

BEFORE THE SELWYN DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of Proposed Plan Change 71 to the Operative Selwyn
District Plan: Rolleston

And Four Stars Development Ltd and Gould
Developments Ltd (the Applicant)

SUMMARY OF EVIDENCE OF PAULINE FIONA ASTON

INTRODUCTION

- 1 My full name is Pauline Fiona Aston. My qualifications and experience are set out in my main evidence.

KEY POINTS OUTLINED IN EVIDENCE

- 2 Private Plan Change 71 (PC71) proposes to rezone approximately 53.9 hectares of land ("the Site") in Rolleston to Living Z (LZ), to accommodate around 660 dwellings in the area between Levi Road, Lincoln Rolleston Road and Nobeline Drive. The existing zoning of the Site is Rural Inner Plains.
- 3 The southern end of the Site is included as a Future Development Area. Part of the Site to the north, is located outside the CRPS Greenfield Priority Area – Residential as identified in MAP A, Chapter 6. The centre part of the Site is within the 50 Ldn air noise contour. The site is flat, located at the eastern edge of Rolleston, and is some 1km from the Rolleston Town Centre, via Masefield Drive.
- 4 The request seeks to rezone the Site from Rural Inner Plains to Living Z and Living Z Deferred Zone. Densities under the Living Z include Low Density (min 500m², average 650m²), Medium Density Small-lot (min 400m², maximum average 500m²), and medium density comprehensive max average 350m²). As noted in the Officer's report, there are no new, or amended policies and objectives introduced through PC71, and for reasons discussed below, I do not consider any are needed.
- 5 The proposed Deferred Zone relates to that area under the 50 Ldn air noise contour. The notified proposal is for the deferment to be removed *'if and when the CIAL airport noise contours are revised and become publicly available and no longer apply to this land'*. Alternatively *'the land could be zoned Living Z with the inclusion of a rule that makes erecting a residential unit or establishing any other sensitive activity a non-complying activity until the reviewed contours are inserted into the appropriate planning document'*
- 6 The area subject to 50 Ldn air noise contours has a potential yield of appx 220+¹ of the total appx 660+ dwellings that would be enabled by PC71.
- 7 The PC71 process is part of a fluid statutory planning environment where a mix of outdated documents and airport noise contours, other planning processes that are underway, and recent and proposed new legislation can cloud the decision making process. Following the 'normal' hierarchical policy development process is in direct conflict with the need to respond to issues needing immediate attention, particularly with respect to housing..
- 8 In my opinion, the greatest weight should be placed on the newest and higher order planning document, the NPS-UD, when assessing the merits of PC71. PC71 is consistent and gives effect to all of the relevant NPS-UD objectives and policies.
- 9 Development of the Site for housing will support a competitive land and development market (NPS-UD Objective 2). There is an urgent need to rezone more land for urban residential purposes in Selwyn, including Rolleston, to help address the current housing supply crisis which has resulted in rampant price escalation; and to meet the Council's obligations under the NPS-UD to provide at least sufficient capacity to meet the expected demand for new dwellings.

¹ Based on the minimum permitted yield of 12 hh/ha. Actual yield is likely to be higher given that the suitability of the land for medium density housing with the proximity to both the proposed District Park and park within the 50 Ldn contour area.

- 10 The PC71 site is close to major employment areas, including Key Activity Centres. It is accessible to public and active transport routes, which can be extended over time into the Site. There is high demand for housing at Rolleston (NPS-UD Objective 3).
- 11 PC71 can be effectively integrated with the planning and funding of existing water, wastewater, reserves and other infrastructure (power and phone). With respect to water supply, there are feasible options for providing a supply to those parts of the Site outside the FDA which are acceptable to the Council. There is sufficient existing wastewater capacity for the enabled development. (NPS-UD Objective 6).
- 12 The NPS-UD (Objective 6) requires a balance between strategic medium/long term decision making and being responsive to proposals, particularly those that supply significant development capacity and promote well-functioning urban environments. The NPS-UD requires the Council to be responsive to all proposals, not just those that supply significant capacity. To be responsive is to *'react quickly and in a positive way'*.
- 13 PC71 will help address both short and medium term capacity land supply constraints and will not, in my opinion, compromise potential outcomes from the Greater Christchurch Spatial Plan 2050 process which will be implemented through the CRPS review in 2024.
- 14 The proposed residential development in this location will contribute towards an urban form which supports reductions in greenhouse emissions (relative to other potential growth areas) and be resilient to the effects of climate change (NPS-UD Objective 8).
- 15 Policy 8 of the NPS-UD provides an alternative resource management framework that overcomes the prescriptive CRPS directions that prevents decision makers from being able to consider meritorious proposals that are outside of areas identified in Map A of Chapter 6 of the CRPS. The proposal meets both Policy 8 requirements for unanticipated (in RMA documents) development, with respect to the central and northern portion of the Site which are outside the Rolleston FDA. It will add significantly to additional development capacity in Rolleston; and will contribute to well-functioning urban environments. I agree with the Reporting Officer for PC71 that it is not appropriate to consider PC71's contribution to additional development capacity just at a Greater Christchurch scale and her statement that the supply provided by the request is significant.²
- 16 PC71 is well located in terms of the planning framework (at the national, regional and district level) to provide for further urban growth of Rolleston. Development of the Site will achieve a compact, and efficient, urban form in a location closer to Rolleston centre than any other FDA area; to existing recreation areas (Foster Park/ Selwyn Aquatic Centre/ Rolleston College) and the proposed District Park adjoining to the east). It can be serviced for three waters and any environmental effects of the development can be avoided or adequately mitigated, including by the provisions of the proposed Outline Development Plan.
- 17 PC71 is consistent with the Operative Selwyn District Plan (OSDP) objectives and policies, including growth related ones for Selwyn townships generally, and Rolleston specifically and those of the CRPS - except those which restrict urban development to Map A greenfield priority areas. There is no conflict with policies relating to the airport noise contours, because no residential development can proceed until the peer review confirms that the remodelled contours no longer apply to the Site. At this time the deferred zoning will be removed by Council resolution (as stated in the ODP narrative); or if zoned Living Z, the restricted discretionary activity status for development under the current contours will protect the concerns of CIAL.

² PC71 s42A report Para133

- 18 All matters raised in submissions have been addressed in evidence. In my opinion there are no matters arising that would provide the basis for declining PC71.
- 19 Rezoning the Site LZ (potentially deferred in the case of the central portion subject to the until such time as the remodelled contours are confirmed as no longer applying) is the most efficient and effective use of the Site, and is the most appropriate method to achieve the purpose of the Resource Management Act 1991 when compared to other options.

AREAS OF DISAGREEMENT WITH OTHER TECHNICAL EXPERTS

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- 20 My response to the various matters raised by Marcus Langham is covered under the headings below.

