy.

35 Page 56, 57; para 169, Page 64.

does the author closely examine the wording of Policy 8 of the NPS-UD, or attempt to show how the decision-maker may be able to give effect to both the CRPS and the NPS-UD. The wording in the conclusions of the assessments is vague, noting that the rezoning satisfies all of the provisions other than not 'being in accord' with Map A³⁶, or 'largely consistent' with the CRPS.³⁷ I note that for both the NPS-UD and the CRPS, the requirement for a district plan change is to 'give effect' to the higher order documents.

77. In my view, it is possible to interpret and apply the NPS-UD and CRPS in a manner that does not create tension or conflict. While I acknowledge that there is a legal aspect to this, I consider the CRPS, and its avoid framework in Chapter 6, to represent a method that achieves the requirements of the NPS-UD when it is read as a whole. The reason I say this is that Policy 8 in my view provides a pathway for providing flexibility to allow for responsive decision-making (subject to certain criteria being met), but it does not direct any substantive outcome.

78. It is my planning opinion that:

- (a) The NPS-UD and the CRPS can be reconciled together, in a way that does not absolve the need to comply with the directive elements of the CRPS;³⁸ and
- (b) If the applicant is correct that there is insurmountable tension or conflict, then the proper approach would be to either:
 - (i) seek an amendment to the CRPS;³⁹ or
 - (ii) refer the matter to the Environment Court under section 82(2), which is a clause that provides relief where there is a disagreement about whether an RPS gives effect to a National Policy Statement.

79. In full, Section 82(1) and (2) states:

82 *Disputes*

³⁶ Plan Change Request Page 28.

³⁷ EIC Ms Harte para 19.1.

³⁸ *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 ('*King Salmon*') at [129].

³⁹ This can only be done under Schedule 1 at the instigation of a Minister of the Crown, the regional council, or a territorial authority under section 60 (2) of the RMA.

(1) Subsection (2) applies if there is a dispute about—

...

(c) whether a regional policy statement or a plan gives effect to a national policy statement or New Zealand coastal policy statement or a national planning standard.

(2) A Minister or local authority responsible for a relevant national policy statement, New Zealand coastal policy statement, a national planning standard, policy statement, plan, or order may refer a dispute to the Environment Court for a decision resolving the matter.

80. I do not consider it appropriate, or necessary, to simply set aside the provisions of the CRPS in favour of a narrow reading of the NPS-UD, as is sought by the plan change applicant.

81. The Supreme Court has provided decision-makers under the RMA with guidance as to the correct approach to giving effect to higher order documents, by determining which policies give decision-makers flexibility in implementation in lower order planning documents, and how they inter-relate. As a planner, my understanding of that decision is that decision-makers should:⁴⁰

- (a) Identify the policies that are relevant.
- (b) “Pay careful attention to the way in which they are expressed”. The words used are significant.
- (c) Policies “expressed in more directive terms will carry greater weight than those expressed in less directive terms”. Some are expressed “in such directive terms that the decision-maker has no option but to implement it”.
- (d) Phrases/verbs that indicate flexibility and allow scope of choices in implementation include:⁴¹
 - (i) “take account of”
 - (ii) “take into account”
 - (iii) “have (particular) regard to”
 - (iv) “consider”
 - (v) “recognise”

⁴⁰ *King Salmon* at [129].

⁴¹ *King Salmon* at [127].

- (vi) “promote”
- (vii) “encourage”
- (e) Phrases/verbs that are specific and prescriptive and do not allow scope for choices in implementation include:
 - (i) “avoid”
 - (ii) “are directed to”
 - (iii) “do not allow”
 - (iv) “require”
- (f) Policies are “not inevitably in conflict or pulling in different directions”. Apparent conflict is likely to dissolve “if close attention is paid to the way in which policies are expressed”.⁴²

82. It is my view that “being responsive to plan changes” and “having particular regard to significant development capacity” in Policy 8 and clause 3.8(2) of the NPS-UD is not as directive as the language used in Chapter 6 of the CRPS, and that this is relevant to the consideration of the higher order documents required in this case.

The NPS-UD

83. In relation to the request for urban development I now address the key point of contention between CCC / CRC, and the applicant, being the approach to applying the NPS-UD and the ‘responsive planning framework’ provisions.

84. Criteria have not yet been included in the CRPS to determine what constitutes “significant development capacity” in the Greater Christchurch context. Mr Cleese has addressed whether the proposal constitutes “significant development capacity” in his S42A report.⁴³

85. There may also be other factors that impact on significance, including the ability to deliver capacity in a timely manner. Given these significance criteria are yet to go through a public process, we cannot yet determine what those criteria will include (and consequently whether the private plan changes before SDC will meet such criteria).

⁴² *King Salmon* at [126].

⁴³ S42A report at para [195]-[210].

- 86.** I set out figures below in relation to the private plan changes currently before Selwyn District Council in ascending order by proposed yield, noting that these figures are going to be potentially significantly higher in all relevant residential zones throughout the urban environment of Selwyn (as defined by the NPS-UD) with the implementation of the RM Amendment Act:

Plan change request number	Location	Approx. number of residential lot developments
<u>74</u>	West Melton	130
<u>67</u>	West Melton	131 (now approved)
<u>76</u>	Rolleston	150
<u>75</u>	Rolleston	280
<u>72</u>	Prebbleton	295
<u>81</u>	Rolleston	350
<u>79</u>	Prebbleton	400
<u>62</u>	Leeston	410
<u>63</u>	Darfield	440
<u>77</u>	West Melton	525
<u>71</u>	Rolleston	440 + 220 deferred ⁴⁴
<u>78</u>	Rolleston	750
<u>70</u>	Rolleston	800 + commercial
<u>68</u>	Prebbleton	820
<u>82</u>	Rolleston	1320
<u>69</u>	Lincoln	2000 + commercial

⁴⁴ Noting that there is no certainty that zoning proposed to be deferred can be realised.

