

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

UNDER

the Resource
Management Act 1991

IN THE MATTER

of Private Plan Change
69 (Lincoln) by
Rolleston Industrial
Developments Limited

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

11 NOVEMBER 2021

 **Simpson Grierson**
Barristers & Solicitors

J G A Winchester / M G Wakefield
Telephone: +64 3 365 9914
Facsimile: +64-3-379 5023
Email: mike.wakefield@simpsongrierson.com
PO Box 874
CHRISTCHURCH

CONTENTS

	PAGE
SUMMARY	1
INTRODUCTION	5
STATUTORY AND PLANNING FRAMEWORK	10
SUBSTANTIVE MATTERS OF CONCERN REGARDING PC69	33

SUMMARY

1. Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**) have sought that Private Plan Change 69 (**PC69**) to the Operative Selwyn District Plan (**SDP**) be declined in its entirety.
2. They consider the plan change request is inconsistent with the agreed strategic planning framework established through *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update* and does not give effect to the Canterbury Regional Policy Statement.
3. I have reviewed the plan change request and supporting material, together with the relevant statutory documents and legislation and, in my view, conclude that the amended proposal¹ should be declined in its entirety because:
 - (a) While it is accepted that PC69 could be considered to add significant capacity for housing (in terms of quantum of dwellings):
 - (i) sufficient development capacity has already been identified to meet expected housing demand over the medium-term and the proposed housing typologies do not go far enough to align with the housing needs stated in the 2021 Housing Capacity Assessment;
 - (ii) it is out of sequence with planned infrastructure development;
 - (iii) it would compromise opportunities for intensification elsewhere in Greater Christchurch; and
 - (iv) it would not contribute to a well-functioning urban environment that is well-connected along transport corridors.
 - (b) PC69 **does not give effect** to the following key policies in the Canterbury Regional Policy Statement (**CRPS**):
 - (i) Objective 6.2.1(3) which seeks that *“recovery, rebuilding and development are enabled within Greater Christchurch through a land use and*

¹ Amended application dated 7 April 2021, incorporating further information requested by SDC.

infrastructure framework that..avoids urban development outside of existing urban areas or greenfield priority areas for development unless expressly provided for in the CRPS”;

- (ii) 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*”;
- (iii) 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.

(c) In relation to the Selwyn District Plan, the limited new provisions of PC69 are not the most appropriate to achieve the objectives of the plan, in particular Objectives B3.3.3, B3.4.5, B3.4.4, B4.3.1, B4.3.3 and the proposed rules and Outline Development Plan are inconsistent with Policies B2.1.13 and B4.3.1.

(d) The Section 32 Report and evidence² filed by the plan change applicant incorrectly identifies that Policy 8 of the National Policy Statement on Urban Development 2020 (**NPS-UD**) resolves the tension with the provisions of Chapter 6 of the CRPS and the proposed plan change;

² S32 para 81, 113-114, 121; evidence of Jeremy Phillips at para 21, 109-111, 131

- (e) the operative CRPS and the higher order NPS-UD provisions can be read together, and there is nothing in the NPS-UD that overrides the statutory requirement to give effect to the provisions of the CRPS.
4. In reaching these conclusions I outline why I consider the CRPS is not inconsistent, or in conflict with, the NPS-UD.
5. 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 greenfields areas will 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**).
6. A spatial planning exercise has recently been initiated by the Greater Christchurch Partnership (**GCP**)³ 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 district plans. In my view, this spatial planning exercise is the preferred option for identifying areas for additional urban development, as opposed to through various discrete private plan change applications like PC69.
7. Given the large number of private plan change requests seeking additional urban development in Selwyn, 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 narrowly framed, based on incomplete information and could potentially

3 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.

undermine the achievement of longer-term outcomes, such as intensification. This is a relevant consideration, as approving any of these requests results in ad hoc development and sets a precedent for subsequent hearings without fully considering the cumulative impacts of other requests or having previously analysed alternative growth scenarios.

INTRODUCTION

8. My full name is Marcus Hayden Langman.
9. 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).
10. I have 20 years' experience in planning, of which 18 has been in New Zealand. For the last 7 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.
11. 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 process.
12. 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**).
13. 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.

14. 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.
15. 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.
16. 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.
17. 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

18. My evidence is presented on behalf of CRC and CCC in relation to PC69 to the SDP and addresses:

- (a) CRC and CCC's interest in PC69 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 NPSUD; and
- (c) the substantive matters of concern, as outlined in the CRC and CCC submissions, regarding PC69.