Significant development capacity

- 21 Mr Langham does not consider that PC71 (excluding the land under the noise contour i.e. zoning for appx 440 households) adds significant additional capacity in the context of Greater Christchurch. He relies on the 2021 HCA which 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. He further notes that the Resource Management Enabling Housing and Other Matters Amendment Act 2021 will also increase the ability of existing urban areas to meet demand through re-development.
- 22 These matters have been addressed in my evidence in chief³ and by Mr Ballingall. To reiterate, it is appropriate to consider Greater Christchurch as the 'urban environment' for the purposes of sub regional land use and transport integration, and scenario development for the purpose of growth allocation. But it makes little sense in terms of being responsive to short to medium term housing needs and providing a competitive development sector to consider significant development capacity at this high level. The summary evidence of Mr Ballingall at paragraph 9 is in my opinion compelling in the context of the pending medium term shortfalls in Rolleston.
- 23 The Ministry for the Environment has provided guidance on factors to consider when assessing whether a plan change contributes significant additional capacity (see **Appendix A**). My comments on each are set out below.

1. Significance of scale and location

The enabled development will contribute to a well-functioning urban environment. It will help address the shortfall in development capacity to meet short and medium term housing needs at Rolleston. Not all FDA land at south Rolleston is likely to be available for some time (or be plan enabled and therefore qualify as development capacity), with approximately 20-25% (around 108 ha) not the subject of rezoning submissions or private plan change requests. The PC71 site is much closer to existing urban areas than this FDA land. The proposed ODP primary roads can support future extensions of public transport services and the ODP has been designed with an extensive public/cycleway network with connectivity to the surrounding area.

³ Evidence of Fiona Aston, in particular at [103] to [111], [99] to [101], [119], [166] to [167]

2. Fulfilling identified demand

The enabled development will help meet the short and medium term shortfalls in land for housing at Rolleston and the wider District, as identified in the evidence. It will enable a range of housing typologies and tenures, including standard, small lot and comprehensive medium density housing. The nature of housing demand in the Rolleston context is outlined by Mr Kennard, director of Goulds Development Ltd.

3. Timing of development

The development will be delivered by the Applicant company, Goulds Development Ltd, an experienced developer in the Rolleston market. Goulds Development plan to complete the development of the entire PC71 site within a 6-8 year period i.e. housing can be delivered 'at pace'.

4. Infrastructure provision (development infrastructure and additional infrastructure)

There are no infrastructure constraints to development of the entire PC71 Site, which will be funded by development contributions.

- 24 Mr Langham has excluded that part of the Site under the noise contours from his assessment of the amount of development capacity to be delivered by PC71. This is because it *"may be unable to be realised and is dependent on a separate planning process to determine the final location of the Airport Noise Contour, and there is no need to expedite rezoning ahead of that rezoning being completed."* I disagree with this assessment. The location of the noise contour is a purely technical matter and in my opinion, there is already a high level of certainty around its final position with respect to the PC71 land (under all the tested scenarios, the land falls outside the remodelled contour). The peer review process will be completed within months. Set against this imminent timeframe are the likely long and complex planning processes ahead which will take years to be complete if inclusion of the noise contours into statutory plans is to follow the sequential Greater Christchurch Spatial Plan, CRPS Review and District Plan Change pathway. There is no planning justification for delaying a decision on the zoning of the central portion of the PC71 site under the current contours.

Intensification Targets

- 25 In his discussion on Objective 6.2.2 Mr Langman expresses a concern that *"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 have a flow on effect of proportionally reducing the success of delivery of housing through intensification of existing brownfield areas"*. As mentioned in my evidence this is not borne out by current trends. The HCA indicates that the intensification targets are being achieved despite significant post-earthquake greenfields zoning. As greenfield land has been used up in Christchurch City the trend has been towards intensification in CCC although it is difficult to prove a causal link between the two forms of development.
- 26 In referencing Map A Mr Langman discusses the way in which the CRPS provides certainty for the private and public sectors. While I agree that certainty is important, this certainty refers to outcomes, not process. I consider that flexibility is also important, when developing processes, and this is supported by the NPS-UD which opposes rigid urban limits - *"a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet*

the requirements of the responsive planning policy."⁴ The hearings on both the Christchurch Replacement District Plan (CRDP) and Our SPACE provided numerous examples (as Mr Langman will know) of meritorious zoning proposals that had to be rejected by the respective Panels because they were considered as not giving effect to the CRPS, ie they were either outside of the Existing Urban Area or GPA.⁵ Not only that, these landowners have no opportunity to get the relief they sought for possibly another three years – nearly a decade after they made their original submission on the CRDP.

- 27 Mr Langman appears to claim that the Minister has signed off the CRPS as giving effect to the NPS-UD *"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"*: I am unable to see anything in the Minister's letter to Ecan that supports this view. It simply records that, in using the Streamlined Planning Process for Change 1, Ecan complied with the Act and any relevant national direction (attached as **Appendix B**). I do not consider this as an endorsement of the CRPS in the way Mr Langman appears to describe it. Not only that, Change 1 was based on the 2018 HCA, As borne out by subsequent analysis by the Selwyn District Council, the earlier assessment overestimated the capacity available in the District to meet demand.⁶

Housing needs

- 28 Mr Langham refers to the housing trends identified in the 2021 HCA, which identifies the need for a significant increase in the demand for smaller and multi-unit dwellings across a broader range of tenures. He does not consider that *"PC71 goes far enough in providing housing typologies and tenures that align with these future housing needs/demands such that it could considered to set itself apart from the nature of developments currently being advanced through other plan changes that are within the existing urban area, although this may be overcome by the introduction of MDRS (subject to no developer covenants being placed on the subject land)."*
- 29 I am not clear which plan changes he is referred to as *"within the existing urban area"*. It may be that he is referring to other FDA land as I am not aware of any plan changes with the existing zoned urban areas at Rolleston or elsewhere (which presumably would need to be for intensification). It may that he is referring to Policy 6.3.12.2 (although this only applies to the FDA portion of the Site).

Enable urban development in the Future Development Areas identified on Map A, in the following circumstances:....

2. The development would promote the efficient use of urban land and support the pattern of settlement and principles for future urban growth set out in Objectives 6.2.1 and 6.2.2 and related policies including by:

a. Providing opportunities for higher density living environments, including appropriate mixed use development, and housing choices that meet the needs of people and communities for a range of dwelling types;

- 30 PC71 requires a minimum density of 12 hh/ha for the central and lower portion and 15 hh/ha for the northern portion. This exceeds the minimum density of 10 hh/ha specified in Policy 6.3.7.3.

⁴ Ministry for the Environment Responsive Planning Fact Sheet p2

⁵ Christchurch Replacement District Plan Independent Hearings Panel, Residential Zones Stage 2 Evidence of Sarah Oliver, Appendix B, Site-Specific Zonings

⁶ Growth Planning in Selwyn District (Ben Baird) – Appendix 7 to S 42A Report (PC78)

These are minimums, and enable higher densities to be development in response to housing needs. The applicant, Gould Developments Ltd, is an experienced developer in the Rolleston market and is well placed to understand and respond to local housing needs.

- 31 The July 2021 HCA assesses the demand for different housing typologies. For Selwyn, the demand is projected to remain overwhelmingly for stand-alone housing as illustrated in Table 16 below.⁷ Multi-unit refers to attached (semi-detached and terraced) typologies. The HCA notes that other forms e.g. apartments currently in the area (and especially in Selwyn and Waimakariri) are not sufficient to distinguish from attached.