Plan change request number	Location	Approx. number of residential lot developments
73	Rolleston	2100 + commercial (Recommended for refusal)

87. The figures set out above represent a minimum increase of 11,561 households (not taking into account increased yield throughout Selwyn District as a result of the MDSR), should all of the private plan changes be approved. In this context, the contribution of housing proposed, in terms of quantum, could be considered to be substantial, however I consider it appropriate to determine this at a sub-regional Christchurch level, rather than an individual township or district level.
88. Irrespective of whether PC68 will add significant development capacity or not, Policy 8 only requires that decision makers are ‘responsive’ to plan changes that meet the requirements of Policy 8. As I have noted earlier, the CRPS anticipated that proposals would be made that seek to develop land on the periphery of urban areas, and deliberately included policies and methods designed to ‘avoid’ such development.⁴⁵ The NPS-UD does not define what ‘responsive’ means,⁴⁶ and I consider that the analysis of Mr Cleese as “opening the door” to private plan changes⁴⁷ does not properly consider the need to give effect to the CRPS and the NPS-UD. Policy 8 must still be considered in light of the policy context that applies at a sub-regional level, and so a generic “open door” interpretation (as is advanced here) cannot always be assumed to apply or be correct.
89. In my opinion, ‘responsive’ can involve several actions, including receiving and notifying a plan change, or alternatively, if SDC or CRC thought it was warranted, seeking a change to the CRPS to provide for the additional development. Neither local authority has done so in this

45 A number of submissions were made on the draft Land Use Recovery Plan seeking extra flexibility in Policy 6.3.1 in relation to the ‘avoid’ approach; these were rejected by the Minister for Canterbury Earthquake Recovery, refer Appendix 3 of the recommendations report submissions 15, 17, 18, 20, 23 <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Plans/LURPReviewDecisionReportwithRecommendations.PDF>

46 The on-line Oxford Learner’s Dictionary define ‘responsive’ as “reacting quickly and in a positive way” or “reacting with interest and enthusiasm”.

47 S42A report at para [90].

case, or for the other plan change requests that are being heard at present. That is because, in my view, wider considerations should be taken into account, which should properly be assessed through the review of the CRPS. Approaching urban expansion in this way ensures proper strategic alignment, rather than ad hoc consideration and development. I also note that providing significant development capacity applies to both greenfield and existing urban areas (including development of brownfield sites). In my view, this does not nullify a policy approach that looks to avoid additional greenfield development above the levels planned for in the CRPS.

90. The only matter missing within the CRPS at this point is the clause 3.8 criteria which will guide the assessment of what constitutes “significant development capacity”. I understand that through the hearings for the pSDP, some submitters have suggested that the CRPS is inconsistent with the need for flexibility that is required by the NPS-UD. On this point, I make the following observations:

- (a) While the NPS-UD requires local authorities to be responsive to plan changes, that is only if relevant requests satisfy certain criteria. There is nothing express or inherent in the NPS-UD that demands flexibility more generally to enable all urban growth and greenfield expansion. Instead, the NPS-UD places an emphasis on integrated decision-making to achieve well-functioning environments. There still remains opportunities for Councils to seek changes to the CRPS to include additional greenfield land for development;
- (b) Chapter 6 of the CRPS provides clear strategic direction for urban development that in my view better contributes to a well-functioning urban environment for Greater Christchurch and now, with the inclusion of Change 1, gives effect to Policy 2 of the NPS-UD;
- (c) Part 4 of the NPS-UD sets out the important timeframes for implementing aspects of the NPS-UD and so far these have been achieved (i.e. through completion of the 2021 HCA). Outside of these specific timeframes, local authorities must amend their regional policy statement or district plan to give effect to the provisions of the NPS-UD as soon as practicable;

- (d) CRC has, in my view correctly, prioritised completion of the 2021 HCA, adoption of Change 1, and development of a FDS through the Greater Christchurch Spatial Plan, over finalising the criteria under clause 3.8(3), as these steps are a more immediate, clearer and prudent way to identify additional development capacity as required by Policy 2 of the NPS-UD, particularly when 'significance' (in my view) should be assessed against development capacity needs for urban environments. When CRC implements clause 3.8(3), it will need to clarify how the intent of Policy 8 is interpreted and enabled alongside the existing CRPS policy provisions that seek to avoid urban development on land outside the PIB. These criteria will naturally need to engage with demand, need and sufficiency, so that a merits case for unanticipated growth can be assessed. In my view, it is essential that this goes through a notified change process to the CRPS;
- (e) Ahead of the inclusion of the criteria under 3.8(3) in the CRPS, the MfE guidance on the responsive planning policies provides quantitative and qualitative factors to determine what constitutes significant development capacity;
- (f) Ahead of the clarification signalled in (d) a pathway open to applicants seeking plan changes outside the PIB, that would give effect to both the CRPS and the NPS-UD, would be to request that SDC (if it intends on approving a private plan change request) also propose to CRC a companion change to the CRPS to enable development in a manner that does not conflict with the Chapter 6 avoid framework. This has not occurred in relation to PC68, or for other plan change requests to the SDP;
- (g) I note that having identified FDAs through Change 1, the CRPS has already enabled a level of responsive planning to occur (subject to certain criteria). Plan changes seeking to develop land in the FDAs which is currently not zoned for urban activities may now be able to justify a greater level of consistency with the full statutory planning framework (as long as they satisfy the other requirements of the NPS-UD); and
- (h) Objective 6 of the NPS-UD requires that decisions are both integrated with infrastructure and strategic over the medium and

long term. This recognises the importance of the strategic planning framework and confirms that Policy 8 should not operate in isolation from the balance of the NPS-UD, or the relevant CRPS provisions.

- 91.** I note that the relevant urban environment is Greater Christchurch for the purpose of applying the NPS-UD.⁴⁸ This approach aligns with the position adopted in Our Space by the GCP and the information provided with the PC68 request in relation to the significant transport and employment links that Prebbleton has with Christchurch City.
- 92.** With reference to Policy 1 of the NPS-UD, I do not consider that PC68 will provide for a 'well-functioning urban environment', as it could compromise investment in intensification by continuing urban sprawl into greenfield areas. In my view, this does not 'limit as much as possible adverse impacts on the competitive operation of land and development markets'.⁴⁹ Further, it has not been demonstrated that the proposal will contribute to targets that seek a 'sinking lid' of greenfield development and an increase in intensification as expressed in CRPS Objective 6.2.2.1. That Objective provides that over time, the proportion of greenfield development, against intensification, reduces through the period to 2028.
- 93.** I also note that Policy 1 sets out what is to be the "minimum" for contributing to a well-functioning urban environment.
- 94.** According to the MfE guidance on the NPS-UD, adding significantly to development capacity requires fulfilling an identified demand.
- 95.** As outlined in paragraph 75, the recent 2021 HCA confirms that sufficient development capacity to meet expected housing demand over the medium term has already been identified in the CRPS.
- 96.** Furthermore, the 2021 HCA assesses trends in household composition, affordability, tenure and the resultant housing typologies most suited to

⁴⁸ NPS-UD Appendix 1 identifies Christchurch as a Tier 1 Urban Environment, encompassing the territorial authorities on Christchurch City, Selwyn District and Waimakariri District.

