

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

**UNDER**

the Resource  
Management Act 1991

**IN THE MATTER**

of Private Plan Change  
71 (Rolleston) by Four  
Stars Development  
Group Limited

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

**31 JANUARY 2022**

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## SUMMARY

1. Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**) (collectively the **Councils**), have sought that Private Plan Change 71 (**PC71**) to the Operative Selwyn District Plan (**SDP**), to the extent that that it is not provided for under the Canterbury Regional Policy Statement (**CRPS**), be declined.
2. The request seeks to rezone the subject land from Rural Inner Plains to Living Z, with a portion of that land below the Christchurch International Airport (CIAL) 50 dBA Ldn noise contour (**Aiport Noise Contour**) to Living Z Deferred. A part of the southern area of the site is within a Future Development Area (**FDA**) identified in Map A of the CRPS, while the central portion of the site is not. The request includes a new Outline Development Plan (**ODP**) Area 5, and a rule that defers development of land beneath the Airport Noise Contour until such time as those contours are reviewed. Additional changes are proposed to ODP Area 4.
3. The Councils consider that PC71 is inconsistent with the agreed strategic planning framework established through *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update* and that it does not give effect to the CRPS.
4. I have reviewed the plan change request and supporting material, Council's s42A officer's report, together with the relevant statutory documents and legislation and, in my opinion, consider that the relief sought<sup>1</sup> should be declined in part because:
  - (a) I do not consider that PC71 provides for significant development capacity because:
    - (i) the relevant urban environment context in which significant development capacity should be considered is Greater Christchurch;
    - (ii) no threshold or conditions have yet been set for determining significant development capacity as

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

- required by the National Policy Statement on Urban Development (**NPS-UD**);
- (iii) a portion of the quantum (220 deferred) 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 process being completed;
  - (iv) the remaining balance (440 households proposed) is not considered to meet a threshold of 'significant' in the context of Greater Christchurch and will not make a substantial contribution to housing bottom lines;
  - (v) sufficient development capacity has already been identified to meet expected housing demand over the medium-term for the Greater Christchurch urban environment, and the proposed housing typologies do not go far enough to align with the housing needs stated in the 2021 Housing Capacity Assessment;
  - (vi) while I consider that the contribution PC71 will make to development capacity to not be significant, the cumulative impact of this and further unplanned greenfield expansion would likely compromise opportunities for intensification elsewhere in Greater Christchurch;
- (b) the government has targeted intensification of existing urban areas through the use of Medium Density Residential Standards (**MDRS**), with one of the reasons for doing so being to more productively and efficiently use urban land, and reduce pressure for urban expansion/sprawl into greenfield areas, including on to highly productive land;<sup>23</sup>
  - (c) no evidence has been filed which addresses whether any qualifying matters exist for the plan change land that would warrant not implementing MDRS, and that as a result, there are

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<sup>2</sup> At para 9, Cabinet Paper seeking introduction of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill <https://environment.govt.nz/assets/publications/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-approval-for-introduction.pdf>.

<sup>3</sup> At page 29, Report of the Environment Committee Resource Management (Housing Supply and Other Matters) Amendment Bill [https://www.parliament.nz/resource/en-NZ/SCR\\_118070/e14e3e97b6f73854163fcd0ba2df2d4b62e4538f](https://www.parliament.nz/resource/en-NZ/SCR_118070/e14e3e97b6f73854163fcd0ba2df2d4b62e4538f).

further downstream potential impacts if this land is rezoned and then further intensified. This warrants close and careful consideration of constraints and a precautionary approach due to potential effects;

- (d) the request is out of sequence with planned infrastructure development in terms of the Projected Infrastructure Boundary (**PIB**), and the implications of the MDRS in terms of infrastructure development capacity have not been taken into account;
- (e) it would not contribute to a well-functioning urban environment that is well-connected along transport corridors; and
- (f) PC71 does not give effect to the following key provisions in the CRPS:
  - (i) Objective 6.2.1(3) which seeks that *“recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that...avoids urban development outside of existing urban areas or greenfield priority areas for development unless expressly provided for in the CRPS”*;
  - (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;

- (iv) Policy 6.3.5(4) to “*only provide for new development that does not affect...strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA airport noise contour for Christchurch International Airport...*”.

- (g) In relation to the Selwyn District Plan, the limited new provisions sought through PC71 are not the most appropriate to achieve the objectives of the Plan, in particular Objectives B4.3.1, B3.3.3, B3.4.5, B3.4.4, B4.3.1, B4.3.3 as they relate to land outside of the FDA, and B4.3.72 as it relates to the Airport Noise Contour;
- (h) The Section 32 Report and evidence<sup>4</sup> filed by the applicant states that Policy 8 of the NPS-UD resolves tension between the provisions of Chapter 6 of the CRPS and PC71. For the reasons explained in this evidence, I disagree;
- (i) In my opinion, the operative CRPS and the higher order NPS-UD provisions can be read together, and there is nothing in the NPS-UD that can be interpreted to override the statutory requirement to give effect to the provisions of the CRPS; and
- (j) taking into account the higher order planning documents, and the provisions of S32 of the Resource Management Act 1991 (**RMA91**), I consider that the most appropriate zone for the balance of the land outside of the FDA is to remain Rural Inner Plains.

5. In reaching these conclusions I outline why I consider the CRPS is not inconsistent, or in conflict with, the NPS-UD in the manner discussed by the Applicant. I note that I have outlined the same position at the hearings for PC69 and PC72.

6. I also highlight the importance of strategic planning in Greater Christchurch. The local authorities in Greater Christchurch, together with other agencies and iwi, have undertaken collaborative strategic planning for nearly twenty years. Importantly, increasing supply of housing in greenfields areas will compromise investment in intensification within

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<sup>4</sup> Plan change application para 134-149, evidence of Ms Aston, para 121.

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**).

7. A spatial planning exercise has recently been initiated by the Greater Christchurch Partnership (**GCP**)<sup>5</sup> which will involve comprehensive engagement with all affected stakeholders. This process will strategically consider preferred locations for future growth, including identifying the broad locations in which development capacity will be provided over the long term. This will then inform identification of areas for greenfield expansion in the CRPS, which will be given effect to through the respective district plans. In my view, this spatial planning exercise is the preferred option for identifying areas for additional urban development, as opposed to through private plan change applications such as PC71.
8. Given the number of current private plan change requests seeking additional urban development in Selwyn, including outside the PIB in areas that are not contemplated for urbanisation in the CRPS, any planning decisions that are not aligned with the current strategic planning framework and that are made prior to completion of this initiative run the risk of being narrowly framed, based on incomplete information and could potentially undermine the achievement of longer-term outcomes, such as intensification across Greater Christchurch. I consider this a directly relevant, and important, consideration, as approving any of these requests could result in ad hoc development and set a precedent for subsequent requests without fully considering the cumulative impacts of other requests. In addition, in my view a collective view should be taken so that there is an umbrella view of how these various private plan change requests will impact on, or undermine, growth scenarios across Greater Christchurch. Furthermore, approval of such proposals are likely to place pressure for further greenfield development on the periphery of Christchurch City and within Waimakariri District Council, because of the precedent that would be set.

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

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## INTRODUCTION

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



matters, as both reporting officer and planning expert. I have also served as an independent planning commissioner on resource consent matters for Kaikōura District Council.