Table 16: Greater Christchurch urban areas and typology Projection						
Household Demand by Typology	Short 2021 - 2024		Medium 2021 - 2031		Long 2021 - 2051	
	Stand alone	Multi-unit	Stand alone	Multi-unit	Stand alone	Multi-unit
Waimakariri	1,307	221	3,730	778	9,313	1,847
Christchurch	3,691	1,619	10,556	4,624	24,414	10,780
Selwyn	2,177	85	6,805	313	20,617	1,107
Total 3 TAs	7,175	1,925	21,091	5,715	54,344	13,734

The Resource Management (Enabling Housing Supply and Other Matters) Act

- 32 Mr Langham states that the RM Amendment Act significantly impacts the potential for intensification and development capacity within existing urban areas, and increases the ability of existing urban areas to meet demand through re-development. It will be many years before the impact of this legislation begins to become clear including spatial patterns of intensification within Christchurch City and surrounding townships.
- 33 Mr Langham is concerned that no evidence has been filed which addresses whether any qualifying matters apply to the Site which would warrant not implementing the Enabling Act MDRS provisions. As a result, there are further downstream potential impacts if the land is rezoned and then further intensified. He considers this warrants a precautionary approach due to potential effects. He is also concerned that the infrastructure capacity impacts of the MRDS have not been taken into account.
- 34 The HCA assessment of housing demands indicates that notwithstanding the higher density development opportunity enabled by the Enabling Act, it is unlikely to be taken up on a widespread basis, particularly not in Selwyn or Waimakariri. This is consistent with Mr. Ballingall's conclusions.

Cumulative and precedent effects

- 35 Mr Langham is concerned that *“approving any of unanticipated rezoning requests could result in ad hoc development and set a precedent for subsequent requests without fully considering the cumulative impacts of other requests”*. Aside from my understanding that the concept of precedent does not apply to plan changes, in my view, Policy 8 of the NPS-UD expressly provides for the

⁷ Greater Christchurch HCA Assessment July 2021 - <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf>

consideration of private plan change requests, and it may be problematic to assess the cumulative effects of allowing individual requests on their merits. Nevertheless the NPS-UD provides guidance on what may constitute a meritorious proposal such as its connectivity along transport corridors, and its contribution to a well-functioning urban environment. Other provisions within the NPS-UD also require a broader consideration of proposals, including their integration with infrastructure planning and funding decisions. Such matters require decision makers to determine the merits of proposals individually and to an extent, strategically. I do not share Mr Langman's concerns that approving this plan change will necessarily compromise strategic outcomes or establish a (negative) precedent, even if precedent were a relevant consideration. In any event, I consider that Objective 6 and Policy 8 of the NPS-UD clearly accepts that responsive decision making warrants a merits-assessment of proposals that are unanticipated or out-of-sequence.

Preference for strategic spatial planning processes

- 36 Mr Langham considers that the Greater Christchurch 2050 spatial planning exercise is the preferred option for identifying areas for additional urban development, as opposed to through private plan change applications such as PC71. I understand this sentiment, but the reality is that the NPS-UD, including Policy 8, clearly contemplate significant plan changes proceeding ahead of spatial planning processes. I do not consider that declining PC71 so it could be determined at a later time through a Council led strategic planning process would be 'responsive'. In the current circumstances in particular, where there is an urgent need for additional land for housing, Councils simply cannot afford the luxury of waiting for this process. I have also noted in my primary evidence that there are shortcomings with a spatial plan in terms of enabling demand to be met.
- 37 The relationship between the NPS-UD responsive planning provisions and strategic planning exercises is clearly set out in Ministry for Environment guidance⁸ (my underlining).

The responsive planning policies complement the future development strategy process by recognising urban areas are dynamic and complex systems, which continually change in response to wider economic and social conditions. Local authorities need to anticipate and plan for growth while remaining open to change and being agile and responsive to development opportunities.

Expected outcomes

The responsive planning policy in the NPS-UD limits a local authority's ability to refuse certain private plan-change requests without considering evidence. This is because Policy 8 requires local authorities to make responsive decisions where these affect urban environments. Implementing this policy is expected to result in more plan-change proposals being progressed where they meet the specified criteria (see section on criteria below). This will likely lead to proposals being brought forward for development in greenfield (land previously undeveloped) and brownfield (existing urban land) locations, which council planning documents have not identified as growth areas.

The responsive planning policy will reassure the development sector that local authorities will consider opportunities consistently and transparently. This may facilitate competitiveness within the system, as developers will know the local authority has an established system for considering new development opportunities proposed by the development sector and landowners.

This will mean the location and extent of urban and rural zones, and/or any urban boundaries identified in plans, needs to be able to be responsive and flexible.

Local authorities may choose to identify in RMA plans and future development strategies where they intend:

⁸ NPS -UD Understanding and implementing the responsive planning policies MFE September 2020

- *development to occur*
- *urban services and infrastructure to be provided.*

The identified areas must give effect to the responsive planning policies in the NPS-UD and therefore should not represent an immovable line. Council policies, including those in regional policy statements relating to out-of-sequence development, will need to be reviewed and, in some cases, amended to reflect the responsive planning policies of the NPS-UD

- 38 Further, it is clear to me, that were in not for the location of the existing airport noise contour, all of the PC71 site would have been included in the Projected Infrastructure Boundary and as a FDA in Change 1 to the CRPS. In my opinion, once the remodelled contour is confirmed by the Review Panel, there is no justification for not enabling urban development of the entire PC71 site.

CRPS Objectives and Policies

- 39 Mr Langham considers that PC71 will not give effect to a number of the CRPS objectives and policies. An assessment against these is well traversed in my evidence and Appendix 15 of notified PC71.

Residential density

- 40 The 12hh/ha density proposed for the central and lower portion of the Site, and 15 hh/ha for the northern portion achieves that required in CRPS Policy 6.3.7 and in Chapter B4 of the Plan and does not preclude a greater density being provided. Housing typologies and tenures are not prescribed, but variety in this regard is not precluded. I consider the proposal will '*enable a variety of homes that meet the needs... of different households*' as sought by NPS-UD Policy 1 (and CRPS objective 5.2.1 and SODP Objective B3.4.4) and I do not agree with Mr Langman that more is required in this respect for the proposal to qualify as 'significant' under Policy 8.

Greenhouse emissions

- 41 Mr Langman considers reliance on private vehicles for residents' use prevents PC71 from supporting reductions in greenhouse gas emissions. My evidence has addressed the language used in the NPS-UD and concludes that an absolute reduction in greenhouse gas emissions is not required. Indeed, that is unlikely to be achievable in any greenfield location where private vehicle use will predominate. Accounting for the accessibility and connectivity proposed, and the evidence of Mr Farrelly for PC73⁹ regarding the likely increased uptake of electric vehicles over time, I consider the proposal will support reductions in greenhouse gas emissions in the manner sought by Objective 8 and Policy (1)(e). I consider the Site is well connected to transport corridors via a range of transport modes, and has access to existing public transport services, that can be readily adapted to service the Site. Localised network effects can be effectively managed, and the proposal is unlikely to result in significant wider transport network effects beyond what are already anticipated by strategic growth plans and policies (such as Our Space and the CRPS). Rolleston is identified for significant further growth in those plans, including servicing by a potential future mass transit facility.