19. Where relevant to the matters considered in my evidence, I discuss the analysis and recommendations within the section 42A Report prepared by Nick Boyle, Consultant Planner for Selwyn District Council (**SDC**), dated 28 October 2021 (**s42A Report**). I have also reviewed the following documents, as relevant:

- (a) the notified PC69 plan change request and further information received;
- (b) the submissions made on PC69, to the extent they are relevant to the interests of CRC and CCC;
- (c) the s42A Report and associated expert evidence;
- (d) the evidence filed by the plan change applicant;
- (e) the National Policy Statement on Urban Development 2020 (**NPS-UD**);
- (f) the CRPS, including Change 1 to Chapter 6 (**Change 1**);
- (g) the SDP and the proposed SDP (**pSDP**);
- (h) Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga* (**Our Space**), the FDS for Greater Christchurch; and
- (i) the Greater Christchurch Housing Development Capacity Assessment (**HCA**), 30 July 2021.

20. I have also reviewed 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.

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

CRC and CCC's interest in PC69 and how it relates to strategic planning in Greater Christchurch

22. 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.⁴
23. 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,⁵ 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.⁶
24. In relation to PC69, the CCC and CRC submissions address strategic planning matters.
25. 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;

4 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).

5 Such as Selwyn 2031.

6 Section 84(1) of the RMA requires that "*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*".

- (b) That the nature, timing and sequencing of new development should be integrated with funding, implementation and operation of transport and other infrastructure;
- (c) The plan change is not well serviced by public transport infrastructure and is contingent on infrastructure upgrades;
- (d) The proposal needs to demonstrate how effective provision is made for a range of transport options, including public transport;
- (e) The proposal does not sufficiently address wider transport and environmental impacts arising from trips into Christchurch City;
- (f) There will be impacts on versatile soils, which conflicts with the S D P; and
- (g) The proposal will have adverse effects on stormwater, freshwater and groundwater, including impacts on springs, shallow groundwater conditions and modification of wetlands.

26. 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;
- (c) References the transport implications on Christchurch City, and notes that the proposal relies on future public transport that has not been funded, which has implications in terms of transport efficiency and contributions to climate change; and
- (d) Seeks a higher minimum density requirement of 15 households/hectare to support viable public transport.

27. Both submissions consider PC69 is inconsistent with the agreed strategic planning framework established through Our Space and the CRPS and seek that the request be declined.

STATUTORY AND PLANNING FRAMEWORK

28. The statutory tests to be applied for determining the most appropriate provisions in the district plan are set out below:⁷

- (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.*

29. 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.*

7 Adapted from R Adams and Ors v Auckland Council [2018] NZEnvC 008.

30. 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.*

31. This part of my evidence focuses on these aspects of the statutory framework. Firstly, it briefly describes the relevant aspects of both the NPS-UD and Chapter 6 of the CRPS and describes this 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 PC69, 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

32. The NPS-UD came into force on 20 August 2020,⁸ replacing the 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

33. 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 NPSUD Cl. 1.2(1)

⁹ NPSUD Cl. 1.3 Application.

¹⁰ NPSUD Cl. 1.4 Interpretation.

¹¹ NPSUD 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.

34. 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.
35. 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 NPSUD, 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 PC69 in relation to contributing to a well-functioning urban environment later in my evidence.
36. The other objectives and policies that I consider to be particularly relevant to the matters raised by PC69 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.

¹³ 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.

37. 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 authorities' 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.

38. CRC has initiated but not yet completed work to formulate and include such criteria in the CRPS in response to clause 3.8(3). These criteria will, to my understanding, guide the determination of what constitutes 'significant development capacity' in a Greater Christchurch and

¹⁶ NPSUD 2020 Part 3, sub-part 1, clause 3.4(1)

¹⁷ NPSUD 2020 Part 3, subpart 1, clause 3.4(3)

¹⁸ NPSUD 2020 Part 3, subpart 5, clause 3.26

¹⁹ NPDUD 2020 Part 3, subpart 1, clause 3.2

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

39. It is important, in my view, to carefully consider the wording of Policy 8 and Clause 3.8, and the language used to express the policy. Policy 8 requires that local authority *decisions* are 'responsive to' plan changes, and that 'particular regard' is had to development capacity. In my view, this requires careful consideration of a proposal, but it does not override the much more directive duty under section 75 of the RMA to 'give effect' to higher order documents. This is important when considering the requirement to give effect to both the NPS-UD and the CRPS. 'Giving effect' to the NPS-UD means that, as per the wording of clause 3.8(2), decision-makers need to have 'particular regard' to additional development capacity. However, in doing so they must also consider other relevant higher order policy direction which may require a different approach.

Canterbury Regional Policy Statement

40. 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 Lincoln is located within Greater Christchurch my evidence concentrates on the Chapter 6 provisions.
41. 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**).

20 Noting that Timaru and Ashburton also qualify as urban environments under the NPSUD.

42. Chapter 6 was prepared in order to promote a more sustainable urban environment, and tackle the challenges identified in 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.

43. 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. 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.

44. 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;

...