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

#### **Scope of evidence**

19. My evidence is presented on behalf of CRC and CCC in relation to PC71 to the SDP and addresses:

- (a) CRC and CCC's interest in PC71 and how it relates to strategic planning in Greater Christchurch;
- (b) the relevant statutory and planning framework, with a focus on the CRPS and the NPS-UD; and
- (c) the substantive matters of concern, as outlined in the CRC and CCC submissions, regarding PC71.

**20.** Where relevant to the matters considered in my evidence, I discuss the analysis and recommendations within the section 42A Report prepared by Liz White, Consultant Planner for Selwyn District Council (**SDC**), dated 17 January 2021 (**s42A Report**). I have also reviewed the following documents, as relevant:

- (a) the notified PC71 plan change request;
- (b) the submissions made on PC71, to the extent they are relevant to the interests of CRC and CCC;
- (c) the Resource Management Act 1991 (**RMA**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**RM Amendment Act**);
- (d) the s42A Report and associated expert evidence;
- (e) the evidence filed by the plan change applicant;
- (f) the National Policy Statement on Urban Development 2020 (**NPS-UD**);
- (g) the CRPS, including Change 1 to Chapter 6 (**Change 1**);
- (h) the SDP and the proposed SDP (**pSDP**);
- (i) Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga* (**Our Space**), the FDS for Greater Christchurch; and
- (j) the Greater Christchurch Housing Development Capacity Assessment (**HCA**), 30 July 2021.

**21.** I have also reviewed the previous evidence filed on behalf of CCC and CRC in relation to other private plan change requests to the SDP, which have been heard recently. My evidence adopts some of that earlier evidence.

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

**CRC and CCC's interest in PC71 and how it relates to strategic planning in Greater Christchurch**

23. CRC and CCC are local authorities with statutory functions under sections 30 and 31 of the Resource Management Act 1991 (**RMA**) respectively. In performing these functions, these councils (together with SDC and WDC) have long recognised that urban development interrelationships across the Greater Christchurch sub-region necessitate strong collaborative strategic planning. Since 2003, CRC and CCC have worked together with SDC and other entities through the GCP on planning and managing urban growth and development in Greater Christchurch.<sup>6</sup>

24. This collaboration is supported by further engagement on a raft of mechanisms that assist delivery of agreed strategic objectives, including district plans, district development strategies,<sup>7</sup> structure plans and town centre strategies. Where necessary, to maintain alignment with these objectives and relevant individual plans of each organisation, the councils also lodge submissions on publicly notified plan changes. In the case of CRC, this is also consistent with its statutory duty under section 84 of the RMA, which states:

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

25. In relation to PC71, the CCC and CRC submissions address strategic planning matters.

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

7 Such as Selwyn 2031.

26. The CRC submission is focused on ensuring that the SDP gives effect to the CRPS and that any inconsistency with the regional and district planning framework is avoided. Notable points include:
- (a) The requirement to avoid urban development outside of existing urban areas or greenfield priority areas for development identified on in Map A, Chapter 6;
  - (b) Approximately one third of the site identified for residential use is located under the 50 dBA Airport Noise Contour, and development of noise sensitive activities are sought to be avoided in this area. Until the Airport Noise Contour goes through a plan change process, identification of future residential land beneath the contour is presumptuous and will give an unrealistic expectation that the land can, and will be developed for residential purposes;
  - (c) That the nature, timing and sequencing of new development should be integrated with funding, implementation and operation of transport and other infrastructure, and that potential future but unconsented upgrades to Selwyn District's reticulated services should not be relied on;
  - (d) The plan change area is not well serviced by public transport services and needs to demonstrate how effective provision is made for a range of transport options, including public transport, and while a business case to investigate mass rapid transit is being progressed, it is too early to determine if this can be relied upon;
  - (e) The proposal does not sufficiently address wider transport and environmental impacts arising from trips into Christchurch City, nor does it take into account potential for other proposed plan changes to impact on efficiency of the network;
  - (f) There will be impacts on on versatile soils, which conflicts with the SDP and directions contained in the draft National Policy Statement on Highly Productive Land (**NPS-HPL**);
  - (g) The total anticipated yield of 660 household allotments (which includes those that are deferred) is not considered significant in the context of Greater Christchurch, particularly given that the GCP has concluded that a trend towards smaller household i.e.

15 households per hectare is both desirable and feasible in this context;

- (h) For the reasons above, the plan change as proposed is not considered to contribute to a well functioning urban environment that is well connected.

**27.** The CCC submission:

- (a) Notes that the scale for considering “significant development capacity” should be at a Greater Christchurch level, not at a Selwyn District level;
- (b) Recognises that the CRPS seeks to avoid urban development outside of existing urban areas or greenfield priority areas, unless expressly provided for in the CRPS, and could delay other growth and urban regeneration areas identified in Our Space, where infrastructure and the public transport system, has already been built and served;
- (c) References the transport implications on Christchurch City, and notes that the proposal relies on future public transport that has not been funded, which has implications in terms of transport efficiency and contributions to climate change, noting that it is unclear how the proposal will achieve a reduction in greenhouse gas emissions;
- (d) Seeks a higher minimum density requirement of 15 hh/ha to support viable public transport if approved; and
- (e) Seeks that any outcomes from the Social and Affordable Housing Action Plan are incorporated into the plan change, if approved.

**28.** Both submissions consider PC71 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**

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

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

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

*A district plan must give effect to –*

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

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

- (b) *any—*
  - (i) *management plans and strategies prepared under other Acts;*
  - ..... *and*

- (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

32. This section of my evidence addresses certain aspects of the statutory framework. Firstly, it describes relevant aspects of both the NPS-UD and Chapter 6 of the CRPS in the context of the collaborative strategic planning that has occurred in Greater Christchurch. Secondly, it then provides my opinion on if and how the NPS-UD is relevant to PC71, considers the interplay between giving effect to both the NPS-UD and the CRPS and whether there is a conflict in the provisions, and if so, how such conflict can be resolved.

### **National Policy Statement on Urban Development 2020**

33. The NPS-UD was consulted on throughout 2019 and came into force on 20 August 2020,<sup>8</sup> replacing the former NPS-UDC. It applies to all local authorities that have all or part of an urban environment within their district or region, and to planning decisions by any local authority that affect an urban environment.<sup>9</sup> 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.<sup>10</sup>

34. The NPS-UD identifies Christchurch as a Tier 1 urban environment.<sup>11</sup> 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.<sup>12</sup>

35. The NPS-UD contains 8 objectives and 11 policies. No objectives or policies are expressed as having priority over another. The introductory guide to the NPS-UD confirms this where it states: “*Policies in the NPS-UD interact and affect the interpretation and implementation of each other*”.<sup>13</sup> The NPS-UD also sets out the implementation of the objectives

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8 NPS-UD Cl. 1.2(1).

9 NPS-UD Cl. 1.3 Application.

10 NPS-UD Cl. 1.4 Interpretation.

11 NPS-UD Appendix Table 1.

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

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

and policies in Part 3, providing for implementation methods set out in 3.1-3.38.