⁴⁹ NPS-UD Policy 1(d).

future housing needs. It reconfirms previous analysis showing the “*large growth in one person households and ‘couples without children’ households, for both ownership and rental. In terms of housing typology, Greater Christchurch’s aging population leads to significant growth in the number of one person and couple only households, resulting in a significant increase in the demand for smaller and multi-unit dwellings*”. As discussed later in my evidence, as proposed, I do not consider that PC68 goes far enough in providing housing typologies and tenures that align with these future housing needs/demands such that it could be considered to set itself apart from the nature of developments currently being advanced through other plan changes that are within the existing urban area, although this may be overcome by the introduction of MDRS (subject to no developer covenants⁵⁰ being placed on the subject land).

97. I consider the merits of PC68 and its request for urban levels of development would be better considered in conjunction with and subsequent to a broader assessment of the desirability of additional urban growth in both Prebbleton and across the Selwyn District, combined with comprehensive plan which achieves consolidation and a compact urban form. As noted earlier, this opportunity is available through the recently initiated spatial planning process, which would ensure that the benefits and implications of additional urban growth are appropriately weighed against alternative spatial growth scenarios at a Greater Christchurch level.
98. Further to the above, and in light of the relevant statutory framework, I consider that retaining the Rural Inner Plains Zone to be the most appropriate zone.

Specific issues raised in relation to the NPS-UD

99. At this point I briefly provide my opinion on three interrelated matters raised by some parties to this, and other, proceedings that suggest PC68 can still be enabled by the NPS-UD:

⁵⁰ It is noted that the Government is aware of the restrictive nature of developer covenants and the Final Report of the Environment Select Committee on the RM Amendment Bill noted that the Government intends to undertake further work on this to establish whether law change or other intervention is required

- (a) Firstly, that the NPS-UD requirement to enable housing needs equates to satisfying anticipated demand in each and every location within the urban area;⁵¹
- (b) Secondly, that the NPS-UD requires 'at least' sufficient development capacity and as such district plans should be more enabling of development capacity; and
- (c) Thirdly, that the CRPS does not give effect to the NPS-UD and so the CRPS is therefore less relevant to decision makers (than the NPS-UD).

Housing demand, available capacity and meeting needs by location

- 100.** I acknowledge that the NPS-UD identifies that enabling a variety of homes - that meet the needs, in terms of type, price, and location, of different households - is integral to a well-functioning urban environment. I consider this as a broad objective relevant to the whole urban environment and not in any way a requirement that applies to individual suburbs or townships. This is recognised in Clause 3.24(2) which enables housing demand assessments to determine "locations" in any way they choose.
- 101.** From a locational perspective there is perhaps more direction provided by Objective 3, which seeks that 'more' people live in or near areas akin to the key activity centres of the CRPS or where there is high demand relative to other areas in the urban environment.
- 102.** I note the plan change application material, and evidence provided by the applicant, regarding the high demand for new housing in Prebbleton, and that additional supply is required to meet that demand.⁵² I accept that demand for housing is high, however, as I understand that is the nature of the whole of the Christchurch housing market at present. I consider the perception of high demand in Selwyn District has partly been because of the release of GPAs and FDAs in Rolleston and Lincoln for development, which would show a pattern of high uptake for newly developed sections. It does not mean that Prebbleton is the optimal location for further greenfield expansion, particularly if there is not an

⁵¹ NPS-UD Policy 1(a)(i).

⁵² Appendix F, Evidence of Mr Colegrave.

increase in employment being provided. In relation to increased prices, However I observe that a rise in house price is not specific to Prebbleton or Selwyn, and that there are a range of reasons for this at a national level, including low interest rates, inflation, increasing liquidity for investors due to housing price rises, and increasing capital costs for new buildings which influence sales prices, and these effects are being felt nationwide.

- 103.** Using demand as the driver for increasing supply at a particular confined location would mean that all of Greater Christchurch's more expensive suburbs (assuming demand is a factor in price) should increase their ability to be able to develop residential housing.
- 104.** As outlined earlier in my evidence, several important factors guide the policy framework provided by Chapter 6 and the resultant identification of additional development capacity through the recent Change 1. As key activity centres identified in Map A, both Rolleston and Lincoln are important locations for urban growth in this context. The newly introduced FDAs at Rolleston are recognition of this, and through the evaluation of Change 1 those areas were determined to be the most appropriate areas to achieve the overall outcome of a well-functioning urban environment. In my view, this is a relevant consideration for this request. No FDAs were identified for Prebbleton, and it is not a key activity centre.
- 105.** Our Space also provides medium to long-term direction that a balanced and transitional approach is required to deliver against UDS outcomes and adapt to identified demographic and housing trends⁵³. This is reflected in Table 6.1A of Chapter 6 which adjusts the development capacity targets between the territorial authorities from 2028 to meet total projected demand for Greater Christchurch as a whole. The conclusion I draw from this is that the GCP and CRC consider the location of housing demand to be important but not determinative of the most appropriate location for development capacity.
- 106.** Consideration should be given to whether the development capacity provided through Chapter 6 and the SDP is sufficient and not

⁵³ Our Space, Section 5.7.

overestimated in the 2021 HCA. This is particularly the case with the RM Amendment Act and MDRS which impose requirements for all relevant residential zones to incorporate the MDRS, including the ability to develop up to three houses on a site with no density requirement. This will apply to the majority of the residential zones within Greater Christchurch, with a requirement to notify an Intensification Planning Instrument (**IPI**) for all qualifying residential zones before August 2022. The MDRS can only be less enabling of development to the extent necessary to accommodate one or more of the qualifying matters set out in s 77I-L.