45. 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.
46. 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 for greenfield development, and as a proportion of the overall supply of housing then impacts on the ability to achieve intensification targets within Greater Christchurch. If greenfield development is significantly increased above levels anticipated, this will proportionally reduce the delivery of housing through intensification.
47. Other key features of Chapter 6 are:
- (a) Identification of the existing urban area (along with a Projected Infrastructure Boundary (**PIB**), which I note has no accompanying policy associated with it);
 - (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.
48. 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

49. The Chapter 6 requirement to avoid urban development outside of the areas identified on Map A is deliberately strict. 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 and targeting of investment (including infrastructure) into *planned* greenfield areas, and enables the community 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 was not available, that 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.
50. 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 current draft legislation before Parliament also looks to direct, or provide for significant incentives for, intensification through the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.
51. 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.
52. On 28 May 2021, the Minister for the Environment (**the Minister**) approved Change 1 to Chapter 6 via a streamlined planning process.

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.

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.

53. 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.
54. 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.
55. 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
56. As discussed later in my evidence, PC69 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.
57. Other provisions in the CRPS that are relevant to PC69 include:

²² Policy 6.3.12

²³ Objective 6.2.2

²⁴ Objective 6.2.1 and Policy 6.3.1.

- (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;
- (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; and
- (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

- 58.** As noted earlier, the relevant local authorities, together with other agencies and iwi, have been involved in collaborative strategic planning through the GCP for nearly twenty years. Commencing with development of the UDS, this collaboration was 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.²⁵
- 59.** 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.

²⁵ Integrated decision making must traverse the RMA 1991, Local Government Act 2002, Land Transport Management Act 2003 and a range of other supporting statutes.

60. 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.
61. 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.
62. 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.
63. 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.
64. 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 PC69 unless a companion change to the CRPS is sought.

65. 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 2024,²⁶ and at a more local level the proposed development of an area plan for the Greater Christchurch part of the Selwyn District.²⁷
66. Finally, it is relevant to note that in July 2021 the GCP collaboratively prepared and published a Housing Capacity Assessment (**2021 HCA**),²⁸ in accordance with the requirements of the NPS-UD. 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).²⁹ I also note that, should the proposed Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill be enacted, this will significantly impact the potential for intensification, capacity within existing urban areas, and increase the ability of existing urban areas to meet demand through re-development.

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

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

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

29 As noted in paragraph 31(a), the NPSUD 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.

RECONCILING THE NPSUD, CRPS AND THE STRATEGIC PLANNING FRAMEWORK

67. The section 32 report accompanying PC69 states that the NPS-UD resolves tension between this proposal, and the directive nature of Chapter 6 which requires avoidance of urban development outside of existing urban areas, GPAs and FDAs.³⁰ However, nowhere in the section 32 report does the author closely examine the wording of the NPS-UD Policy 8, or explain how it “resolves” this perceived tension.
68. In my view, it is possible to read and apply the NPS-UD and CRPS in a manner that does not create tension or conflict. I consider the CRPS, and its avoid framework in Chapter 6, to represent a method that achieves the requirements of the NPS-UD, while also providing for appropriate flexibility to allow for responsive decision-making.
69. It is my opinion that:
- (a) No tension or conflict exists between the NPSUD and the CRPS. Reconciliation of NPSUD Policy 8 based on a plain reading of the NPSUD does not absolve the need to comply with the directive elements of the CRPS;³¹ and
 - (b) If the applicant is correct that there is tension or conflict, then the proper approach would be to either:
 - (i) seek an amendment to the CRPS;³² 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.
70. I do not consider it appropriate to simply set aside the directive provisions of the CRPS in favour of the NPS-UD, as sought by the applicant, particularly when the RMA provides a process that allows for determination of perceived conflict or dispute.

30 Page 56, 57; para 169 Page 64,

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

32 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.

71. 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. My understanding of that decision is that decision-makers should:³³

- (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:³⁴
 - (i) “take account of”
 - (ii) “take into account”
 - (iii) “have (particular) regard to”
 - (iv) “consider”
 - (v) “recognise”
 - (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”.³⁵

72. It is my view that the action “being responsive to plan changes” and “having particular regard to significant development capacity” in NPSUD

³³ *King Salmon* at [129]

³⁴ *King Salmon* at [127]

³⁵ *King Salmon* at [126]

Policy 8 and clause 3.8(2), falls within the less directive language set out above in para 77(d) and is less directive than the action “to avoid” expressed in the CRPS.

The NPS-UD

73. 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.
74. While criteria have not yet been included in the CRPS to determine what constitutes “significant development capacity”, I accept and concur with the assessment by Mr Boyes in his section 42A report³⁶ that the proposal provides for a quantum of development that could be considered significant. There may also be other factors that impact on significance, including the ability to be able to deliver capacity in a timely manner. Given these criteria are yet to go through a public process, it is difficult to determine what those criteria will include (and consequently whether the private plan changes before SDC will meet such criteria).
75. However, 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 as such took a deliberate approach to ‘avoid’ such development.³⁷ The NPS-UD does not define what ‘responsive’ means, however I consider that this could include receiving and notifying a plan change, or alternatively, if SDC or CRC thought it was warranted, it could seek a change to the CRPS to provide for additional development. Neither local authority has done so in this case, or for the other plan change requests that are being heard at present. That is because, in my view, wider considerations need to be taken into account, which should properly be assessed through the review of the CRPS.