36. Objective 1 of the NPS-UD is that New Zealand has “well-functioning urban environments”. The direction to achieve ‘well-functioning urban environments’ informs many of the policies and provisions in the NPS-UD, including Policies 1, 6 and 8.<sup>14</sup> 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.<sup>15</sup> I provide my assessment of PC71 in relation to contributing to a well-functioning urban environment later in my evidence.
37. The other objectives and policies that I consider to be particularly relevant to the matters raised by PC71 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 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;

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

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

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

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

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

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

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

- (a) First, relative to Policy 2, Clause 3.2.2 directs that at least sufficient development capacity is provided to meet expected demand for housing. ‘Sufficient development capacity’ for housing as set out in that clause means development capacity that is:
  - (i) plan-enabled (i.e. in relation to the short term, zoned in an operative district plan; in relation to the medium term zoned in an operative or proposed district plan;

- in relation to the long term, zoned or identified for future urban use or intensification in an FDS);<sup>16</sup>
  - (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));<sup>17</sup>
  - (iii) feasible and reasonably expected to be realised;<sup>18</sup> and
  - (iv) for Tier 1 and 2 local authorities, required to meet the expected demand plus the appropriate competitiveness margin.<sup>19</sup>
- (b) Second, the Policy 8 requirement for local authority decisions to be responsive to plan changes that would add significantly to development capacity is elaborated on by clause 3.8. Clause 3.8 requires that local authorities must have 'particular regard' to the development capacity provided by the plan change only if that development capacity:
- (i) would contribute to a well-functioning urban environment; and
  - (ii) is well-connected along transport corridors; and
  - (iii) meets the criteria set and included in a regional policy statement, that determine what plan changes will be treated as adding significantly to development capacity.

**39.** CRC has initiated but not yet completed work to formulate and include such criteria in the CRPS in response to clause 3.8(3). When developed these criteria will, to my understanding, guide the determination of what constitutes 'significant development capacity' in a Greater Christchurch and Canterbury context.<sup>20</sup> 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).

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

<sup>17</sup> NPS-UD 2020 Part 3, subpart 1, clause 3.4(3).

<sup>18</sup> NPS-UD 2020 Part 3, subpart 5, clause 3.26.

<sup>19</sup> NPD-UD 2020 Part 3, subpart 1, clause 3.2.

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

40. 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**

41. 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 Rolleston is located within Greater Christchurch my evidence concentrates on the Chapter 6 provisions. For completeness, the CRPS (through its other various chapters) regulates the full extent of RMA issues affecting the Canterbury Region.
42. 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**).
43. 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.

44. A key feature of Chapter 6, and the UDS, is to provide for sustainable growth, along with certainty about where and how this is to occur, by providing a framework which enables greenfield growth in the Greater Christchurch Area, as outlined in Map A of Chapter 6, and also provides for intensification within existing urban areas. This is noted in Issue 1, which reads:

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

45. 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;*

...

46. 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.
47. 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 have a flow on effect of proportionally reducing the success of delivery of housing through intensification of existing brownfield areas.
48. 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.
49. 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.<sup>21</sup>

50. The Chapter 6 requirement to avoid urban development outside of the areas identified on Map A is deliberately restrictive. It was anticipated through the preparation of Chapter 6 that there would be requests for development adjoining existing townships, which led to the notification of the 'avoidance' framework. This framework provides certainty around the spatial extent of growth, and targeting of investment (including infrastructure) into *planned* greenfield areas, and enables the community to understand and appreciate where greenfield development will take place. In addition to this certainty, it also acts as a tool to ensure that where greenfield development is not anticipated, resources and investment in housing markets would be targeted at intensification within existing urban areas rather than 'testing' development locations for further greenfield development on the periphery of urban areas through a range of private plan change requests (as is occurring now, through this and other requests).
51. Intensification is a key tool to achieve a number of outcomes in the CRPS, including efficient use of land, increase in uptake of public transport and increased transport efficiency, and the subsequent contribution of that efficiency to reducing carbon emissions to limit impacts from climate change. It is noted that the RM Amendment Act also looks to direct, or provide for significant incentives for, intensification.
52. 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.
53. On 28 May 2021, the Minister for the Environment (**the Minister**) approved Change 1 to Chapter 6 via a streamlined planning process. Change 1 implements agreed actions in Our Space and supports the

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<sup>21</sup> 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.

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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.

54. 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.
55. 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.<sup>22</sup> Change 1 was made operative on 28 July 2021.
56. 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.<sup>23</sup> Urban development outside of these identified areas is to be avoided, unless expressly provided for in the CRPS.<sup>24</sup>
57. As discussed later in my evidence, PC71 relates predominantly 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.
58. Other provisions in the CRPS that are relevant to PC71 include:
- (a) Objective 6.2.1a - that sufficient, feasible development capacity for housing is enabled in Greater Christchurch in accordance with the targets set out in Table 6.1;

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<sup>22</sup> Policy 6.3.12.

<sup>23</sup> Objective 6.2.2.

<sup>24</sup> Objective 6.2.1 and Policy 6.3.1.

- (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 6.3.5 – which seeks to integrate land use development and infrastructure including by avoiding new noise sensitive activities within the 50dBA Ldn Airport Noise Contour unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield area identified in Map A and enabling commercial film or video production activities within the noise contours as a compatible use of land. It also seeks to avoid activities that have the potential to limit the efficient and effective provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.
- (d) 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;
- (e) 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**

**59.** As noted earlier, the relevant local authorities (which includes SDC), together with other agencies and iwi, have been involved in collaborative strategic planning through the GCP for nearly twenty years. This collaboration has been in recognition of the interconnected nature of the Greater Christchurch urban environment and the complexity of the statutory legislation that underpins how councils enable and accommodate urban growth.<sup>25</sup>

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<sup>25</sup> 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.** 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.
- 61.** 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.
- 62.** 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.
- 63.** 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.

64. 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.
65. 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 PC71 unless a companion change to the CRPS is sought.
66. 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,<sup>26</sup> and at a more local level the proposed development of an area plan for the Greater Christchurch part of the Selwyn District.<sup>27</sup>
67. Finally, it is relevant to note that in July 2021 the GCP collaboratively prepared and published a Housing Capacity Assessment (**2021 HCA**),<sup>28</sup> in accordance with the requirements of the NPS-UD, which I rely on. The 2021 HCA provides an assessment of expected housing demand and the sufficiency of development capacity, through to 2051. Table 3 within the 2021 HCA shows that, with the inclusion of the FDAs identified through Change 1, there is sufficient development capacity (including the required competitiveness margin) within Selwyn, Waimakariri and Christchurch City, to meet expected housing demand at least over the

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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.

medium term (i.e. 2021 to 2031).<sup>29</sup> I also note that, with the RM Amendment Act being legislated, this significantly impacts the potential for intensification and development capacity within existing urban areas, and increases the ability of existing urban areas to meet demand through re-development.

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

68. The planning (section 32) report accompanying PC71 states that the NPS-UD resolves any conflict, by over-riding the CRPS and the directive provisions of Chapter 6, which requires avoidance of urban development outside of existing urban areas, GPAs and FDAs.<sup>30</sup> However, nowhere in the section 32 report or application material does the author closely examine the wording of Policy 8 of the NPS-UD, or explain how it “resolves” this perceived tension.
69. In my view, it is possible to interpret and apply the NPS-UD and CRPS in a manner that does not create tension or conflict. While I acknowledge that there is a legal aspect to this, I consider the CRPS, and its avoid framework in Chapter 6, to represent a method that achieves the requirements of the NPS-UD when it is read as a whole. The reason I say this is that Policy 8 in my view provides a pathway for providing flexibility to allow for responsive decision-making (subject to certain criteria being met), but it does not direct any substantive outcome.
70. It is my planning opinion that:
- (a) The NPS-UD and the CRPS can be reconciled together, in a way that does not absolve the need to comply with the directive elements of the CRPS;<sup>31</sup> and
  - (b) If the applicant is correct that there is insurmountable tension or conflict, then the proper approach would be to either:

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

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].