107. Although it will fall on expert witnesses from SDC to provide any detailed clarification on this matter, I highlight previous evidence that was filed in relation to Plan Change 73 and 69 and adopt it here:⁵⁴

- (a) The 2021 HCA is generally consistent with requirements for preparing a HCA as outlined in subpart 5 of the NPS-UD, including the use of population projections as the initial basis for an assessment of housing demand (adjusted as appropriate following consideration of other relevant information including for example building consents);
- (b) The 2018 HCA incorporated a peer review process (including from an economist and officials representing MfE and the Ministry for Housing and Urban Development) and was considered generally fit-for-purpose;
- (c) The study area for the 2021 HCA appears to differ from the 2018 HCA, the former now seemingly encompassing the full extent of the three territorial authorities as opposed to just the Greater Christchurch urban environment (as identified by Map A in the CRPS and Figure 1 in Our Space). Should areas outside Map A be included in Table 3 of the 2021 HCA this could complicate an assessment of sufficient development capacity for the purposes of these hearings;
- (d) Change 1 is now operative and the FDAs are identified on Map A. Three private plan changes (PC75, PC76 and PC78) in the Rolleston FDA are already in train, which in total could enable nearly 1,200hhs, and notably there are only a limited number of

⁵⁴ Evidence of Keith Tallentire for CRC and CCC.

submissions in opposition. In addition, on 27 August 2021, the Environmental Protection Authority (EPA) granted consents under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for 970 lots that will extend the Farringdon subdivision in Rolleston,⁵⁵ thus meeting the medium-term capacity figures in Table 3 of the 2021 HCA;

- (e) Mr Colegrave distinguishes between capacity and likely market supply.⁵⁶ While it is agreed that not all development capacity is likely to be released at the same time, the factors cited by Mr Colegrave as inhibiting the release of land would not be significant over the medium-term, being the relevant time horizon for the SDP to consider under the NPS-UD. Should material reasons arise that suggest otherwise, this can be highlighted and addressed as part of the spatial planning process. The 2021 HCA includes a section on development capacity that is 'reasonably expected to be realised', which analyses past developments trends to provide a more realistic capacity assessment from that which is simply plan-enabled.⁵⁷
- (f) Point-in-time assessments of development capacity are important benchmark reports to guide strategic planning, but these will always be able to benefit from the more regular and comprehensive monitoring and reporting required by the NPS-UD. The three-year cycle for completing HCAs (or in the first instance a NPS-UD deadline for a full housing and business assessment by December 2021) ensures that any new information, methodological improvements, and views from the development sector can be considered in an orderly manner and across the entire urban environment rather than just at a local level.⁵⁸
- (g) In his evidence, Mr Colegrave does not consider the impact of the RM Amendment Act, and the increased capacity for development to take place through intensification, which the Government is seeking to provide for through the MDRS. While take-up of intensification opportunities will vary due to age of

⁵⁵ <https://www.epa.govt.nz/fast-track-consenting/referred-projects/faringdon/the-decision/>

⁵⁶ EIC Mr Colegrave at para [9.22].

⁵⁷ 2021 HCA, section 6.4.

⁵⁸ Policy 10(c) and clause 3.21 of the NPS-UD requires that engagement occur with the development sector, including on HCAs. I note that in June/July 2021 a survey was sent to development sector stakeholders to elicit feedback to inform the 2021 HCA.

housing stock, financing of individual properties, and demand in particular locations, the introduction of the MDRS will, in my view, mean that estimates for land capacity and supply in existing urban areas is significantly underestimated by the HCA.

“At least” sufficient development capacity

- 108.** As I explain in paragraph 75, and subject to any methodological clarifications that may arise through this hearing, in my view sufficient development capacity to meet expected housing demand over the medium term has already been identified (which led to Change 1, and the inclusion of FDAs).
- 109.** Should any recalculations be required these could first be offset against the medium-term surplus capacity in Selwyn of between 3,667 and 4,961 households (depending on the assumed average number of households per hectare (**hh/ha**) shown in Table 3 of the 2021 HCA. Furthermore, and picking up on my paragraph 75, given the extensive upzoning in Christchurch City, and not taking into account the introduction of the MDRS, across the whole urban environment there is a potential medium-term surplus of up to 92,453 households within Greater Christchurch. It is noted that these figures will need to be revisited as a result of the RM Amendment Act which will provide for significantly more development capacity within the existing *qualifying* residential zones.
- 110.** While this is clearly providing for ‘at least’ sufficient development capacity, there is no directive in the NPS-UD to enable anything more than is sufficient. In my view, providing ‘abundant’ development capacity could undermine the efficient and timely uptake of existing zoned capacity for residential development, the direction to enable intensification in certain areas (based on certain criteria) and could end up running counter to CRC’s statutory function to ensure integrated and strategic delivery of infrastructure with land use.⁵⁹ In my view, this integration should include consideration of effects in respect of the wider surrounding area, including neighbouring Districts i.e. within the Greater Christchurch urban environment.

⁵⁹ RMA section 30(1)(gb). This point was made in the recommendations report provided to the Minister as part of his approval of Change 1 under the streamlined planning process.

IMPLICATIONS OF THE RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT

111. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill was enacted on 20 December 2021. The Act sets out a range of changes with the intention of providing for greater provision for intensification in Tier 1 Councils, which includes Selwyn District. Mr Cleese has noted that the Council has acknowledged the MDRS provisions, but has not included the Council report which was not available at the time of release of the s42A but is now available online.⁶⁰
112. Importantly, one of the benefits noted in the Cabinet paper introducing the bill is that enabling greater intensification will enable a range of benefits including more productive and efficient use of land, with less pressure for urban dispersal/sprawl,⁶¹ and that it supports the Government's wider objectives for housing, resource management reforms, and climate change.
113. The RM Amendment Act requires the incorporation of the MDRS for all relevant residential zones. The MDRS provides for:
- (a) Permitted activity status to construct or use a building that complies with the density standards of the plan once incorporated;
 - (b) Controlled activity status for subdivision of land for those residential units;
 - (c) Up to 3 units per site (with no density standard)
 - (d) Building height up to 11m, or 12 with a pitched component
 - (e) 4m + 60 degree recession planes (except the road boundaries, internal boundaries or common walls between sites);
 - (f) 1m side and rear boundaries and 1.5m road boundaries;
 - (g) Up to 50% building coverage;
 - (h) Specified outdoor living space and outlook space;
 - (i) 20% glazing on the streetfront;

⁶⁰ https://www.selwyn.govt.nz/_data/assets/pdf_file/0020/740108/2022-02-23-Council-Report-Variation-EHS-FINAL.pdf

⁶¹ <https://environment.govt.nz/assets/publications/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-approval-for-introduction.pdf> at para [9].