³⁶ Para 212-226, S42A Report of Nick Boyes.

³⁷ 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>

76. The applicant agrees that Greater Christchurch is the applicable “urban environment”.³⁸ For the purposes of applying the NPS-UD I agree that the relevant urban environment is Greater Christchurch. This approach aligns with the position adopted in Our Space by the GCP and the information provided with the PC69 request in relation to the significant transport and employment links that Lincoln has with Christchurch City.
77. With reference to Policy 1 of the NPS-UD, I do not consider that PC69 will provide for a ‘well-functioning urban environment’, as it could compromise investment in intensification by continuing urban sprawl into greenfield areas. This would not ‘limit as much as possible adverse impacts on the competitive operation of land and development markets’.³⁹ 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.
78. According to the MfE guidance on the NPSUD, adding significantly to development capacity requires fulfilling an identified demand.
79. As outlined in paragraph 66, 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.
80. Furthermore, the 2021 HCA assesses trends in household composition, affordability, tenure and the resultant housing typologies most suited to 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, PC69 does not go far enough in providing housing typologies and tenures that align with these future housing needs/demands such that it could be considered set apart

38 Paragraph 154, Page 48, Attachment 5 Section 32 Evaluation.

39 NPSUD Policy 1(d).

from the nature of developments currently being advanced through other plan changes that are within the existing urban area.⁴⁰

81. I consider the merits of PC69 would be better considered in conjunction with and subsequent to a broader assessment of the desirability of additional urban growth in and around Lincoln. This is the opportunity afforded through the recently initiated spatial planning process, and would ensure that the benefits and implications of additional urban growth at Lincoln are appropriately weighed against alternative spatial growth scenarios at a Greater Christchurch level.
82. At this point I briefly provide my opinion on three interrelated matters raised by some parties to these and other proceedings that suggest PC69 can still be enabled by the NPS-UD:
- (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, and also that the 2021 HCA overstates available development capacity;⁴¹
 - (b) Secondly, that the NPS-UD requires 'at least' sufficient development capacity and as such local authorities should be more enabling; and
 - (c) Thirdly, that the CRPS does not give effect to the NPS-UD and so the CRPS is somehow less relevant to decision makers.

Housing demand, available capacity and meeting needs by location

83. 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 see 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 the provisions of 3.24(2) which enables housing demand assessments to determine "locations" in any way they choose.

40 This may be superseded by changes proposed as part of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill which is currently proceeding through Parliament which propose to impose Medium Density Residential Standards to all urban areas in Selwyn District.

41 NPSUD Policy 1(a)(i).

- 84.** 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.
- 85.** I note the evidence provided by the applicant regarding the high demand for new housing in Lincoln. I agree that demand for housing is high, however, that is, as I understand, the nature of the whole of the Christchurch housing market at present. It does not, in my view, require that all locations with high demand should increase supply. Partly, I consider the perception of high demand has partly been because of the release of GPAs in Lincoln for development, which would show a pattern of high uptake for newly developed sections. It does not mean that it is the optimal location for further new development. 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 the ability to be able to develop residential housing.
- 86.** 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 one of the primary towns in Greater Christchurch, Rolleston is an important location for urban growth in this context; Lincoln hasn't been identified as one of the receiving locations for FDAs. The newly introduced FDAs 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.
- 87.** 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 trends⁴². 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

⁴² Our Space, Section 5.7

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.

- 88.** Consideration should be given to whether the development capacity provided through Chapter 6 and the SDP is sufficient and not overestimated in the 2021 HCA. This will particularly be the case if the RM reforms impose requirements for all qualifying residential zones to provide for revised Medium Density Residential Standards, including the introduction of no minimum lot sizes.
- 89.** Evidence from Mr Akehurst and Mr Colegrave for the applicant highlight areas which, in their opinion, show deficiencies in the 2021 HCA and, in this case, the underpinning Selwyn Capacity for Growth Model. 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 73:⁴³
- (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;

⁴³ Evidence of Keith Tallentire for CRC and CCC

- (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 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,⁴⁴ thus meeting the medium-term capacity figures in Table 3 of the 2021 HCA;
- (e) Mr Colegrave distinguishes between capacity and likely market supply. 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.⁴⁵
- (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.⁴⁶

"At least" sufficient development capacity

⁴⁴ <https://www.epa.govt.nz/fast-track-consenting/referred-projects/faringdon/the-decision/>

⁴⁵ 2021 HCA, section 6.4

⁴⁶ Policy 10(c) and clause 3.21 of the NPSUD 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.