- (i) seek an amendment to the CRPS;<sup>32</sup> 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.

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

82 *Disputes*

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

*...*

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

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

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

73. The Supreme Court has provided decision-makers under the RMA with guidance as to the correct approach to giving effect to higher order documents, by determining which policies give decision-makers flexibility in implementation in lower order planning documents, and how they inter-relate. As a planner, my understanding of that decision is that decision-makers should:<sup>33</sup>

- (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

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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.

33 *King Salmon* at [129].

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:<sup>34</sup>
  - (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”

**74.** 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”.<sup>35</sup>

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

### **The NPS-UD**

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

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<sup>34</sup> *King Salmon* at [127].

<sup>35</sup> *King Salmon* at [126].

- 77.** Criteria have not yet been included in the CRPS to determine what constitutes “significant development capacity” in the Greater Christchurch context. Ms White has addressed whether the proposal constitutes “significant development capacity” in the S42A report.<sup>36</sup> Ms White does not support development within the Airport Noise Contour. In my view, her recommendation as to whether the proposal constitutes significant development capacity should be based on the exclusion of this area.
- 78.** There may also be other factors that impact on significance, including the ability to be able to deliver capacity in a timely manner. This is particularly the case with consideration of the land under the Airport Noise Contour. Given these significance 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).
- 79.** I set out figures below in relation to the private plan changes currently lodged with Selwyn District Council in ascending order by proposed yield, noting that these figures are going to be potentially significantly higher in all relevant residential zones throughout the urban environment of Selwyn (as defined by the NPS-UD) with the implementation of the RM Amendment Act:

Plan change request number	Location	Approx. number of residential lot developments
<a href="#">74</a>	West Melton	130
<a href="#">67</a>	West Melton	131
<a href="#">76</a>	Rolleston	150
<a href="#">75</a>	Rolleston	280
<a href="#">72</a>	Prebbleton	295

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<sup>36</sup> S42A report at para 119-137.

Plan change request number	Location	Approx. number of residential lot developments
<a href="#">81</a>	Rolleston	350
<a href="#">79</a>	Prebbleton	400
<a href="#">62</a>	Leeston	410
<a href="#">63</a>	Darfield	440
<a href="#">77</a>	West Melton	525
<a href="#">71</a>	Rolleston	440 + 220 deferred <sup>37</sup>
<a href="#">78</a>	Rolleston	750
<a href="#">70</a>	Rolleston	800 + commercial
<a href="#">68</a>	Prebbleton	820
<a href="#">82</a>	Rolleston	1320
<a href="#">69</a>	Lincoln	2000 + commercial
<a href="#">73</a>	Rolleston	2100 + commercial

**80.** The figures set out above represent a minimum increase of 11,561 households (not taking into account increased yield throughout Selwyn District as a result of the MDSR), should all of the private plan changes be approved. In this context, the contribution of housing, excluding the proposed deferred zoning, is in my view not significant when considered at a Greater Christchurch scale, and I do not consider that the contribution made by the requested rezoning can reasonably be considered to constitute significant development capacity. In my view, the requirement to 'be significant' needs to be substantial, and the scale needs to be wider than just Rolleston. If single townships were the determiner of scale, then the policy framework would be triggered in many situations in and around Greater Christchurch, for example Tai

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<sup>37</sup> Noting that there is no certainty that zoning proposed to be deferred can be realised.

Tapu and Springston, as well as the small settlements around Whakaraupō/Lyttelton Harbour.

81. Noting the context above, this highlights the risk of determining what constitutes significant development capacity prior to criteria going through a public process and being agreed and included in the CRPS, which I address below.
82. Irrespective of whether PC71 will add significant development capacity or not, Policy 8 only requires that decision makers are 'responsive' to plan changes that meet the requirements of Policy 8. As I have noted earlier, the CRPS anticipated that proposals would be made that seek to develop land on the periphery of urban areas, and deliberately included policies and methods designed to 'avoid' such development.<sup>38</sup> The NPS-UD does not define what 'responsive' means,<sup>39</sup> and this is not addressed in the S42A report or the Plan Change application material.
83. In my opinion, 'responsive' can involve several actions, including receiving and notifying a plan change, or alternatively, if SDC or CRC thought it was warranted, seeking a change to the CRPS to provide for the additional development. Neither local authority has done so in this case, or for the other plan change requests that are being heard at present. That is because, in my view, wider considerations should be taken into account, which should properly be assessed through the review of the CRPS. Approaching urban expansion in this way ensures proper strategic alignment, rather than ad hoc consideration and development. I also note that providing significant development capacity applies to both greenfield and existing urban areas (including development of brownfield sites). In my view, this does not nullify a policy approach that looks to avoid additional greenfield development above the levels planned for in the CRPS.

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38 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>.

39 The on-line Oxford Learner's Dictionary define 'responsive' as "reacting quickly and in a positive way" or "reacting with interest and enthusiasm".



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

- (a) While the NPS-UD requires local authorities to be responsive to plan changes, that is only if relevant requests satisfy certain criteria. There is nothing express or inherent in the NPS-UD that demands flexibility more generally to enable all urban growth and greenfield expansion. Instead, the NPS-UD places an emphasis on integrated decision-making to achieve well-functioning environments. There still remains opportunities for Councils to seek changes to the CRPS to include additional greenfield land for development;
- (b) Chapter 6 of the CRPS provides clear strategic direction for urban development that in my view better contributes to a well-functioning urban environment for Greater Christchurch and now, with the inclusion of Change 1, gives effect to Policy 2 of the NPS-UD;
- (c) Part 4 of the NPS-UD sets out the important timeframes for implementing aspects of the NPS-UD and so far these have been achieved (i.e. through completion of the 2021 HCA). Outside of these specific timeframes, local authorities must amend their regional policy statement or district plan to give effect to the provisions of the NPS-UD as soon as practicable;
- (d) CRC has, in my view correctly, prioritised completion of the 2021 HCA, adoption of Change 1, and development of a FDS through the Greater Christchurch Spatial Plan, over finalising the criteria under clause 3.8(3), as these steps are a more immediate, clearer and prudent way to identify additional development capacity as required by Policy 2 of the NPS-UD, particularly when ‘significance’ (in my view) should be assessed against development capacity needs for urban environments. When CRC implements clause 3.8(3), it will need to clarify how the intent of Policy 8 is interpreted and enabled alongside the existing CRPS policy provisions that seek to avoid urban

development on land outside the PIB. These criteria will naturally need to engage with demand, need and sufficiency, so that a merits case for unanticipated growth can be assessed. In my view, it is essential that this goes through a notified change process to the CRPS;

- (e) Ahead of the inclusion of the criteria under 3.8(3) in the CRPS, the MfE guidance on the responsive planning policies provides quantitative and qualitative factors to determine what constitutes significant development capacity;
- (f) Ahead of the clarification signalled in (d) a pathway open to applicants seeking plan changes outside the PIB, that would give effect to both the CRPS and the NPS-UD, would be to request that SDC (if it intends on approving a private plan change request) also propose to CRC a companion change to the CRPS to enable development in a manner that does not conflict with the Chapter 6 avoid framework. This has not occurred in relation to PC71, or for other plan change requests to the SDP;
- (g) I note that having identified FDAs through Change 1, the CRPS has already enabled a level of responsive planning to occur (subject to certain criteria). Plan changes seeking to develop land in the FDAs which is currently not zoned for urban activities may now be able to justify a greater level of consistency with the full statutory planning framework (as long as they satisfy the other requirements of the NPS-UD); and
- (h) Objective 6 of the NPS-UD requires that decisions are both integrated with infrastructure and strategic over the medium and long term. This recognises the importance of the strategic planning framework and confirms that Policy 8 should not operate in isolation from the balance of the NPS-UD, or the relevant CRPS provisions.