- (j) Minimum 20% landscaped area.

114. The “relevant residential zones” are defined as:

- (a) *means all residential zones; but*
- (b) *does not include—*
 - (i) *a large lot residential zone;*
 - (ii) *an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment;*
 - (iii) *an offshore island;*
 - (iv) *to avoid doubt, a settlement zone*

115. Urban environment is defined in s77F of the RM Amendment Act, and has the same meaning as set out in the NPS-UD. This has implications in terms of capacity for infrastructure, as well as yield for the range of plan changes before SDC.

116. Neither Mr Cleese, nor the other Council experts, have taken into account the impact of the MDRS provisions in relation to capacity or planning for the subject site, Prebbleton or Greater Christchurch.⁶² Mr Cleese has noted that the RM Amendment Act will have significant implications for Prebbleton, but then sets that issue aside and has not assessed it as a potential downstream implication of the rezoning.⁶³ Nor is this matter addressed in the evidence of the plan change applicant. In my opinion, this raises significant issues in relation to infrastructure capacity, and effects that may potentially occur as a result of the requested rezoning, but have not been taken into account, and for which there is an absence of assessment.

⁶² S42A report para [37].

⁶³ S 76(3) RMA.

SUBSTANTIVE MATTERS OF CONCERN REGARDING PC68

117. As outlined above, in my view PC68 will not give effect to CRPS Objective 6.2.1(3) or Policy 6.3.1(4).
118. It follows that in my view PC68 is inconsistent with SDP Objective B4.3.3 and Policy B4.3.1 (and also pSDP Policy UG-P3 and UG-P13) as in my view, the intent of these provisions is to give effect to the above provisions of the CRPS. I have attached these relevant provisions to my evidence in **Appendix 1**.
119. The plan change does not propose to amend the above operative objective and policy (which it could have), and therefore it is difficult to understand how the proposal for urban development meets the legal requirements for consideration of plan changes as outlined in paragraphs 29-31 of my evidence.
120. With reference to Objective 6.2.1 and 6.2.2 of the CRPS and the direction to achieve a consolidated urban form, it does not avoid unplanned expansion of urban areas, and should in my view be considered through a comprehensive spatial planning exercise. The plan change area creates a peninsula of urban development, extending a significant distance from the existing township, with Living 3 zoned land to the north-east, surrounding Rural Innerplains zoned land on Trent's Road⁶⁴, and Rural Inner Plains to the southeast and north west. To this extent, I consider the land to be a poorly located fragment that does not achieve consolidation or a compact urban form, unless the surrounding area is subject to more comprehensive planning, which is yet to take place.
121. I note that while Mr Clease considers the proposed plan change is located in the preferred growth path for Prebbleton⁶⁵, that this is inconsistent with Appendix 31 of the SDP which sets out Prebbleton's preferred growth pattern.⁶⁶ As a result, I consider PC68 does not give

⁶⁴ Notwithstanding submissions seeking some of that land be rezoned, which may be subject to issues of scope.

⁶⁵ S42 Report at para [154].

⁶⁶ <https://eplan.selwyn.govt.nz/eplan/#Rules/0/1016/1/6712/0>

effect to Objective 6.2.2 and is inconsistent with SDP Policies B3.4.4 and B3.4.5.

122. The CRC and CCC submissions also raise the following matters, which I address in more detail below:

- (a) Infrastructure;
- (b) Transport and public transport;
- (c) Residential density;
- (d) Loss of highly productive land; and
- (e) Contributing to a well-functioning urban environment.

Infrastructure

123. CRPS Policy 6.3.5(2) seeks to ensure that the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure. Policy 6.3.5(2)(e) states that this is in order to ensure new development does not occur until provision for appropriate infrastructure is in place.

124. SDC has provided additional information in relation to provision of infrastructure for the following:⁶⁷

- (a) Water supply;
- (b) Wastewater; and
- (c) Stormwater.

125. Policy 6.3.5(2)(e) was drafted to ensure that new development provides for appropriate infrastructure and that its provision should be real and demonstrable, noting in the principal reasons and explanation that it states that it is important that timing and sequencing of development is aligned with funding and implementing of infrastructure. In this regard, I consider that it should be identified and budgeted for in a timely manner in an Annual Plan or LTP of the relevant local authority (unless it can be evidenced as being provided through a developer agreement or similar third party arrangement).

⁶⁷ Servicing Hearing Report, Murray England.

- 126.** This is supported by the principal reasons and explanation for Policy 6.3.5, which states that it is important that timing and sequencing of development are aligned with funding and implementation of infrastructure.
- 127.** Mr England concludes, in his Infrastructure Review Report for SDC, that there is additional capacity for growth within existing water takes within the Prebbleton area with further capacity upgrades proposed and planned for.⁶⁸
- 128.** I do not agree that evidence merely demonstrating that feasible servicing options exist is sufficient, or that site specific upgrades can be made, given the need to service a number of developments should further notified private plan changes be approved (including Plan Change 72 in the south of Prebbleton). Additionally, the upgrades have not been approved or consented, and it is not clear what the implications of additional intensification in Selwyn District as a result of the MDSR will have on availability for capacity in the network.
- 129.** Mr England notes that conveyance of wastewater to the Pines Waste Water Treatment Plan (**WWTP**) is feasible, but this is subject to the timing of critical infrastructure works taking place. Mr England also notes that while there is capacity within the Prebbleton Terminal PS to accept flows from this plan change, that there are other private plan changes lodged in addition to this including PC68 and PC79, and that capacity may not be available for all. No discussion is provided on whether allocation would take place on a first-come first-served basis, however Mr England as advised this will be updated at the hearing.⁶⁹ Given capacity might not be available for all of the private plan change applications, this highlights the difficulty of catering for this unplanned growth, and the potential downstream implications for capacity generally (including within existing zoned land).
- 130.** In relation to wastewater treatment Mr England states that the WWTP is currently at or near capacity with upgrades currently underway and

⁶⁸ Ibid at para [18].