90. As I explain in paragraph 66, 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). 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 76, given the extensive upzoning in Christchurch City, across the whole urban environment there is a potential medium-term surplus of up to 92,453 households. This is potentially even further underestimated if the RM (Enabling Housing Supply and Other Matters) Amendment Bill is passed into law.
91. While this is clearly providing for 'at least' sufficient development capacity, there is no requirement in the NPSUD to enable anything more than is sufficient. Providing 'abundant' development capacity could undermine the efficient and timely uptake of existing capacity, the direction to enable intensification in certain areas (based on certain criteria) and may run counter to CRC's statutory function to ensure integrated and strategic delivery of infrastructure with land use.⁴⁷ 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.

CRPS giving effect to the NPS-UD

92. In my opinion, the CRPS is not inconsistent with the NPS-UD.
93. 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

47 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.

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 urban growth. 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 NPSUD, 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 PC69, 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. 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 statutory planning framework; 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.

SUBSTANTIVE MATTERS OF CONCERN REGARDING PC69

- 94.** As outlined above, in my view PC69 will not give effect to CRPS Objective 6.2.1(3), which requires that urban development is avoided *“outside of existing urban areas or greenfield priority areas for development unless expressly identified in the CRPS”*, or Policy 6.3.1(4), which seeks 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 in the CRPS”*.

95. It follows that PC69 is therefore also 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.
96. Objective 6.2.1 seeks to achieve a consolidated urban form, and avoid unplanned expansion of urban areas. In this regard, I consider that it complements Objective 6.2.2. I agree with the evidence provided by Mr Hugh Nicholson that the proposed development of the blocks comprising PC69 would constitute a significant increase in the scale of the Lincoln township, and that growth of this scale should be considered through a comprehensive spatial planning exercise⁴⁸ (if growth is deemed necessary and appropriate over and above the GPAs for Lincoln). Mr Nicholson also highlights issues in relation to connectivity, and I agree with his analysis of those issues.⁴⁹ As such, I consider PC69 does not give effect to Objective 6.2.2 and is inconsistent with SDP Policies B3.4.4 and B3.4.5.
97. The CRC and CCC submissions also raise the following matters, which I address in more detail below:
- (a) Infrastructure;
 - (b) Groundwater and springs;
 - (c) Transport and public transport;
 - (d) Residential density; and
 - (e) Contributing to a well-functioning urban environment.

Infrastructure

98. 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.

48 Para 8.6 S42A Report Appendix I Urban Design Review, Hugh Nicholson

49 Ibid at Para 10.1-10.12

99. SDC has provided addition information in relation to provision of infrastructure for the following:⁵⁰

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

100. 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).

101. 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. 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 plan changes be approved.

102. Mr England concludes, in his Infrastructure Review Report for SDC, that while there is additional capacity for growth within existing water takes, the consented allocation will be put under pressure, and that priority of water allocation needs to be given to those areas already within the 'Lincoln growth boundary'.⁵¹ Existing water consents on the land would help to satisfy demand, and if vested in Council, he is satisfied sufficient water can be made available to service the PC69 area.

⁵⁰ S42A Report Appendix F Infrastructure Review Report, Murray England.

⁵¹ Ibid, paragraph 15 – it is assumed that this refers to the existing urban area and GPA's identified in Map A.

103. 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, and that mechanisms are required to mitigate servicing constraints until network capacity becomes available. Mr England does not support a reduction in the buffer for the Lincoln Pond, and that a 150m buffer should remain, along with planted areas on the boundary of the site. Policy 6.3.5(3) of the CRPS seeks to ensure the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and that the ability to maintain and upgrade that infrastructure is retained, and as such, I support the retention of this buffer requirement rule should the plan change be approved.
104. In relation to stormwater, Mr England is satisfied that provision of stormwater management for the site is appropriate, but that due to high ground water levels, the stormwater management area will need to be oversized for periodic consumption of the storage volume.
105. 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.
106. However, in relation to wastewater treatment Mr England states that the WWTP is currently at or near capacity with upgrades currently underway and additional upgrades planned and budgeted for. He states that the current connected catchment (2021) has a population equivalent of approximately 42,000 – 45,000 person equivalents (**PE**).⁵²
107. 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.
108. In the s42A Report for PC67 (West Melton), Ms White agreed that *“there is a need to go beyond the application of a “first in first served” allocation of reticulated services, particular where doing so would use up capacity*

52 Ibid, paragraph 29.

*intended to service planned growth, or where it would prevent the development of potentially more suitable locations”.*⁵³