- 85.** I note that the relevant urban environment is Greater Christchurch for the purpose of applying the NPS-UD. This approach aligns with the position adopted in Our Space by the GCP and the information provided with the PC71 request in relation to the significant transport and employment links that Rolleston has with Christchurch City.

86. With reference to Policy 1 of the NPS-UD, I do not consider that PC71 will provide for a 'well-functioning urban environment', as, even though its contribution to development capacity is small, it could compromise investment in intensification by continuing urban sprawl into greenfield areas. In my view, this does not 'limit as much as possible adverse impacts on the competitive operation of land and development markets'.<sup>40</sup> 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.
87. I also note that Policy 1 sets out what is to be the "minimum" for contributing to a well-functioning urban environment. To that list, I would also add that a well-functioning urban environment is one that plans around, and protects regionally significant infrastructure, such as the operation of Christchurch International Airport.
88. According to the MfE guidance on the NPS-UD, adding significantly to development capacity requires fulfilling an identified demand.
89. As outlined in paragraph 67, 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.
90. 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, I do 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 be

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40 NPS-UD Policy 1(d).

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<sup>41</sup> being placed on the subject land).

91. I consider the merits of PC71 and its request for urban levels of development would be better considered in conjunction with and subsequent to a broader assessment of the desirability of additional urban growth in and around Rolleston. As noted earlier, this opportunity is available through the recently initiated spatial planning process, which would ensure that the benefits and implications of additional urban growth are appropriately weighed against alternative spatial growth scenarios at a Greater Christchurch level.
92. Further to the above, and in light of the relevant statutory framework, I consider that retaining the Rural Inner Plains Zone to be the most appropriate zone.

### **Specific issues raised in relation to the NPS-UD**

93. At this point I briefly provide my opinion on three interrelated matters raised by some parties to this, and other, proceedings that suggest PC71 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;<sup>42</sup>
  - (b) Secondly, that the NPS-UD requires 'at least' sufficient development capacity and as such local authorities should be more enabling of development capacity; and
  - (c) Thirdly, that the CRPS does not give effect to the NPS-UD and so the CRPS is somehow less relevant to decision makers.

### *Housing demand, available capacity and meeting needs by location*

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<sup>41</sup> It is noted that the Government is aware of the restrictive nature of developer covenants and the Final Report of the Environment Select Committee on the RM Amendment Bill noted that the Government intends to undertake further work on this to establish whether law change or other intervention is required.

<sup>42</sup> NPS-UD Policy 1(a)(i).

- 94.** 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.
- 95.** 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.
- 96.** I note the plan change application material, and evidence provided by the applicant, regarding the high demand for new housing in Rolleston, and that additional supply is required to meet that demand.<sup>43</sup> I accept that demand for housing is high, however, that is, as I understand, the nature of the whole of the Christchurch housing market at present. Partly, I consider the perception of high demand has partly been because of the release of GPAs in Rolleston 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 greenfield expansion, particularly if there is not an increase in employment being provided.
- 97.** 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.
- 98.** 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. The newly introduced FDAs are

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<sup>43</sup> Plan change application, para 100, and Appendix 13, Evidence of Mr Ballingall.

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.

- 99.** 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 trends<sup>44</sup>. This is reflected in Table 6.1A of Chapter 6 which adjusts the development capacity targets between the territorial authorities from 2028 to meet total projected demand for Greater Christchurch as a whole. The conclusion I draw from this is that the GCP and CRC consider the location of housing demand to be important but not determinative of the most appropriate location for development capacity.
- 100.** 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 is particularly the case with the RM Amendment Act and MDRS which impose requirements for all qualifying residential zones to adopt the standards, including the ability to develop up to three houses on a site with no density requirement. This will apply to all of the urban areas of Greater Christchurch, with a requirement to notify an Intensification Planning Instrument (IPI) for all qualifying residential zones before August 2022. The MDRS can only be less enabling of development only to the extent necessary to accommodate one or more of the qualifying matters set out in s 77I-L.
- 101.** Although it will fall on expert witnesses from SDC to provide any detailed clarification on this matter, I highlight previous evidence that was filed in relation to Plan Change 73 and 69 and adopt it here:<sup>45</sup>
- (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

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<sup>44</sup> Our Space, Section 5.7.

<sup>45</sup> Evidence of Keith Tallentire for CRC and CCC.

following consideration of other relevant information including for example building consents);

- (b) The 2018 HCA incorporated a peer review process (including from an economist and officials representing MfE and the Ministry for Housing and Urban Development) and was considered generally fit-for-purpose;
- (c) The study area for the 2021 HCA appears to differ from the 2018 HCA, the former now seemingly encompassing the full extent of the three territorial authorities as opposed to just the Greater Christchurch urban environment (as identified by Map A in the CRPS and Figure 1 in Our Space). Should areas outside Map A be included in Table 3 of the 2021 HCA this could complicate an assessment of sufficient development capacity for the purposes of these hearings;
- (d) Change 1 is now operative and the FDAs are identified on Map A. Three private plan changes (PC75, PC76 and PC78) in the Rolleston FDA are already in train, which in total could enable nearly 1,200hhs, and notably there are only a limited number of 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,<sup>46</sup> thus meeting the medium-term capacity figures in Table 3 of the 2021 HCA;
- (e) Mr Ballingall attributes the increase in house prices to a supply issue.<sup>47</sup> However I observe that a rise in house price is not specific to Rolleston as can be seen from his Figure 1, and that there are a range of reasons for this at a national level, including low interest rates, inflation, increasing liquidity for investors due to housing price rises, and increasing capital costs for new buildings which influence sales prices, and these effects are being felt nationwide;
- (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-

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<sup>46</sup> <https://www.epa.govt.nz/fast-track-consenting/referred-projects/faringdon/the-decision/>

<sup>47</sup> Evidence of Mr Ballingall at para 6.0.

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.<sup>48</sup>

- (g) In his evidence, Mr Ballingall discounts the impact of the the RM Amendment Act, on the basis that multi-dwelling sites are more likely to occur where land prices are very high relative to existing capital.<sup>49</sup> What Mr Ballingall doesn't consider is the uptake of new vacant land for multi-unit development, which will be enabled through the MDRS. While take-up of intensification opportunities in existing developed areas will vary due to age of housing stock, financing of individual properties, and demand in particular locations, the introduction of the MDRS will, in my view, mean that estimates for land capacity and supply in existing urban areas is significantly underestimated by the HCA.