⁶⁹ Ibid para [31].

additional upgrades planned and budgeted for. In other hearings, Mr England has stated that the current connected catchment (2021) has a population equivalent of approximately 42,000 – 45,000 person equivalents (**PE**). Given the current proposed plan changes before Council provide for up to 15,000 households, Mr England has not indicated what the cumulative impact of development will have on capacity at the WWTP, if all of those plan changes are approved. I understand the current operational consents granted by CRC for the WWTP allow for up to 47,777 PE and that there has been no application to increase this. Even so, Mr England states that the current WWTP has an ultimate capacity of 60,000 PE⁷⁰, and so I query whether this would be sufficient if all the residential plan changes are approved, and whether plan changes should proceed until such time as consents are gained and construction of the extension to the WWTP to 120,000 PE is made available.

- 131.** In relation to stormwater, Mr England is satisfied that provision of stormwater management for the site is appropriate. I acknowledge that Mr England is satisfied that feasible options are available, and that there are processes in place to consider the detail of those options through the subdivision and engineering approval processes.
- 132.** In my view, however, approving PC68 could potentially undermine the timely delivery of other land already identified for planned urban development within the PIB (and the FDAs) that will be reliant on the remaining infrastructure capacity at the Pines WWTP until such time as upgrades are completed and the full range of consents are obtained. I consider there to be a degree of uncertainty in this space, which warrants taking a precautionary approach.
- 133.** A further complicating factor for infrastructure planning is the RM Amendment Act, which could have a considerable impact on the demand for infrastructure capacity in existing and new development areas within the Selwyn District. The resulting increased infill housing will result in increased pressure on the stormwater, wastewater and water supply networks. This creates a degree of uncertainty around whether the

⁷⁰ Ibid para [38].

proposed infrastructure requirements in relation to wastewater treatment at the Pines Wastewater Treatment Plant will be sufficient. No analysis appears to have been done at this early stage of the Act coming into force.

Transport

134. CRPS Objective 6.2.4 prioritises the planning of transport infrastructure so that it maximises integration with land use patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while: (1) managing network congestion; (2) reducing dependency on private motor vehicles; (3) reducing emission of contaminants to air and energy use; (4) promoting the use of active and public transport modes; (5) optimising use of existing capacity within the network; and (6) enhancing transport safety.
135. Objective 6.2.4 is supported by CRPS Policies 6.3.3, 6.3.4 and 6.3.5, , with Policy 6.3.4 (2) stating that an efficient and effective transport network is achieved by: *“providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice”*.
136. CCC is specifically concerned that the Integrated Transport Assessment (ITA) shows that the vast majority of residents commute from Prebbleton to Christchurch for work (67%). No additional employment opportunities are provided for as part of PC68, and so it is expected that the commuter contribution will remain at least at this level, particularly given the distance to travel to the nearest bus route in relation to the plan change area (1-2.5km), which is not considered to be within a walkable catchment (generally 400-800m). There has been no demonstration as to how the proposal will contribute to reduced greenhouse gas emissions, which is a requirement for a well-functioning urban environment, as compared to development within existing public transport serviced urban areas (such as in Christchurch City).

137. Mr Mat Collins, for SDC, has provided a comprehensive review of the ITA and PC68.⁷¹ Mr Collins recommends a number of changes to the ODP well as traffic upgrades required before any dwellings are occupied, and amendments to include cycling upgrades.
138. Mr Collins does not assess effects on the wider transport network but does conclude: *“PPC68 is inconsistent with the Prebbleton Structure Plan, in that it is outside the anticipated urban area. Should PPC68 affect the quantum of residential growth within Selwyn, without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment.”*⁷²
139. This is a key concern for CCC, particularly when considered in combination with other private plan changes that are proposed within the Selwyn District that have not been planned for at a strategic level. In my opinion, approval of these plan changes (and PC68), in combination with the MDRS, could result in significant cumulative impacts on the transport network. There is no indication that the implications of the MDRS have been taken into account as part of the transport modelling, which will likely impact on potential yield along with associated transport impacts.
140. I consider PC68 will contribute to cumulative downstream effects for Christchurch City where many of the ultimate destinations of Prebbleton residents lie, particularly for employment and retail, and where levels of service in relation to traffic congestion are already poor. Employment opportunities in Prebbleton are limited, and distance to public transport means that inevitably, residents are highly likely to commute. Modelling indicates that average speeds at the AM peak period could fall substantially by 2048, especially for trips between Selwyn, Waimakariri and Christchurch. Average travel speeds in the morning peak could reduce by over 6km/h over the next 30 years (from 42km/h in 2013 to 36km/h in 2048).⁷³ In my view, this creates tension with the direction of the CRPS, in particular Policies 6.3.4 and 6.3.5.

71 Transportation Hearing Report, Mat Collins.

72 Ibid page i, and page 14 and 20.

73 Greater Christchurch PT Business Case: <https://www.ecan.govt.nz/your-region/living-here/transport/public-transport-services/future-public-transport>, p5.

141. In raising these concerns I note that several strategic transport assessments undertaken for Our Space and the Future PT Business Case have already been undertaken. The Housing Interactions analysis that informed Our Space concluded: *“A sensitivity test for 2048 was also modelled to test the extent to which the location of growth has an impact on the transport network. The same projected population growth total for Greater Christchurch was used, but a higher proportion of the growth was distributed to Christchurch City, rather than Selwyn and Waimakariri Districts. The results of the sensitivity test demonstrated that the location of land use growth can significantly impact the distribution of trips and the resulting levels of congestion, with marginally better average speeds and travel times with a higher proportion of the growth distributed to Christchurch City”*.⁷⁴
142. In relation to population growth in Greater Christchurch, the vision section of the Regional Public Transport Plan (**RPTP**) states: *“The integration of public transport and land use planning is essential to managing this growth”*. In my view, the RPTP and the public transport business cases demonstrate a clear intent to seek to provide a more attractive public transport service to key towns in Greater Christchurch, such as Rolleston. Those documents also note that this is not an overnight investment or task. Any approval of unplanned or out-of-sequence development in the meantime, particularly outside the PIB, could inhibit the integrated and strategic approach to delivery of efficient and effective public transport.
143. In my view, development should therefore be commensurate with the level of accessibility already existing or planned, not reliant on a future level of public transport service that is unplanned, unfunded and runs counter to the stated policy directions of statutory documents, which as noted previously seek integration of land use and infrastructure⁷⁵, and that development is infrastructure-ready.⁷⁶ Doing so ensures that development is both strategic and integrated, and development outside

⁷⁴ <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports/Housing-and-Business-Development-Capacity-Assessment-Summary.pdf>, p41.