CHRISTCHURCH INTERNATIONAL AIRPORT

⁹ Evidence of Paul Farrelly for PC73 - https://www.selwyn.govt.nz/__data/assets/pdf_file/0004/506146/Evidence-of-Paul-Farrelly-GHG-emissions.pdf

- 42 I accept the evidence of Ms Blackmore and Mr Bonis that Christchurch International Airport is vital to the economic performance of Christchurch, Canterbury and New Zealand as a whole. There is no disputing the fact that the Airport is 'strategic infrastructure' as identified in Policy 6.3.5 (4) of the CRPS and "nationally significant infrastructure" in the NPS
- 43 Despite CIAL requesting PC 71 be rejected in its entirety, Mr Bonis is neutral on whether it may be appropriate to rezone part of PC 71 and confines his analysis to that part of the Site proposing Deferred Living Z zone for land falling within the 50dB Air noise contour .
- 44 I consider that the resource management issue here is entirely one of process and timing. Within the current housing crisis context, the issue is whether the deferred zoning of land affected by the contour, (or alternatively rezoning the contour affected land now and making development subject to a resource consent where the results/implications of the peer review exercise can be taken into account) is the most efficient and effective method of achieving the purpose of the Act. A non-complying activity status has been proposed, although my current view is that a more targeted restricted discretionary activity status would be appropriate given the single issue nature of the constraint. I am aware that both non-complying activity and restricted discretionary activity rules are incorporated into the Christchurch District Plan as a means of giving effect to the objectives and policies of the CRPS which deal with the protection of the safe and efficient operation of the Airport. In other words, this outcome can be safeguarded by either option.
- 45 With respect to process, I understand there are three sequential processes to be completed before the CRC and CIAL would agree to the land under the 50 Ldn contour being considered for rezoning. The first is the technical process whereby the noise remodelling is carried out, peer reviewed, and reported to the Regional Council. As Mr Bonis points out, this is set out in Policy 6.3.11 in the CRPS (Monitoring and Review, Method 4) and includes provision for a peer review.
- 46 The peer review is to be reported to the Regional Council and the summary report made available to the public as soon as practicable after receiving it. According to the CRC Website (as at 23 November 2021), the results of the peer review are likely to be completed early this year. It would have been helpful if either Mr Bonis or My Langman (for the CRC) presented an update on when the Summary Report will be publicly released; and if either one had explained the process and timeframes within which the revised contours would be inserted into a statutory document. In paragraph 79 of his evidence Mr Bonis states (when discussing the merits of deferred zoning): *Unlike infrastructure provision, or the vesting of land - neither the Selwyn District Council nor the Applicant is able to influence the timing, outcomes or delivery of the remodelled contours, nor Policy response across Greater Christchurch* This begs the question 'who does, and by what process?.
- 47 The second process in the sequence is the statutory process leading up to the review of the CRPS, which I have heard anecdotally could be notified in December 2024 corresponding with the next CRC Long Term Plan. If the revised airport noise contours are included in the CRPS Review and /or used as guidance and/or a directive matter to be taken into account in determining suitable urban growth areas, experience says that this is likely to be contentious, drawn out and with potential to cause delays. I am aware that there are parties who favour urban growth restrictions applying at the 55 not 50 Ldn contour. My expectation is that this issue is likely to surface through these statutory processes, and could take a significant time to resolve. As I have stated above, where the line of the contour falls is fundamentally a technical, as opposed to a policy matter.
- 48 Sometime in between, the Greater Christchurch Spatial Plan 2050 will be prepared which may (or may not) include the revised noise contours. Also, prior to the reviewed CRPS being notified the new Natural and Built Environments Act (NBA) could come into effect. It is likely to include

transitional provisions however one can only speculate what this means for the timing of the revised contours taking affect. This does not include the potential delays while the Council grapples with the task of implementing the recent RMA Amendment Act for enabling housing supply.

- 49 Also potentially in play will be implementing the National Policy Statement on Highly Productive Land. The Draft requires regional councils to identify the spatial extent of highly productive land in their region no later than three years after the NPS is gazetted and to amend their regional policy statements to identify these areas.¹⁰ The Draft explains:

Identifying highly productive land at the regional level through the regional policy statement (RPS) will allow wider consideration of highly productive land along with the urban expansion pressures and cross-boundary issues between districts in the region. This work could occur alongside complementary work to prepare future development strategies under the NPS-UDC and encourage a broader spatial planning approach.¹¹

- 50 The third process in the sequence is inserting the contours into the district plan and amending the zoning to enable development within suitable areas no longer affected by the airport noise contour (including the middle portion of the PC71 Site). It may be that Selwyn District Council will notify a plan change to give effect to the CRPS Review, and include the revised noise contour and associated rezoning as part of this Change. This will potentially be a significant Change as it will basically be a 'reset' of the urban growth framework for the District. There is likely to be a high level of submitter interest and the Change is likely to take some time to progress through the statutory process.
- 51 Only after all of the above these processes are completed could a subdivision application be lodged for residential development.
- 52 I do not consider that this amounts to a responsive process within the context of Rolleston's housing market. Nor do I consider that it will achieve integrated management of the effects of the use, development, or protection of land as required under Section 31 of the Act. At best it leaves two isolated and disjointed blocks of land and a large public space without access. At worst no land can be rezoned in a way that it can be efficiently serviced in the long term. In terms of urban design and economics of servicing, it is more efficient and effective to set out the groundwork for an integrated development from the start.

The Deferment mechanism

- 53 Mr Bonis opposes the use of the deferment approach on at least three grounds
- 54 It is an inappropriate use of the instrument. His understanding of a deferred zoning is that it is appropriate where there is essentially 'agreement in principle' that the change in zoning is appropriate. In this case a change in zoning is appropriate, conditional on the review panel's confirmation of the noise air contour modelling results. In my experience, they are used to provide certainty (as to eventual enablement) so as to pursue resolution of a matter otherwise providing a hurdle to more immediate development. It does this.
- 55 Mr Bonis considers that the matter to be resolved (i.e. where the final revised contours will lie) requires a high level of certainty which at present does not exist. This is a matter of timing and understanding of the contour review processes underway.