- 109.** As outlined in paragraph 89(d) above, land within the Rolleston FDA has already been enabled through consents granted by the EPA, or is the subject of notified plan changes⁵⁴, and significant planned development is signalled for the wider townships of Selwyn that is ultimately reliant on capacity at the WWTP. Other notified plan changes exist beyond the PIB in the Greater Christchurch area of Selwyn District (including PC73, which seeks over 2000 dwellings). It is not clear whether Mr England has looked at the cumulative impact of the planned, or unplanned, growth on the existing network, on the basis that they could all potentially be approved and create demand on an already stretched network.
- 110.** In my view, approving PC69 could undermine the timely delivery of other land already identified for planned urban development within the PIB 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.
- 111.** A further complicating factor for infrastructure planning is the RM (Enabling Housing Supply and Other Matters) Amendment Bill, which, should it proceed in its current form, could have a considerable impact on the uptake of infrastructure capacity in existing and new development areas within the Selwyn District. The Bill provides for no minimum site sizes in the residential zones (excluding Residential Large Lot Zones) in the district, as well as increased building coverage and heights. This could result in increased infill housing and increased pressure on the stormwater, wastewater and water supply networks, as well as the need to increase specifications for infrastructure for the PC69 area, including stormwater treatment. This creates uncertainty around whether the proposed infrastructure requirements will be sufficient.

⁵³ Section 42A Report for PC67 (West Melton), paragraph 74.

⁵⁴ Hughes Developments: consented Covid-19 Fast-track application (80ha, 970hhs); Hughes Developments: Lodged PC70 (63ha, 800hhs); Four Stars/Gould Developments: Notified PC71 (53ha, 660hhs); Rolleston West Residential Limited: Notified PC73 (160ha, 2100hhs) Yoursection: Notified PC75 (24ha, 280hhs); Dunweavin: Notified PC76 (13ha, 155hhs); Urban Estates: Notified PC78 (63ha, 750hhs).

Groundwater and springs

112. Ms Philippa Aitchison-Earl has prepared evidence for CCC and CRC on the impact of the proposed urban development on groundwater and springs for the PC69 site. Ms Aitchison-Earl notes that when groundwater monitoring was undertaken by the applicant in January 2021, groundwater levels were very low, and that the closest CRC monitoring bore was at the 12th percentile for its range.⁵⁵
113. Ms Aitchison-Earl raises concerns regarding earthworks and the potential to penetrate the confining aquifer layer, as well as impacts arising from dewatering during construction. These issues have the potential to lessen discharge from existing springs, and potentially create detrimental effects on spring flows in the Aruriri/LII Stream below the confluence with Spring Creek.⁵⁶ She also raises concerns regarding the protection of the shallow groundwater from contaminants in stormwater discharge, as well as direct contact of groundwater with reticulated infrastructure.
114. I consider that Ms Aitchison-Earl's evidence highlights that PC69 could increase the risk of adverse effects on the health and life supporting capacity of the surrounding stream network, which is an effect of the development that needs to be taken into account.⁵⁷

Transport

115. 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.

⁵⁵ Evidence of Philippa Aitchison-Earl for CRC and CCC, 11 November 2021 at para 14

⁵⁶ Ibid at para 16-19

⁵⁷ CRPS Policy 7.3.5 seeks to avoid, remedy or mitigate adverse effects of land use on the flow of surface waterbodies or the recharge of groundwater by controlling the diversion of rainfall run-off overland, and changes in land use, site coverage or land drainage patterns that will singularly or cumulatively adversely affect the quantity or rate of water flowing into surface waterbodies or the rate of groundwater recharge.

116. Objective 6.2.4 is supported by CRPS Policies 6.3.3, 6.3.4 and 6.3.5, which seek to ensure an efficient and effective transport network across Greater Christchurch, with Policy 6.3.4 (2) stating that this 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”*.
117. CCC is specifically concerned that the Integrated Transport Assessment (ITA) accompanying PC69 identifies that 14,000 additional vehicle movement per day will result. The ITA is, however, not clear about how these additional traffic volumes will support reductions in greenhouse gas emission, without a funded public transport system. The CCC submission cites Statistics NZ data and concludes that 39% of people leaving Lincoln for work or school travel into Christchurch City, primarily by private car, truck or van. This will be compounded by the fact that the proposed development provides little in the way of business and employment opportunities, which means that the proposed residential development will, in my opinion, become little more than a commuter suburb for residents working in Christchurch City. This is on top of already planned development through Lincoln’s GPAs, which are not accompanied by any increase in employment in Lincoln itself.
118. Mr Mat Collins, for SDC, has provided a comprehensive review of the ITA and PC69.⁵⁸ Mr Collins raises a number of concerns including the methodology used in the 2031 Lincoln Paramics model which, among other matters, underestimates traffic generation and notes that the traffic distribution is not consistent with similar residential developments within Lincoln.⁵⁹
119. Mr Collins does not assess effects on the wider transport network but does conclude: *“PPC69 is inconsistent with the Lincoln Structure Plan, in that it is outside the anticipated urban area. Should PPC69 affect the quantum of residential growth within Selwyn, without a corresponding increase in local employment and access to services, additional impact*

58 S42A report, Appendix J Transportation Review, Mat Collins

59 Ibid, pages i-iii.

on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment. However, assessing the effects of such development on the long term planning and funding commitments associated with bulk transport infrastructure is complex and requires assessment of multiple land use scenarios".⁶⁰ This is a key concern for CCC, particularly when considered in combination with other 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 PC69) could result in significant cumulative impacts on the transport network.