⁷⁵ CRPS Policy 6.3.5.

⁷⁶ NPS-UD Clause 3.4(3) and 3.5.

of planned infrastructure areas potentially limits development of land within existing and strategically planned areas.

144. Overall, in my view PC68 does not support the integration of land use and transport infrastructure (CRPS Policy 6.3.5) and would impede the maintenance of an efficient and effective transport network (CRPS Policy 6.3.4). As such I consider PC68 is also inconsistent with Policy B2.1.13 of the SDP that requires “*consolidated land use patterns that will reduce the demand for transport*”.
145. I further address the greenhouse gas emission effects of PC68 below, when considering whether this request would contribute to a well-functioning urban environment.

Residential density

146. CRC and CCC have concerns regarding the density and housing typologies proposed by PC68. CRPS Policy 6.3.7 requires minimum net densities to be achieved, in order to:
- (a) efficiently utilise identified land;
 - (b) help create a compact urban form that can be served efficiently by infrastructure, including public transport; and
 - (c) help ensure that housing supply and housing choice, including affordable housing options, meet demand.
147. I acknowledge that Policy 6.3.7(3) specifies minimum net densities to be achieved in various locations, but that it does not account for the development of unplanned proposals such as PC68. I also acknowledge that the applicant proposes an average minimum net density of 12hhs/ha and that this is above that set for greenfield priority areas when Chapter 6 was inserted into the CRPS.
148. Nevertheless, as outlined in paragraph 96, and according to the 2021 HCA, the trends in housing needs will require a significant increase in the supply of smaller and multi-unit dwellings across a broader range of tenures. Higher densities will also support greater uptake and patronage of public transport, where it is provided.

149. Notwithstanding issues set out in my evidence relation to the need to give effect to the CRPS and Map A, in my view before PC68 warrants approval, it would need to propose typologies and tenures that can meaningfully set it apart from other developments currently being advanced within the PIB, so that typologies are provided that address the matters I have set out above. To some extent, this may be overcome through the introduction of the MDRS, however I note there is no current legal restriction on the imposition of developer covenants that could limit the implementation of the MDRS in relation to the plan change location. As noted above, I consider that the criteria that are yet to be developed by CRC will engage with demand, typologies and needs in this way, and that any assessment of significance in the meantime should directly consider these aspects.
150. Evidence to demonstrate the appropriateness of higher densities is cited by the CCC submission, which refers to Action 3 in Our Space to review appropriate densities for new greenfield developments. This review has now been completed and the resultant report concluded that on a case-by-case basis 15 hh/ha is both desirable and feasible as the minimum net density in new greenfield areas.⁷⁷
151. A further action in Our Space (Action 2) led the GCP to commission Community Housing Aotearoa (**CHA**) to investigate future social and affordable housing needs across Greater Christchurch, to assist in developing an action plan to increase provision. CHA highlighted the challenges of increasing such provision in housing markets primarily through greenfield subdivisions and noted research undertaken as part of the Building Better Homes, Towns and Cities (**BBHTC**) National Science Challenge that identifies the prevalence of private land covenants as inhibiting the provision of more affordable housing.
152. Notwithstanding this, with the RM Amendment Act being enacted, this may result in significantly more development capacity if the plan change is approved and subsequently varied by SDC (noting again the adverse impact this could have on three-waters and transport infrastructure). The

⁷⁷ https://www.selwyn.govt.nz/_data/assets/pdf_file/0005/475466/UG-Chapter-Appendix-3-HG-Greenfield-Density-Analysis.pdf

increased density of development that would result would create more pressure on the infrastructure aspects discussed above, which is why I consider that a conservative approach should be taken.

Loss of highly productive land

- 153.** The proposed development will result in the loss of land that is considered “highly productive land”, in this instance being Land Use Capability (**LUC**) Class 2 (36.1ha) and 3 (7.57ha) soils, which is the subject of the recent Proposed National Policy Statement on Highly Productive Land (**proposed NPS-HPL**). The evidence of Mr Mthamo, supported by Ms Harte downplays the importance of the soil resource.⁷⁸
- 154.** While it is acknowledged that the proposed NPS-HPL is in draft, and is not required to be given effect to, the discussion document still contains relevant matters that can be considered in terms of planning practice. The cumulative impact of loss of finite soils over time to urban development could potentially be significant.⁷⁹ From 1990-2008, 4,800 hectares of LCU 1 and 2 land was lost to urban expansion in Canterbury. This is further exacerbated by larger areas of LUC 2 soil being identified within FDAs in Map A which is subsequent to the dates above (noting that these have been through a strategic planning process through amendments to the CRPS, as well as the Rolleston Structure Plan). The discussion document notes that there has been a tendency for urban expansion to occur outwards, rather than upwards, when both forms of development are needed.
- 155.** I consider that such decisions regarding expansion on to highly productive land should be made following a strategic review of development options across a district and sub-regional basis, enabled through processes such as Our Space, and development of the Greater Christchurch spatial plan. That will ensure that where greenfield

⁷⁸ EIC of Ms Harte at Section 8.

⁷⁹ Page 23 <https://www.mpi.govt.nz/dmsdocument/36624-Discussion-document-on-a-proposed-National-Policy-Statement-for-Highly-Productive-Land>

expansion is to occur, that urban growth is directed to areas that do not comprise the most valuable soil resources, or that at least, options are evaluated at a region wide scale to determine the most appropriate location for development. In particular for Selwyn District, such processes would recognise that less versatile soils are available to the western side of Rolleston.