*“At least” sufficient development capacity*

- 102.** As I explain in paragraph 67, 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).
- 103.** 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 67, 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. It is noted that these figures will need to be revisited as a result of the RM

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<sup>48</sup> Policy 10(c) and clause 3.21 of the NPS-UD requires that engagement occur with the development sector, including on HCAs. I note that in June/July 2021 a survey was sent to development sector stakeholders to elicit feedback to inform the 2021 HCA.

<sup>49</sup> Evidence of Mr Ballingall at para 4.6.



Amendment Act which will provide for significantly more development capacity within the existing *qualifying* residential zones.

104. While this is clearly providing for 'at least' sufficient development capacity, there is no directive in the NPS-UD to enable anything more than is sufficient. In my view, providing 'abundant' development capacity could undermine the efficient and timely uptake of existing zoned capacity for residential development, the direction to enable intensification in certain areas (based on certain criteria) and may run counter to CRC's statutory function to ensure integrated and strategic delivery of infrastructure with land use.<sup>50</sup> 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.

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

105. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill was enacted on 20 December 2021. The Act sets out a range of changes with the intention of providing for greater provision for intensification in Tier 1 Councils, which includes Selwyn District. Ms White has not considered the impact of the MDRS on capacity or infrastructure.
106. Importantly, one of the benefits noted in the Cabinet paper introducing the bill is that enabling greater intensification will enable a range of benefits including more productive and efficient use of land, with less pressure for urban dispersal/sprawl,<sup>51</sup> and that it supports the Government's wider objectives for housing, resource management reforms, and climate change.
107. The RM Amendment Act introduces MDRS to qualifying relevant residential zones. The MDRS provides for:

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<sup>50</sup> 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.

<sup>51</sup> <https://environment.govt.nz/assets/publications/resource-management-enabling-housing-supply-and-other-matters-amendment-bill-approval-for-introduction.pdf> at para 9.

- (a) Permitted activity status to construct or use a building that complies with the density standards of the plan once incorporated;
- (b) Controlled activity status for subdivision of land for those residential units;
- (c) Up to 3 units per site (with no density standard)
- (d) Building height up to 11m, or 12 with a pitched component
- (e) 4m + 60 degree recession planes (except the road boundaries, internal boundaries or common walls between sites);
- (f) 1m side and rear boundaries and 1.5m road boundaries;
- (g) Up to 50% building coverage;
- (h) Specified outdoor living space and outlook space;
- (i) 20% glazing on the streetfront;
- (j) Minimum 20% landscaped area.

**108.** Importantly, the provisions apply to qualifying areas in relevant residential zones. Relevant residential zones are defined as:

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

**109.** Urban environment is defined in s77F of the RM Amendment Act, and has the same meaning as set out in the NPS-UD. I understand the parties to agree that the urban environment applies to Greater Christchurch, and these will apply across the district's townships within the Greater Christchurch Area. This has implications in terms of capacity for infrastructure, as well as yield for the range of plan changes before SDC.

## **SUBSTANTIVE MATTERS OF CONCERN REGARDING PC71**

- 110.** As outlined above, in my view PC71 will not give effect to CRPS Objective 6.2.1(3) or Policy 6.3.1(4).
- 111.** It follows that in my view PC71 is inconsistent with SDP Objective B4.3.3 and Policy B4.3.1, and also pSDP Policy UG-P3 and UG-P13, as in my view, the intent of these provisions is to give effect to the above provisions of the CRPS. I have attached these relevant provisions to my evidence in **Appendix 1**.
- 112.** The plan change does not propose to amend the above operative objective and policy (which it could have), and therefore it is difficult to understand how the proposal for urban development meets the legal requirements for consideration of plan changes as outlined in paragraphs 29-31 of my evidence.
- 113.** With reference to Objective 6.2.1 and 6.2.2 of the CRPS and the direction to achieve a consolidated urban form, while I agree that development in this location would result in a compact urban form, it does not avoid unplanned expansion of urban areas, and should in my view be considered through a comprehensive spatial planning exercise. As a result, I consider PC71 does not give effect to Objective 6.2.2 and is inconsistent with SDP Policies B3.4.4 and B3.4.5.
- 114.** The CRC and CCC submissions also raise the following matters, which I address in more detail below:
- (a) Infrastructure;
  - (b) Transport and public transport;
  - (c) Residential density;
  - (d) Loss of highly productive land;
  - (e) The Airport Noise Contour; and
  - (f) Contributing to a well-functioning urban environment.

### **Infrastructure**

- 115.** 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.

**116.** SDC has provided additional information in relation to provision of infrastructure for the following:<sup>52</sup>

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

**117.** 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).

**118.** 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 private plan changes be approved. Additionally, the upgrades have not been approved or consented, and it is not clear what the implications of additional intensification in Selwyn District as a result of the MDSR will have on capacity in the network.

**119.** Mr England concludes, in his Infrastructure Review Report for SDC, that there is additional capacity for growth within existing water takes within the Rolleston Structure Plan area with further capacity upgrades proposed and planned for, but that deferral of some land may be required

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52 S42A Report Servicing Hearing Report, Murray England.

until consented water can be made available for those areas outside of the Structure Plan Area.

- 120.** 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.
- 121.** 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. In other hearings, Mr England has stated that the current connected catchment (2021) has a population equivalent of approximately 42,000 – 45,000 person equivalents (**PE**).<sup>53</sup> Given the current proposed plan changes before Council provide for up to 15,000 households, Mr England has not indicated what the cumulative impact of development will have on capacity at the WWTP, if all of those plan changes are approved. I understand the current operational consents granted by CRC for the WWTP allow for up to 47,777 PE and that there has been no application to increase this. Even so, Mr England states that the current WWTP has an ultimate capacity of 60,000 PE<sup>54</sup>, and so I query whether this would be sufficient if all the residential plan changes are approved, and whether plan changes should proceed until such time as consents are gained and construction of the extension to the WWTP to 120,000 PE is made available.
- 122.** In relation to stormwater, Mr England is satisfied that provision of stormwater management for the site is appropriate. I acknowledge that Mr England is satisfied that feasible options are available.
- 123.** In my view, however, approving PC71 could potentially undermine the timely delivery of other land already identified for planned urban development within the PIB (and the FDAs) that will be reliant on the remaining infrastructure capacity at the Pines WWTP until such time as upgrades are completed and the full range of consents are obtained. I consider there to be a degree of uncertainty in this space, which warrants taking a conservative approach.

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<sup>54</sup> Ibid para 23.

124. A further complicating factor for infrastructure planning is the RM Amendment Act, which could have a considerable impact on the demand for infrastructure capacity in existing and new development areas within the Selwyn District. This Act provides for significantly greater levels of development, with up to three houses on sites and no density standards, in qualifying areas, as well as increased building coverage and heights. This will result in increased infill housing and increased pressure on the stormwater, wastewater and water supply networks. This creates uncertainty around whether the proposed infrastructure requirements in relation to wastewater treatment at the Pines Wastewater Treatment Plant will be sufficient. No analysis appears to have been done at this early stage of the Act coming into force.