120. I consider PC69 will generate significant downstream effects for Christchurch City where many of the ultimate destinations of Lincoln residents lie, and where levels of service in relation to traffic congestion are already poor. 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).⁶¹
121. 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"*.⁶²
122. These effects on the wider transport network have not been adequately addressed by the Applicant's ITA (nor any of the transport evidence

60 Ibid page 24.

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

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

provided as part of this hearing) or mitigated by PC69. Notably, the plan change process limits the extent to which alternative locations can be appropriately considered.

123. I note that if the RM (Enabling Housing Supply and Other Matters) Amendment Bill is passed, this could further compound traffic issues due to the increased intensification enabled in both the Christchurch and Selwyn Districts.
124. In relation to public transport, the CRC submission states that the subject site is not well served by public transport, and cites 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.
125. 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 Lincoln. 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.
126. In my view, development should therefore be commensurate with the level of accessibility already existing or planned, not reliant on a future of 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 infrastructure⁶³, and that development is infrastructure-ready.⁶⁴ Doing so ensures that development is both strategic and integrated, and development outside of planned infrastructure areas potentially limits development of land within existing and strategically planned areas.

⁶³ CRPS Policy 6.3.5

⁶⁴ NPS-UD Clause 3.4(3) and 3.5

127. The evidence of Mr Nicholson and Mr Collins highlight the issue with connectivity between the proposed development and Lincoln township, and existing public transport routes. Mr Collins concludes:

The potential future roading connections to Verdeco Park and Te Whāriki subdivisions, shown in the ODP, have been precluded by consented subdivisions. The potential future roading connection to Liffey Springs Road is feasible, however would require an alignment through a Council reserve and not proposed by PPC69. I consider that PPC69 will not be well connected to surrounding urban developments and will primarily rely on Springs Road and Ellesmere Road to connect with the existing Lincoln urban area. As a result, I consider that PPC69 will have poor connectivity to adjoining urban areas, and lower active and public transport usage.

128. Relying on Mr Collins assessment, as well as the issues highlighted by Mr Nicholson, it is my view that the form of development proposed will have a negative impact on the ability for residents to utilise public transport, will not achieve a high level of connectivity with Lincoln township, and will impact on the efficiency of the Lincoln roading network.
129. Overall, in my view PC69 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 PC69 is also inconsistent with Policy B2.1.13 of the SDP that requires “*consolidated land use patterns that will reduce the demand for transport*”.
130. I further address the greenhouse gas emission effects of PC69 below, when considering whether the request would contribute to a well-functioning urban environment.

Residential Density

- 131.** CRC and CCC have concerns regarding the density and housing typologies proposed by PC69. 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.
- 132.** I acknowledge that Policy 6.3.7(3) specifies minimum net densities to be achieved in various locations but does not account for the development of unplanned proposals such as PC69. 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.
- 133.** Nevertheless, as outlined in para 80, 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. In my view, before PC69 would warrant approval, it would need to propose typologies and tenures that can meaningfully set it apart from other developments currently being advanced within the PIB. As noted above, I consider that the criteria that are yet to be developed by CRPS will engage with demand, typologies and needs in this way, and that any assessment of significance in the meantime should consider these aspects.
- 134.** 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.⁶⁵

135. 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.
136. Notwithstanding this, if the RM (Enabling Housing Supply and Other Matters) Amendment Bill is enacted, this could potentially provide significantly more development potential if the plan change is approved (noting again the adverse impact this could have on three-waters and transport infrastructure). However, the yield to be realised by PC69 could be tempered by restrictive developer covenants. This could inhibit the ability to achieve higher densities and infill that is sought to be achieved by the legislation.

Well-functioning urban environment

137. 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

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

- (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.

138. I note that the factsheet published by MfE on well-functioning urban environments provides guidance on the application of Policy 1,⁶⁶ including:

- (a) that the term 'accessibility' in Policy 1 refers to the ease and cost of accessing opportunities (e.g. amenity, employment) across an urban area;
- (b) that the outcomes referenced in the well-functioning urban environments policy are interrelated and need to be considered together – for example, housing and transport choices that relate to Policies 1(a) and 1(c) have an impact on greenhouse gas emissions, policy 1(e); and
- (c) that the well-functioning urban environments policy is central to the NPS-UD and is to be read alongside other key policies, such as the intensification and responsive planning policies.

139. 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*'.