¹⁰ Draft National Policy Statement – Highly Productive Land (NPS-HPL) Policy 1

¹¹ Draft NPS – HPL page 38

- 56 The remodelled contours are the product of in-depth, up to date, expert technical analysis based on the ultimate capacity (200 000 passenger air movements) of the Airport being achieved in approximately 50 years - compared with an average of less than 75 000 between 2011-2020. It has been subject to extensive sensitivity testing by CIAL's experts. With respect to Rolleston, the change to PBN flight paths has resulted in a contraction of the southern end of the contour as there is no longer a need to travel further south and line up with the beacon south of Rolleston – this is the advice provided by the Airport's planner¹². It is difficult to envisage how the remodelling could have 'undercooked' the situation with regards to the PC71 which is at the very outer southern edge of the current, now outdated contour. In my opinion, the evidence does point to a very high level of certainty that the remodelled contours will not apply to the PC71 site.
- 57 At the time of preparing and lodging PC71, the Applicants and project team were aware that the CIAL contour remodelling work was well advanced, but it was not publicly available. However, further to earlier consultation with CIAL, and the change to PBN navigation systems, the combined view of the Applicant and their advisors was that there was a good prospect that the PC71 site would no longer be affected under the remodelled contours. There is now a very high level of certainty on this point, as this is the finding of the CIAL contours review, with all likely scenarios tested. In light of this advancement, I now consider it would be more appropriate in s32 RMA terms, to rezone the entire PC71 site LZ, but with the portion under the current 50 Ldn noise contour subject to a restricted discretionary consent. A comparison of the alternative methods for addressing this matter is contained in **Appendix C**. Restricted discretionary activity status is preferred as it limits the scope of any required assessment prior to enabling development to proceed, to the key issue at hand, namely the findings of the Expert Review Panel with respect to the land; will minimise the potential for any delays; and means the land can be treated as enabled capacity in terms of the NPS-UD.
- 58 Mr Bonis rightly points out, as does Ms White, that there is no policy proposed to support the deferred zoning approach. I consider the wording of Policy B4.3.71 is stronger and less flexible than the CRPS Policy that it is giving effect to Policy 6.3.5.4.
- 59 Policy 6.3.5.4 states
- Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport...
- 60 The Policy does not specify how the territorial authorities to decide how to give effect to it. The Christchurch District Plan gives effect through the following Objective 3.3.12.b iii):
- Strategic infrastructure, including its role and function, is protected from incompatible development and activities by avoiding adverse effects from them, including reverse sensitivity effects. This includes...
- (iii) avoiding new noise sensitive activities within the 50dB Ldn Air Noise Contour and the 50dB Ldn Engine Testing Contour for Christchurch International Airport, except:
- A. within an existing residentially zoned urban area; or
 - B. within a Residential Greenfield Priority Area identified in the Canterbury Regional Policy Statement Chapter 6, Map A; or

¹² Appendix 15 notified PC71 Record of meeting with CIAL

- C. for permitted activities within the Specific Purpose (Golf Resort) Zone of the District Plan, or activities authorised by a resource consent granted on or before 6 December 2013; and
- D. for permitted, controlled, restricted discretionary and discretionary activities within the Specific Purpose (Tertiary Education) Zone at the University of Canterbury; and

- 61 The exceptions are to retrospectively recognise historical or existing activities.
- 62 This policy is somewhat different from Policy B4.4.3.71 which is to *“Avoid rezoning land for new residential development in areas shown under the Airport Flightpath Noise Contours for 50 dBA Ldn or greater, on Planning Map 013”*. However it is similar to Policy B2.1.26 requires: *“Avoid[ance of] new residential development and other noise sensitive activities occurring on land which is located underneath the airport flightpath noise contours shown on Planning Map 013 for 50 dBA Ldn or greater.”*
- 63 I do not consider PC71 conflicts with Policy B4.4.3.71. The proposed deferred zoning is not providing for residential development under the current noise contour. Such activity will remain restricted discretionary (or non-complying) until such time as the Expert Panel findings are public. A deferred zoning/restricted discretionary consent is enabling an integrated approach to development of the land with adjoining neighbouring zoned land and the proposed District Park to the east.. It will only enable residential development once the Expert Review Panel confirms that the contour no longer applies to the PC71 land. In NPS terms, the land is not ‘anticipated’ for development simply because of the contour. A responsive approach is to enable rezoning of the land now, subject to a rule which focuses on this single issue.
- 64 If the Commissioner considers an amendment to Policy B4.4.3.71 to provide for a site specific exception for the PC71 land would be helpful, this can be done as a consequential amendment as below. As a site specific exception I do not see any scope issues with the amendment.
- “Avoid rezoning land for new residential development in areas shown under the Airport Flightpath Noise Contours for 50 dBA Ldn or greater, on Planning Map 013, **except for x** (Insert legal description)*
- 65 Mr Bonis is also concerned that the deferment will raise expectations for a development that cannot occur. *‘The proposed zoning simply creates an expectation for residential development, when the outcome of the CRPS Policy 6.3.11(3) process – and equally important policy response - is not yet known. The extent of the final updated contours is also, as a matter of evidence, not known’*. As explained above, the position of the contour is a technical exercise, and the only policy of note that could be the subject of future debate is the avoidance policy within the contour, which would be irrelevant if the land is not affected. The best publicly available evidence, which is from CIAL's own experts, is that it will not. I have suggested mechanisms that fully address Mr. Bonis's perceived expectation.
- 66 An option open to the Commissioner is to defer a decision on the PC71 land under the noise contour until the review panel findings on the remodelled contours are made public. A decision on the balance of the PC71 can and should be made in advance of this given the urgent need to supply more land for housing at Rolleston. I don't, however, consider this step is necessary and am very nervous about even suggesting it because it depends on other planning processes outside the Applicant's control. My experience is that Council controlled planning processes very often take longer than initial estimates – for example, as has been the case with the moving timeframe for notification of the CRPS (stated as 2023 in Our Space, and now likely to be December 2024). If the contours no longer affect the Site then there is no need to delay zoning because of outdated planning documents. It is incumbent on Mr Langman, or Mr Bonis, to provide the necessary information to the Commissioner on this matter.

- 67 Notified PC71 included a record of the meeting minutes held with the Airport Planner in February 2020. This is consistent with the requirements under Clause 20(2) of the First Schedule of the RMA to describe the anticipated environmental effects of the plan change, taking into account clauses 6 and 7 of Schedule 4. Clause 6(1)(f) requires identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted.

FOODSTUFFS

- 68 The evidence submitted by Foodstuffs is essentially about how the Council is to achieve land use integration in a situation where approval processes for different land use changes are still in the process of being resolved. Foodstuff's resource consent application for a large format supermarket in a residential zone has yet to progress through the submissions process and a hearing is likely to be months away. It was lodged with the Council on 17 December 2021 and formally accepted by the Council on 11/1/22. PC71 was lodged on 12 November 2020. SDC issued an RFI on 2 February 2021, to which a response was lodged on 16 March 2021. PC71 was notified on 30 June 2021. PC 71 had neither a statutory obligation nor sufficient information to take into account the possibility of the supermarket being located on the Site, instead relying on the permitted activities in the LZ for integration.
- 69 I also accept that Foodstuffs, in designing their supermarket site had reason to rely on the current operative zoning. However PC 71 had already been notified for some time and the possibility of a change in zoning, if not now but sometime in the future in my opinion, it would have been prudent, if not sound resource management practice, to take this possibility into account. I am unclear why the PC 71 applicant should be expected to provide for mitigation measures in the Plan Change for a land use that is still yet to go through its consenting process.
- 70 Mr Allan reminds us that PC 71 must 'have regard to' any provisions in the NPS-UD and identifies most relevantly Objective 1