## Transport

125. 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.
126. Objective 6.2.4 is supported by CRPS Policies 6.3.3, 6.3.4 and 6.3.5, , with Policy 6.3.4 (2) stating that an efficient and effective transport network is achieved by: *“providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice”*.
127. CCC is specifically concerned that the Integrated Transport Assessment (ITA) shows that the vast majority of residents commute from Rolleston North East to Christchurch for work (79%). No additional employment opportunities are provided for as part of PC71, and so it is expected that the commuter contribution will remain at least at this level. There has been no demonstration as to how the proposal will contribute to reduced

greenhouse gas emissions, which is a requirement for a well-functioning urban environment, as compared to development within existing public transport serviced urban areas (such as in Christchurch City).

- 128.** Mr Mat Collins, for SDC, has provided a comprehensive review of the ITA and PC71.<sup>55</sup> Mr Collins recommends a number of changes to the ODPs 4 and 5, as well as traffic upgrades required.
- 129.** Mr Collins does not assess effects on the wider transport network but does conclude: *“PPC71 is inconsistent with the Rolleston Structure Plan, in that it is outside the anticipated urban area. Should PPC71 affect the quantum of residential growth within Selwyn, without a corresponding increase in local employment and access to services, additional impact on the Greater Christchurch transport network can be expected as additional residents in Selwyn travel to access services and employment. 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”*.<sup>56</sup>
- 130.** 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 PC71), in combination with the MDRS, could result in significant cumulative impacts on the transport network. There is no indication that the implications of the MDRS have been taken into account as part of the transport modelling, which will likely impact on potential yield along with associated transport impacts.
- 131.** I consider PC71 will contribute to cumulative downstream effects for Christchurch City where many of the ultimate destinations of Rolleston 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

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<sup>55</sup> S42A report, Transportation Hearing Report, Mat Collins.

<sup>56</sup> Ibid page iii and page 27 and 33.

morning peak could reduce by over 6km/h over the next 30 years (from 42km/h in 2013 to 36km/h in 2048).<sup>57</sup>

132. In raising these concerns I note that several strategic transport assessments undertaken for Our Space and the Future PT Business Case have already been undertaken. The Housing Interactions analysis that informed Our Space concluded: “A sensitivity test for 2048 was also modelled to test the extent to which the location of growth has an impact on the transport network. The same projected population growth total for Greater Christchurch was used, but a higher proportion of the growth was distributed to Christchurch City, rather than Selwyn and Waimakariri Districts. The results of the sensitivity test demonstrated that the location of land use growth can significantly impact the distribution of trips and the resulting levels of congestion, with marginally better average speeds and travel times with a higher proportion of the growth distributed to Christchurch City”.<sup>58</sup>
133. In my view, effects on the wider transport network have not been adequately addressed by the Applicant's ITA (nor any of the transport evidence provided as part of this hearing) or mitigated by PC71. Notably, the plan change process limits the extent to which alternative locations can be appropriately considered.
134. In relation to population growth in Greater Christchurch, the vision section of the Regional Public Transport Plan (**RPTP**) states: “The integration of public transport and land use planning is essential to managing this growth”. In my view, the RPTP and the public transport business cases demonstrate a clear intent to seek to provide a more attractive public transport service to key towns in Greater Christchurch, such as Rolleston. Those documents also note that this is not an overnight investment or task. Any approval of unplanned or out-of-sequence development in the meantime, particularly outside the PIB, could inhibit the integrated and strategic approach to delivery of efficient and effective public transport.

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

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



135. In my view, development should therefore be commensurate with the level of accessibility already existing or planned, not reliant on a future level of public transport service that is unplanned, unfunded and runs counter to the stated policy directions of statutory documents, which as noted previously seek integration of land use and infrastructure<sup>59</sup>, and that development is infrastructure-ready.<sup>60</sup> 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.
136. Overall, in my view PC71 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 PC71 is also inconsistent with Policy B2.1.13 of the SDP that requires “*consolidated land use patterns that will reduce the demand for transport*”.
137. I further address the greenhouse gas emission effects of PC71 below, when considering whether this request would contribute to a well-functioning urban environment.

### **Residential density**

138. CRC and CCC have concerns regarding the density and housing typologies proposed by PC71. 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.
139. I acknowledge that Policy 6.3.7(3) specifies minimum net densities to be achieved in various locations, but that it does not account for the development of unplanned proposals such as PC71. I also acknowledge

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<sup>59</sup> CRPS Policy 6.3.5.

<sup>60</sup> NPS-UD Clause 3.4(3) and 3.5.

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.

140. Nevertheless, as outlined in paragraph 89, and according to the 2021 HCA, the trends in housing needs will require a significant increase in the supply of smaller and multi-unit dwellings across a broader range of tenures. Higher densities will also support greater uptake and patronage of public transport, where it is provided.
141. In my view, before PC71 warrants approval, it would need to propose typologies and tenures that can meaningfully set it apart from other developments currently being advanced within the PIB, so that typologies are provided that address the matters I have set out above. To some extent, this may be overcome through the introduction of the MDRS, however I note there is no current legal restriction on the imposition of developer covenants that could limit the implementation of the MDRS in relation to the plan change location. As noted above, I consider that the criteria that are yet to be developed by CRC will engage with demand, typologies and needs in this way, and that any assessment of significance in the meantime should directly consider these aspects.
142. 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.<sup>61</sup>
143. 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

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61 [https://www.selwyn.govt.nz/\\_\\_data/assets/pdf\\_file/0005/475466/UG-Chapter-Appendix-3-HG-Greenfield-Density-Analysis.pdf](https://www.selwyn.govt.nz/__data/assets/pdf_file/0005/475466/UG-Chapter-Appendix-3-HG-Greenfield-Density-Analysis.pdf)

Science Challenge that identifies the prevalence of private land covenants as inhibiting the provision of more affordable housing.

144. Notwithstanding this, with the RM Amendment Act being enacted, this may result in significantly more development capacity if the plan change is approved and subsequently varied by SDC (noting again the adverse impact this could have on three-waters and transport infrastructure). The increased density of development that would result would create more pressure on the infrastructure aspects discussed above, which is why I consider that a conservative approach should be taken.

### **Loss of highly productive land**

145. The proposed development will result in the loss of land that is considered “highly productive land”, in this instance being Land Use Capability (**LUC**) Class 2 soils, which is the subject of the recent Proposed National Policy Statement on Highly Productive Land (**proposed NPS-HPL**). The evidence of Ms Aston downplays the importance of the soil resource, and notes that the part of the area has already been identified for urban growth through a strategic planning process, which I accept.<sup>62</sup> However this does not apply to a large portion of the land in the northern part of the plan change area, and under the Airport Noise Contour.
146. While it is acknowledged that the proposed NPS-HPL is in draft, and is not required to be given effect to, the discussion document still contains relevant matters that can be considered in terms of planning practice. The cumulative impact of loss of finite soils over time to urban development could potentially be significant.<sup>63</sup> From 1990-2008, 4,800 hectares of LCU 1 and 2 land was lost to urban expansion in Canterbury. This is further exacerbated by larger areas of LUC 2 soil being identified within FDAs in Map A which is subsequent to the dates above (noting that these have been through a strategic planning process through amendments to the CRPS, as well as the Rolleston Structure Plan). The discussion document notes that there has been a tendency for urban

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<sup>62</sup> Evidence of Ms Aston at para 169-177.