140. The MfE guidance on understanding and implementing the 'responsive planning' policies 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

⁶⁶ <https://environment.govt.nz/publications/national-policy-statement-on-urban-development-2020-well-functioning-urban-environments-fact-sheet/>

community services. It further states that ideally, developments under this policy will be transit-orientated with mixed land uses and densities.⁶⁷

- 141.** As I have outlined already, I do not consider PC69 achieves Policy 1(a) or (c), or that the plan change is currently well-connected to or along transport corridors.
- 142.** I also consider that the reliance on private vehicle use for residents will inevitably prevent PC69 from supporting reductions in greenhouse gas emissions (which is required by Policy 1(e)).
- 143.** In the s42A Report, Mr Boyes agrees that PC69 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. Mr Boyes concludes that, as a result, PC69 is not contrary to Policy 1 in this regard (although Mr Boyes does not, on balance consider that the proposal is consistent with Policy 1 due to a lack of adequate connectivity and development in areas subject to inundation).⁶⁸
- 144.** I disagree with that statement and consider that existing zoned land or land identified for future development within Selwyn District should not be subject to the same test as for PC69. Land identified for future development (ie.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 PC69 is that it is unplanned, and should be required to demonstrate that it will support a reduction in greenhouse gases, which it has not.
- 145.** In this regard I have reviewed the evidence of Mr Farrelly for the applicant and make the following points:

⁶⁷ *ibid*, Footnote 25.

⁶⁸ s42A Report, paragraph 203

- (a) Mr Farrelly was able to quantify the equivalent vehicle distance emissions of the dairy farm on the site, but has not undertaken a comparison with CO₂ generated by vehicle trips as a result of the proposed residential development;
- (b) Given the lack of employment opportunities available in Lincoln (including as part of this plan change), it should be assumed that a far greater proportion of residents in the plan change area will be commuting, as compared to the existing township at 39%;
- (c) While increasing numbers of people working from home and the use of electric vehicles could help reduce total emissions, these would not be consequent from the development itself (and derive from decisions made by private property owners). Mr Farrelly has not provided any evidence as to the proportion of 'working from home' workers in relation to Lincoln to support his assumptions that there would be a higher proportion of people working from home in this particular location. There are complicating factors which include the affordability of housing, prevalence of first home buyers in new subdivisions because of Reserve Bank lending rules, and whether the area is likely to attract residents who are working in productive, manufacturing or retail fields of employment which require them to be on site.
- (d) A helpful analysis that demonstrates challenges in relation to the uptake of EVs and the potential for them to significantly alter emissions from the transport sector was recently completed by a transport planner and economist from Abley Ltd⁶⁹. Summary points from the analysis including:
 - (i) Hybrid and plug-in hybrid vehicles only marginally reduce average emissions per km, only fully electric vehicles make a real difference;
 - (ii) Sales of full EVs are increasing but this still represents a small percentage of the current NZ vehicle fleet (only half of one percent are electric vehicles and just over 2 percent are hybrids);

69 Dr Nadine Dodge, Aug 2021: <https://talkwellington.org.nz/2021/are-evs-going-to-save-us/>

- (iii) Unlike high performing comparator countries like Norway, EVs are still significantly more expensive to buy than alternatives, reducing the incentive for buyers to seek EVs;
- (iv) We generally hold on to our cars for much longer than our comparator countries and only around half of new registrations are actually NZ new vehicles, with over a third of the remaining used car imports being more than 5 years old;
- (v) Currently most used vehicles are imported from Japan and EV registrations in Japan are nowhere near enough to allow sufficient quantities of used EVs to be imported to NZ to match demand for used cars; and
- (vi) A 2030 best-case scenario would see 12% of the vehicle fleet comprising EVs, resulting in a 12 percent reduction in the average emissions factor for the vehicle fleet.

146. I note that the recent mode shift plan for Greater Christchurch, prepared by Waka Kotahi with the GCP,⁷⁰ states that land transport currently accounts for 41% of greenhouse gas emissions in Greater Christchurch.

Conclusions

147. While I accept that PC69 will provide a significant number of new dwellings, I do not consider that the proposal will meet the other requirements of Policy 8 of the NPS-UD. In my view, this assessment means that PC69 does not qualify for responsive decision making under Policy 8 of the NPS-UD.

148. Notwithstanding this, I consider that the avoid framework established by Chapter 6 of the CRPS, which must be given effect to in this case, precludes the approval of this plan change. Taking into account the statutory framework for the consideration of plan change requests, I consider the Rural Zone to be the most appropriate zone to achieve the objectives of the SDP and the higher order planning documents.

⁷⁰ <https://www.nzta.govt.nz/assets/resources/keeping-cities-moving/Christchurch-regional-mode-shift-plan.pdf>

149. As a result, I consider that the PC69 request must be refused.

Dated this 11th day of November 2021



.....
Marcus Langman