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

- 71 He then goes on to say that PC71 '*will threaten the potential contribution the intended use of the Property could have towards a well-functioning urban environment that enables people and communities to provide for their wellbeing, health and safety, as it will result in an inappropriate interface with the Property.*¹³ I do not consider that such a strategic objective can be applied to a site specific situation like this. It would have been perhaps more relevant to consider how PC 71, would contribute to the case for approving the large format supermarket on the basis that, as an integrated package, the two proposals would promote Objective 1. There are other District Plan policies and rules designed to address reverse sensitivity issues.
- 72 He then refers to Objective 7: *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.* He states that '*Through the Supermarket Application, it is readily apparent that Foodstuffs intend to establish a supermarket on the Property. The Supermarket Application is therefore relevant information to consideration of PC71. I note that PC71 takes into account the proposed future reserve which is rural zoned land in both the SDP and pSDP, with no designation making it lawfully established*'.
- 73 There are two matters I would particularly like to draw the Commissioner's attention to. Firstly Four Stars Development Limited and Gould Developments Ltd lodged a private plan change

¹³ Mark Allan's evidence, Paragraph 22

request with the Council on 10 November 2020. The submission by Foodstuffs stated that they had acquired the property at 157 Levi Road and intended to develop the Property to establish a non-residential supermarket activity.¹⁴ The Supermarket Application was eventually lodged with Council 17 December 2021 and formally accepted 11 January 2022 (RC216016O).¹⁵ By this stage the Commissioner had issued a Minute (dated 15 November 2021) setting out the following timetable:

(a) The Council must circulate the s42A Officers Report to all parties by no later than Monday 17 January 2022, being 15 full working days before the hearing;

(b) The Applicant must provide briefs of evidence to the Council in an electronic form by no later than Monday 24 January 2022, being 10 full working days before the hearing; and

(c) Any submitter who is intending to call expert evidence must provide briefs of evidence to the Council in an electronic form by no later than Monday 31 January 2022, being 5 full working days before the hearing.

74 In my opinion this precluded the possibility of either the Section 42A Report or the Applicants evidence (let alone the Request) giving any meaningful consideration to the proposed supermarket. In contrast Foodstuffs were well aware of the Plan Change and other than making a submission, chose to ignore the possibility of residential development on the adjoining site.

75 Mr Allan refers to Policy 5.3.2 of the CRPS as of 'particular relevance, which states.

"To enable development including regionally significant infrastructure which... avoid or mitigate reverse sensitivity effects and conflicts between incompatible activities..."

He considers that PC71 is inconsistent with Policy 5.3.2 *'as it will enable concentrated residential development at the common boundary with the Property with no appropriate mitigation, creating an inappropriate residential/non-residential interface that will impact on the Property's intended use for a PAK'nSAVE.'* Consequently, it is my opinion that PC71 does not avoid or mitigate adverse potential and future effects on the Property and its intended use'.

76 With respect, for reasons of timeframes already explained, it was not possible nor practicable for the Applicant to avoid or mitigate the effects of a substantial non-residential activity that at that stage, and still doesn't exist.

CONCLUSION

77 In my opinion, PC 71 - including restricted discretionary activity status for sensitive activities under the current airport noise contour, or the Deferred Zone for this land - is the most effective and efficient method of promoting the purpose of the Act and carrying out the Council's functions. There is no sound resource management reason to postpone (indefinitely) land rezoning where, as in this case, the evidence has established that the land is highly suited to residential development and there is insufficient development capacity in Rolleston to meet short and medium term needs. The Plan Change is consistent with and will give effect to all relevant statutory planning objectives and policies - except those that are no longer aligned with more recent national planning directives or, as in the case of the airport noise contours have been

¹⁴ Foodstuffs submission on PC 71

¹⁵ Mark Allan's evidence Paragraph 9.

overtaken by up to date and more reliable information. In my opinion PC 71 can be approved and is consistent with promoting the purpose of the Act.

APPENDICES

- Appendix A** NPS -UD Understanding and implementing the responsive planning policies MFE September 2020
- Appendix B** Minister's Streamlined Planning Process Decision on Proposed Change 1 to Chapter 6 of the CRPS
- Appendix C** Evaluation of options assuming the Peer Review of Modelling confirms that the 50 Ldn no longer prevents the PC 71 being developed in its entirety.

9 February 2022

Fiona Aston



Ministry for the
Environment
Manatū Mō Te Taiao

National Policy Statement on Urban Development 2020

Understanding and implementing the responsive planning policies

This guide provides information to help local authorities understand the requirements of the responsive planning policies in the National Policy Statement on Urban Development 2020 (NPS-UD).

It also sets out the policy intent behind the NPS-UD. It is not part of the NPS-UD and is not legal advice.

Scope

This guide explains how local authorities must consider private plan-change proposals for developments that are unanticipated or out of sequence as outlined in the NPS-UD Objective 6(c), Policy 8 and Part 3, subpart 2 – Responsive planning.

It provides advice on applying the NPS-UD but not how a local authority must assess the merits of individual private plan-change proposals.

Under Policy 8, local authorities must be responsive to plan-change proposals if they add significantly to development capacity and contribute to well-functioning urban environments. Part 3, subpart 2 provides more detail of what “responsiveness” means in this context. Under clause 3.8(2), local authorities must have “particular regard to” the development capacity enabled through these plan changes. Case law under the Resource Management Act 1991 (RMA) has found that having “particular regard” to something involves recognising that matter as important to the relevant decision, and therefore to be considered and carefully weighed in coming to a conclusion.

Objective 6: Local authority decisions on urban development that affect urban environments are:

...

- (c) responsive, particularly in relation to proposals that would supply significant 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:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

3.8 Unanticipated or out-of-sequence developments

- (1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.
- (2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
 - (a) would contribute to a well-functioning urban environment; and
 - (b) is well-connected along transport corridors; and
 - (c) meets the criteria set under subclause (3); and
- (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

Intent of responsive planning policies

Intent

Objective 6(c) recognises local authorities cannot predict the location or timing of all possible opportunities for urban development. It therefore directs local authorities to be responsive to significant development opportunities when they are proposed.

The intent of Policy 8 and Part 3, subpart 2 is to:

- enable transparency and responsiveness in planning decisions
- improve competition in land markets
- accelerate land supply
- discourage land banking.

This will support improved housing affordability.

The NPS-UD directs local authorities to be responsive to plan-change requests that would:

- provide significant development capacity (see section [below](#) on adding significant development capacity)
- contribute to well-functioning urban environments
- be well connected along transport corridors.

The proposed development may be:

- out of sequence (eg, locations identified for future urban development but dependent on sequenced land release) or
- unanticipated in existing plans or other strategies (eg, locations outside of areas identified for urban development, or areas currently zoned for urban uses but with less development capacity).

Plan changes for urban development initiated under this policy should ensure the development is (or has clear and realistic plans to be) well connected to jobs and amenities along transport corridors. These corridors would support a range of transport modes, ideally both public and active transport.

The NPS-UD does not override or replace the consideration of environmental effects occurring through the RMA Schedule 1 plan-change process. Plan changes must also give effect to other national direction.

Planning for growth and remaining responsive to development opportunities

The NPS-UD recognises the value of having well-integrated and coordinated growth areas. Future development strategies, which tier 1 and 2 councils must prepare (and other local authorities may prepare), will describe how local authorities intend to achieve well-functioning urban environments in existing and future urban areas. The strategies will also set out how and where local authorities will provide sufficient development capacity to meet growth needs over the next 30 years. A factsheet on future development strategies can be found on our [website](#).