<sup>63</sup> Page 23 <https://www.mpi.govt.nz/dmsdocument/36624-Discussion-document-on-a-proposed-National-Policy-Statement-for-Highly-Productive-Land>.

expansion to occur outwards, rather than upwards, when both forms of development are needed.

- 147.** I consider that such decisions regarding expansion on to highly productive land should be made following a strategic review of development options across a district and sub-regional basis, enabled through processes such as Our Space, and development of the Greater Christchurch spatial plan. That will ensure that where greenfield expansion is to occur, that urban growth is directed to areas that do not comprise the most valuable soil resources, or that at least, options are evaluated at a region wide scale to determine the most appropriate location for development. In particular for Rolleston, such processes would recognise that less versatile soils are available to the western side of Rolleston.
- 148.** To this extent, I do not support additional urban expansion onto LUC 2 land in this location.

#### **Airport Noise Contour**

- 149.** CRPS Policy Policy 6.3.5 seeks to integrate land use development and infrastructure, including by avoiding new noise sensitive activities within the 50dBA Ldn Airport Noise Contour unless the activity is within an existing: residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield area identified in Map A. It also seeks to avoid activities that have the potential to limit the efficient and effective provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.
- 150.** This CRPS Policy is given effect to by a very clear and unambiguous Policy in the Operative SDP B4.3.72 which states:

*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.*

151. In Ms Aston's evidence, she emphasises the fact that the Airport Noise Contour is under review.<sup>64</sup> However she fails to consider the detailed wording of the policy, and that there is no amendment proposed to the Policy. While the zoning may be deferred, there is no certainty that such amendments will be made, and in order to give effect to the CRPS, and implement the Council policy, such changes should be made either alongside, or subsequent to the formal plan change/RPS change process, particularly where there is a clear requirement to avoid rezoning land for new residential development. This position is supported by Ms White in the S42A report,<sup>65</sup> and I adopt Ms White's analysis on this matter. In addition, the Rolleston Structure Plan identifies that the land as Rural, and changes to an urban zone would be inconsistent with the Rolleston Structure Plan.<sup>66</sup>
152. This is supported by the detail in the submission from Christchurch International Airport.<sup>67</sup> Irrespective of the detail contained in the Airport modelling as contained in Ms Aston's evidence, until such changes have been through a notified review of the CRPS and made operative, any change will not give effect to the provisions of the CRPS, and as such, the area below the operative Airport Noise Contour should remain Rural Inner Plains.

### Well-functioning urban environment

153. 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;

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<sup>64</sup> Evidence of Ms Aston, para 58-70.

<sup>65</sup> S42A Report para 85-90, 146-148, 162-164.

<sup>66</sup> [https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0015/14361/Final-Rolleston-Structure-Plan-230909.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0015/14361/Final-Rolleston-Structure-Plan-230909.pdf) at Page 44.

<sup>67</sup> Submission 0004 at para 5.

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

154. 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*'.
155. The MfE guidance states that ideally transport corridors should be connected via a range of transport modes and proximate to amenities and services. The guidance goes on to state that, if possible, people should not need to rely solely on private vehicles to travel to other urban areas, or to access essential services like employment, and health or community services. It further states that ideally, developments under this policy will be transit-orientated with mixed land uses and densities.<sup>68</sup>
156. As I have outlined already, I do not consider PC71 achieves Policy 1(a) or (c), or that the request is currently or will be well-connected to or along transport corridors.
157. I also consider that the reliance on private vehicle use for residents will inevitably prevent PC71 from supporting reductions in greenhouse gas emissions (which is required by Policy 1(e)).
158. In the s42A Report, Ms White agrees that PC71 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.<sup>69</sup> Ms White then notes that

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<sup>68</sup> *ibid*, Footnote 25.

<sup>69</sup> S42A Report, para 127.

the same situation then arises in relation to existing zoned land or land identified for future development within Rolleston, and as such she does not consider the proposal is contrary to Policy 1.

- 159.** In my opinion, I do not consider this a logical conclusion to draw, because the proposed development is in addition, not in substitution, to other growth areas. The fact that this other land is already zoned is not directly relevant, as those decisions were made prior to the NPS-UD, rather than post-dating that higher level policy document. In my view, there is now a higher level policy direction that must be considered and given effect to, and choosing to ignore or soften that based on prior existing development is not an available planning response. There is a need to complete a comparison to intensification opportunities closer to employment centres, such as within Christchurch City.
- 160.** Ms White does not tie the requirement back to the NPS-UD requirement that such development contributes to well functioning environments, which *at a minimum*, support reductions in greenhouse gas emissions. No aspect of the proposal looks to achieve this requirement, in particular there is no quantification of this, nor any proposal to look at how reductions might be achieved. This is a significant issue for all of the private plan changes before Selwyn District Council, and one of the key objectives of the NPS-UD.<sup>70</sup> I consider the current analysis of this issue to be inadequate (by both the applicant and the SDC reporting team), and it is difficult to understand how a conclusion can be reached that the proposal will contribute to a well-functioning urban environment<sup>71</sup> in the absence of any robust evidence or analysis.
- 161.** Land identified for future development through Change 1 to the CRPS (i.e. planned development) has been considered through a detailed, comprehensive spatial planning exercise, which comprises multiple facets. While not all land within the existing GPAs and FDAs may deliver on every NPS-UD or CRPS policy now, it can be reasonably expected that this will occur as a result of the strategic planning and infrastructure that will 'unlock' that land for development (including public transport development). The distinction with PC71 is that it is unplanned, and

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<sup>70</sup> NPS-UD Objective 8.

<sup>71</sup> S42A Report, para 184.

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

- 162.** I note that the recent mode shift plan for Greater Christchurch, prepared by Waka Kotahi with the GCP,<sup>72</sup> states that land transport currently accounts for 41% of greenhouse gas emissions in Greater Christchurch. This recognises the significant contribution of private vehicle use to greenhouse gas emissions and climate change.

## **Conclusions**

- 163.** I do not consider that the relief sought for PC71 for urban development outside of the FDA will provide significant additional development capacity to the Greater Christchurch urban environment, and 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 PC71 does not qualify for responsive decision-making under Policy 8 of the NPS-UD.
- 164.** Notwithstanding this, I consider that the avoid framework established by Chapter 6 of the CRPS, which must be given effect to in this case, requires that the portion of the plan change site outside of the FDA be declined. Taking into account the statutory framework for the consideration of plan change requests, I consider the Rural Inner Plains Zone to be the most appropriate zone to achieve the objectives of the SDP and the higher order planning documents, where the site is located within the Airport Noise Contour, or not otherwise provided for in relation in Map A of the CRPS.

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<sup>72</sup> <https://www.nzta.govt.nz/assets/resources/keeping-cities-moving/Christchurch-regional-mode-shift-plan.pdf>



- 165.** As a result, I consider that the PC71 request, to the extent that it seeks Living Z Zone, or Living Z Deferred, outside of those areas identified in Map A of the CRPS should be refused.

Dated this 31<sup>st</sup> day of January 2022



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Marcus Langman

## Appendix 1

### Objective B4.3.3

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

### Policy B4.3.1

*Ensure new residential, rural residential or business development either:*

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