156. To this extent, I do not support additional urban expansion onto LUC 2 and 3 land in this location.

Well-functioning urban environment

157. Policy 1 of the NPS-UD describes well-functioning urban environments as those that, as a minimum below (my emphasis in **bold**):

- (a) have or enable a variety of homes that:
 - (i) **meet the needs**, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
- (b) Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) **Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;** and
- (d) Support and limit as much as possible adverse impacts on the competitive operation of land and development markets; and
- (e) **Support reductions in greenhouse gas emissions;** and
- (f) Are resilient to the likely current and future effects of climate change.

158. Expanding on Policy 1(c), and in relation to Policy 8, clause 3.8 requires that unanticipated or out-of-sequence plan changes must be '*well-connected along transport corridors*'.

- 159.** The MfE guidance states that ideally transport corridors should be connected via a range of transport modes and proximate to amenities and services. The guidance goes on to state that, if possible, people should not need to rely solely on private vehicles to travel to other urban areas, or to access essential services like employment, and health or community services. It further states that ideally, developments under this policy will be transit-orientated with mixed land uses and densities.⁸⁰
- 160.** As I have outlined already, I do not consider PC68 achieves Policy 1(a) or (c), or that the request is currently or will be well-connected to or along transport corridors.
- 161.** I also consider that the heavy reliance on private vehicle use for residents will inevitably prevent PC68 from supporting reductions in greenhouse gas emissions (which is required by Policy 1(e)), particularly when compared to alternatives for intensification along public transport routes.
- 162.** There is no attempt by Ms Harte to quantify how the proposed plan change supports a reduction in greenhouse gas emissions, which is a significant gap in the assessment which is a pre-condition to providing for a well functioning urban environment, and must be given effect to. Ms Harte notes the access to community infrastructure, consolidated urban form, and possible future public transport links (which have not been identified or supported with evidence as to feasibility). This differs, for example, to Proposed Plan Change 67 at West Melton, which proposed minimum indigenous planting, and a requirement for provision of onsite solar generation for new dwellings. While not quantified in that circumstance, the provisions proposed as part of that plan change were meaningful.
- 163.** In the s42A Report, Mr Clease agrees that PC68 may not support reductions in greenhouse gases (primarily due to a reliance on private vehicles) but caveats this with a view that the same situation arises currently in relation to existing zoned land or land identified for future development elsewhere in Selwyn District.⁸¹ Ms Clease then notes that the same situation then arises in relation to existing zoned land or land

⁸⁰ *ibid*, Footnote 25.

⁸¹ S42A Report, para [216]-[217].

identified for future development within Selwyn District, and as such he does not consider PC68 contrary to Policy 1.

- 164.** In my opinion, I do not consider this a logical conclusion to draw, because PC68 is in addition, not in substitution, to other growth areas. The fact that other land is already zoned is not directly relevant, as those decisions were made prior to the NPS-UD, rather than post-dating that higher level policy document. In my view, there is now a higher level (and forward-looking) policy direction that must be considered and given effect to, and choosing to ignore or soften that based on prior existing development is not an available planning response. In effect, that approach would be calling into question current policy directions based on what is already on the ground, which is counter to the nature of policy development and application.
- 165.** Mr Cleese does not tie the requirement back to the NPS-UD requirement that such development contributes to well functioning environments, which *at a minimum*, support reductions in greenhouse gas emissions. No aspect of the proposal looks to achieve this policy direction, in particular there is no quantification of this, nor any proposal to look at how reductions might be achieved. This is a significant issue for all of the private plan changes before Selwyn District Council, and one of the key objectives of the NPS-UD.⁸² I consider the current analysis of this issue to be inadequate (by both the applicant and the SDC reporting team), and it is difficult to understand how a conclusion can be reached that the proposal will contribute to a well-functioning urban environment⁸³ in the absence of any robust evidence or analysis.
- 166.** Land identified for future development through Change 1 to the CRPS (i.e. planned development) has been considered through a detailed, comprehensive spatial planning exercise, which comprises multiple facets. While not all land within the existing GPAs and FDAs may deliver on every NPS-UD or CRPS policy now, it can be reasonably expected that this will occur as a result of the strategic planning and infrastructure that will 'unlock' that land for development (including public transport development). The distinction with PC68 is that it is unplanned, and

⁸² NPS-UD Objective 8.

⁸³ S42A Report, para [184].

should be required to demonstrate that it will support a reduction in greenhouse gases, which it has not.

167. I note that the recent mode shift plan for Greater Christchurch, prepared by Waka Kotahi with the GCP,⁸⁴ states that land transport currently accounts for 41% of greenhouse gas emissions in Greater Christchurch. This recognises the significant contribution of private vehicle use to greenhouse gas emissions and climate change.

Conclusions

168. While I accept that PC68 will provide a relatively significant *number* of new dwellings, I do not consider that the proposal overall will provide 'significant additional development capacity' in a way that satisfies Policy 8 of the NPS-UD, in particular by not delivering a well-functioning urban environment. In my view, this assessment means that PC68 does not qualify for responsive decision-making under Policy 8 of the NPS-UD.
169. Notwithstanding this, I consider that the avoidance framework established by Chapter 6 of the CRPS, which must be given effect to in this case, requires the plan change be declined. Taking into account the statutory framework for the consideration of plan change requests, I consider the Rural Inner Plains Zone to be the most appropriate zone to achieve the objectives of the SDP and the higher order planning documents.
170. As a result, I consider that the PC68 request should be refused.

Dated this 16th day of March 2022



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Marcus Langman

84 <https://www.nzta.govt.nz/assets/resources/keeping-cities-moving/Christchurch-regional-mode-shift-plan.pdf>

Objective B4.3.3

*For townships within the Greater Christchurch area, new residential or business development is to **be provided within existing zoned land or priority areas identified in the Regional Policy Statement** and such development is to occur in general accordance with an operative Outline Development Plan.*

Policy B4.3.1

Ensure new residential, rural residential or business development either:

- Complies with the Plan policies for the Rural Zone; or*
- The land is rezoned to an appropriate Living Zone that provides for rural-residential activities (as defined within the Regional Policy Statement) in accordance with an Outline Development Plan incorporated into the District Plan; or*
- The land is rezoned to an appropriate Living or Business zone **and, where within the Greater Christchurch area, is contained within existing zoned land and greenfield priority areas identified in the Regional Policy Statement** and developed in accordance with an Outline Development Plan incorporated into the District Plan.*