The updated requirements for future development strategies in the NPS-UD include that local authorities engage with the development community when planning where growth will take place in the future. This engagement aims to understand where future development opportunities may arise, and for these to be included in strategic planning through the future development strategy where appropriate.

The responsive planning policies complement the future development strategy process by recognising urban areas are dynamic and complex systems, which continually change in response to wider economic and social conditions. Local authorities need to anticipate and plan for growth while remaining open to change and being agile and responsive to development opportunities.

Expected outcomes

The responsive planning policy in the NPS-UD limits a local authority's ability to refuse certain private plan-change requests without considering evidence. This is because Policy 8 requires local authorities to make responsive decisions where these affect urban environments. Implementing this policy is expected to result in more plan-change proposals being progressed where they meet the specified criteria (see section on criteria [below](#)). This will likely lead to proposals being brought forward for development in greenfield (land previously undeveloped) and brownfield (existing urban land) locations, which council planning documents have not identified as growth areas.

The responsive planning policy will reassure the development sector that local authorities will consider opportunities consistently and transparently. This may facilitate competitiveness within the system, as developers will know the local authority has an established system for considering new development opportunities proposed by the development sector and landowners.

This will mean the location and extent of urban and rural zones, and/or any urban boundaries identified in plans, needs to be able to be responsive and flexible.

Local authorities may choose to identify in RMA plans and future development strategies where they intend:

- development to occur
- urban services and infrastructure to be provided.

The identified areas must give effect to the responsive planning policies in the NPS-UD and therefore should not represent an immovable line. Council policies, including those in regional policy statements relating to out-of-sequence development, will need to be reviewed and, in some cases, amended to reflect the responsive planning policies of the NPS-UD.

Implementing the responsive planning policies

The NPS-UD sets out three aspects local authorities need to consider when determining if a plan-change proposal should be considered under the responsive planning policies. These are if the proposal would:

- contribute to a well-functioning urban environment
- add significantly to development capacity
- be in an area well connected along transport corridors.

These three aspects are discussed below.

Contributing to a well-functioning urban environment

Decisions affecting urban environments must be responsive and contribute to creating well-functioning urban environments. Features of well-functioning urban environments are set out in Policy 1 and include:

- enabling a variety of homes that meet the needs of different households, and that allow Māori to express their cultural traditions and norms
- enabling a variety of sites suitable for different businesses
- providing good accessibility, including by way of public or active transport
- supporting the competitive operation of land and development markets
- supporting reductions in greenhouse gas emissions
- providing resilience to the likely current and future effects of climate change.

The NPS-UD does not provide an exhaustive list of factors that contribute to well-functioning urban environments. As well as the NPS-UD, there are other factors contributing to the outcomes councils and other decision-makers may wish to consider, such as principles of urban design. A factsheet on well-functioning urban environments is available on our [website](#).

Adding significantly to development capacity

Policy 8 requires local authorities to determine what private plan changes would add significantly to development capacity.

About development capacity

In the NPS-UD development capacity means the capacity of land to be developed for housing or for business use, based on:

- (a) the zoning, objectives, policies, rules and overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) the provision of adequate development infrastructure to support the development of land for housing or business use

In the context of the responsive planning policy, changes requested to zoning, objectives, policies, rules and overlays through the plan-change process would enable land to be developed for housing

or business use to meet paragraph (a) above, if approved. However, to qualify as releasing “development capacity”, paragraph (b) also needs to be met.

The responsive planning policies seek to ensure flexibility to enable development that may not be currently in council infrastructure plans. Private plan-change proposals should therefore show how the infrastructure needed to service the development would be provided.

This could occur in a number of ways including:

- the local authority agreeing to amend their relevant infrastructure plans, budgets and financial policies (eg, development contributions policy)
- the local authority and landowner entering into contractual agreements with the relevant infrastructure providers to enable the direct provision of development infrastructure, and ongoing ownership and maintenance requirements
- establishing a ‘special purpose vehicle’ to finance infrastructure under the Infrastructure Funding and Financing Act 2020.

The full cost of infrastructure should be considered including:

- increased demand on infrastructure outside the development, such as regional and bulk infrastructure networks (including water and transport networks)
- ongoing servicing costs.

Criteria for determining significant development capacity

The responsive planning policy is tied to ‘significant’ development capacity because it is not intended to apply to every private plan-change request a local authority receives.

Criteria must be included in regional policy statements under subpart 2, clause 3.8(3) to determine which plan changes will be treated (for the purpose of implementing Policy 8) as adding significantly to development capacity. These criteria will help to filter out small, speculative proposals.

Regional and district councils should work collaboratively to develop criteria. We recommend the criteria cover the topics outlined below as a start, but local authorities can develop different ones as well. The criteria should also align with the higher-order objectives of the NPS-UD, for example, criteria should not undermine competitive land markets and responsive planning by setting unreasonable thresholds. The criteria should have a strong evidence base.

Once prepared, local authorities will use the criteria to assess whether the development capacity provided by a plan-change request is significant. Local authorities considering plan changes must comply with the direction in NPS-UD from 20 August 2020. This means they could use the factors listed below to help them determine whether a plan change would add significantly to development capacity until the criteria are included in the relevant regional policy statement.

Factors that can help determine whether significant development capacity exists are:

1. Significance of scale and location

The extent to which the scale and location of the proposed development:

- contributes to a well-functioning urban environment, recognising its spatial context. For example, is the size of the development (in terms of housing numbers) large enough to make a substantial contribution to the housing bottom lines and housing needs that have been identified through housing and business development capacity assessments or other evidence?
- is large enough to support a range of transport modes in the future, or is located in an area already well connected to transport (discussed [below](#)).

2. Fulfilling identified demand

- The extent to which the proposed development provides for identified demand. Demand may be identified in several ways including:
 - housing and business development capacity assessments and information monitored under subpart 3 will help identify gaps in the supply of certain types of housing and business land (eg, demand for dwellings, land for Māori housing, one- and two-bedroom dwellings and affordable houses)
 - the market will signal where there is a future demand for housing and business land
- The yield of the proposal relative to identified future needs (eg, a mix of land uses, higher housing densities to provide more houses and the provision of a range of housing typologies).

3. Timing of development

Whether the development can be delivered at pace. If a development is proposed to occur earlier than planned for in council planning documents, it needs to be shown there is a commitment to, and capacity available, for delivering houses and businesses within this earlier timeframe.

4. Infrastructure provision (development infrastructure and additional infrastructure)

The extent to which the proposal demonstrates viable options for funding and financing infrastructure required for the development.

Understanding “well-connected along transport corridors”

To trigger the responsiveness policies, the proposed development needs to be well connected along transport corridors. Ideally, the transport corridors should be connected via a range of transport modes or there should be plans for this in the future. At a minimum, the corridors should be designed to allow for a range of modes in the future.

Ideally, developments under this policy will be transit-orientated with mixed land uses and densities. This would enable genuine transport choices and less reliance on private vehicles. While transport infrastructure may not exist when the plan change is promoted, there needs to be confidence the infrastructure will be funded for delivery and maintenance in the future.

A range of modes

Transport corridors may include a range of modes and local authorities should consider ones that people can use safely, effectively and efficiently. If possible, people should not need to rely solely on private vehicles to travel within the proposed development, to and/or from other urban areas, or to access essential services like employment, and health or community services.

Proximity to amenities and services

Proximity to jobs and amenities (either within or outside the development) affects the transport modes people use. The uptake of active and public transport modes increases as travel distances between services decrease. Therefore, local authorities should consider the proximity of a proposed development to other urban areas with concentrations of jobs and amenities. They should also consider the provision of services and amenities within the proposed development to reduce the number and length of trips required along transport corridors.

Contributing to a well-functioning urban environment

The requirement for development capacity to be well connected along transport corridors is in addition to testing the development against the criterion of “contributing to a well-functioning urban

environment” in subpart 2, clause 3.8(2)(a). This criterion includes a requirement for a development to “have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport”.

The well-functioning urban environment and well connected along transport corridors criteria together signal the importance of considering the location of a proposed development in relation to other areas and amenities, relative accessibility and transport infrastructure and/or options, when assessing any unplanned or out-of-sequence development proposals.

Application to brownfield and greenfield development

The responsive planning policy can be applied to brownfield and greenfield locations. Being well connected along transport corridors will be achieved differently depending on the development’s location and the existing and planned transport infrastructure. For example, a plan-change proposal in a brownfield location may already be well connected to the public transport network, whereas a greenfield location may require investment to ensure the area is well connected along transport corridors.

Like determining significant development capacity, an assessment of whether a development is well connected along transport corridors will vary depending on the scale of the urban area and the existing and planned transport infrastructure. The proponents of the development will need to demonstrate how a proposal is, or will be, well connected in the context of the particular urban environment in which it is located.

Timing

The responsive planning requirements apply to all tier 1, 2 and 3 local authorities and came into effect on 20 August 2020.

The policies will need to be implemented continuously, as and when relevant requests for plan changes are made. For the purpose of implementing Policy 8, criteria must be included in regional policy statements to determine what plan-change requests will be treated as adding significantly to development capacity as soon as practicable.

Disclaimer

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the most liveable place in the world*
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**MINISTRY OF HOUSING
AND URBAN DEVELOPMENT**

New Zealand Government



28 MAY 2021

2021-B-07927

Dr Stefanie Rixecker
Chief Executive
Environment Canterbury
stefanie.rixecker@ecan.govt.nz

Dear Dr Stefanie Rixecker

Resource Management Act 1991: Streamlined Planning Process Decision on Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement

Following Environment Canterbury's completion of the Streamlined Planning Process directed by me on 29 April 2020, I am pleased to advise you that, under clause 84 of Part 5 of Schedule 1 of the Resource Management Act 1991 (RMA), I am referring Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement (as submitted by the Council under clause 83(1) of Part 5 of Schedule 1 on 29 March 2021, back to Environment Canterbury **with my approval**.

The reasons for my decision are as follows:

- Environment Canterbury has complied with the procedural requirements, including timeframes required by the Direction 2020-go1780 and 2020-go3773 on Proposed Change to Chapter 6 of the CRPS;
- Environment Canterbury has had regard to the Statement of Expectations as:
 - the proposed change to the Canterbury Regional Policy Statement will enable district councils to provide higher density living environments, including mixed use developments and a greater range of housing types, and will enable the efficient provisions and use of network infrastructure within Future Development Areas;
 - the dates and anticipated timeframes for the process Steps (and updates as necessary) were placed on a publicly accessible website; and
 - submissions were made available on a publicly accessible website within four working days after the submissions period has closed. One late submission received on 2 March 2021 was made available within 2 working days on the same website.
- Environment Canterbury has complied with the Resource Management Act 1991, regulations made under it, and any relevant national direction;
- The purpose of the streamlined planning process has been met, being a process for the preparation of a planning instrument in order to achieve an expeditious planning process that is proportionate to the complexity and significance of the planning issues being considered; and

- I have had regard to the requirements of Part 2 of the Resource Management Act 1991 in deciding to approve Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement.

In accordance with clause 90(2) of Schedule 1 of the RMA, you are now required to publicly notify this decision. Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement will become operative in accordance with clause 20 of Schedule 1 of the RMA.

Thank you for undertaking the Streamlined Planning Process.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker', with a stylized, flowing script.

Hon David Parker
Minister for the Environment

Appendix C Evaluation of options assuming the Peer Review of Modelling confirms that the 50 Ldn no longer prevents the PC 71 being developed in its entirety.

The proposed rules would only apply to the PC 71 Site as legally described in the Application.

Method	Benefits	Costs ¹	Other Comment
Status Quo – retain Rural Inner Plains zoning	<ul style="list-style-type: none"> Consistent with the Regional and District Planning Map. Avoids residential development in accordance with current policies 	<ul style="list-style-type: none"> Does not enable a responsive approach required by the NPS-UD because it delays development of the restricted land for several years. Prevents the land within the FDA areas being developed in an integrated manner in accordance with S31 of the Act, and sound resource management practice. Opportunity costs associated with the delays in getting housing on the ground. Further transaction costs to get the land zoned later. 	A decision to retain the status quo is predicated on outdated information
Deferred Zone until Expert Panel confirms noise contour no longer applies	<ul style="list-style-type: none"> Avoids residential development in accordance with current policies 	<p>No direct costs</p> <p>Inconsistencies with the planning maps until they are amended to reflected updated information</p>	There are no hard and fast rules around when a deferment is lifted as long as there is a trigger that has a realistic prospect of occurring.
Living Z Zone: Rule Non Complying Activity	<ul style="list-style-type: none"> Avoids residential development in accordance with current policies. Enables the land within the FDA areas being developed in an integrated manner with the 'restricted land' in accordance with S31 of the Act, and sound resource management practice. 	<p>Higher transaction costs associated with applying for a non complying resource consent than for restricted discretionary consent as all effects and plan policies must be considered, including potential for CIAL appeal.</p> <p>Inconsistencies with the planning maps until they are amended to reflected updated information</p> <p>Not a responsive approach if decision is appealed resulting in transaction costs, uncertainty and opportunity costs with delays in getting houses on ground.</p>	CIAL likely to be considered an affected party. CIAL could appeal any decision, resulting in delay in getting houses on ground.

¹ Economic costs based on Mr Ballingall's Summary evidence at paras 13 and 14.

<p>Living Z Zone:</p> <p>Rule: Restricted Discretionary Activity. Matter of discretion – the extent to which the site legally described as x is affected by remodelled CIAL airport noise contours as recommended by the 2022 Expert Independent Review Panel</p>	<ul style="list-style-type: none"> • Enables a responsive approach required by the NPS-UD as no delay to development of the restricted land once finding of the Expert Panel is public. • Enables the land within the FDA areas being developed in an integrated manner with the 'restricted land' in accordance with S31 of the Act, and sound resource management practice. • Will be considered as 'plan enabled' development in terms of the NPS, • Lower transaction costs associated with applying for a resource consent as consent limited to specific airport contour related matter of discretion only. 	<p>Inconsistencies with the planning maps until they are amended to reflected updated information.</p>	<p>CIAL likely to be considered an affected party</p>
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