

**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

**SUMMARY OF EVIDENCE OF MARCUS HAYDEN LANGMAN
(PLANNING EVIDENCE)**

10 February 2022



Barristers & Solicitors

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

INTRODUCTION

1. My name is Marcus Hayden Langman. I am a Planning Consultant self employed planning consultant and have set out my experience in my evidence in chief.
2. In my evidence I address planning issues in relation to Proposed Plan Change 71 (**PC71**), including how the proposed plan change relates to strategic planning for Greater Christchurch, the framework for the higher order planning documents including the National Policy Statement on Urban Development (**NPS-UD**) and the Canterbury Regional Policy Statement (**CRPS**), in particular Chapter 6 which relates to the rebuild and recovery of Greater Christchurch, and issues related to infrastructure, transport, and how these relate to a well-functioning urban environment under the NPS-UD.
3. The key conclusions I reach in my evidence are that:
 - (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 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;¹²
- (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 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

¹ 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>.

² 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.

- (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 evidence³ 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.

4. I have not had the opportunity to review the applicant's planning summary, however have had the opportunity to listen to part of the hearing.

- (a) Ms Aston retains the view that the deferred zoning for the land under the Airport Noise Contours to be appropriate. I consider this to be contrary to SDP Policy B4.3.72 which seeks to avoid *rezoning* land for new residential development under the Airport Noise Contour.
- (b) Ms Aston has quoted the MfE responsive planning factsheet which states that "a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet the requirements of the responsive planning policy". Notwithstanding the weight to be applied to that document, as I set out in my evidence, a companion change could be sought to the CRPS by the territorial authority to ensure that this private plan change did not conflict with the requirement to avoid urban development outside GPAs and FDAs.
- (c) I disagree with both Ms Aston in relation to the S42A report that states that it is not appropriate to consider additional capacity at a Greater Christchurch scale.

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

- (d) Ms Aston states in her summary that PC71 is consistent with the objectives and policies of the SDP, except as they relate to those which restrict urban development to Map A greenfield priority areas and FDAs. As a plan change process, such changes to the SDP could have been sought, however they have not. It is therefore difficult to reconcile how the provisions are the most appropriate for implementing the objectives of the SDP, in particular Objective B4.3.3.
- (e) In her planning summary, Ms Aston notes she could not find where Change 1 would give effect to the NPS-UD in the Minister's letter. I understand that the NPS-UD is 'secondary legislation' under the RMA⁴, and that a reference to anything being done under an Act includes anything done under secondary legislation.⁵ The Minister's statement that the proposal complied with the RMA, also applies to the NPS-UD.⁶ I acknowledge that Change 1 relied on the 2018 HCA, however proposed Change 1 was notified on 16 January 2021, prior to the release of the 2021 HCA on 30 July 2021.
- (f) Ms Aston focuses on the Objective 3 of the NPS-UD as justification for expanded greenfield development outside of the areas identified in Map A of the CRPS, however there are other methods to achieve delivery of housing supply, including brownfield development and intensification. This in my view is the intention of the MDRS, which, as noted in my evidence, seek to reduce pressure for urban expansion/sprawl into greenfield areas, including onto highly productive land.
- (g) Ms Aston expressed caution, referring to Mr Ballingall's evidence, that there was unlikely to be uptake of the MDRS provisions for many years to come. The proportion of housing capacity that has been realised in previously urbanised areas, and previously undeveloped areas (i.e. greenfield) is one of the matters under NPS-UD Clause 3.9 which is required to be monitored on a quarterly basis. This will provide firm data on the uptake of the MDRS over a relative short period of time, from their introduction in August 2022 (at the latest). Given that

⁴ S52(4) RMA.

⁵ S21 Legislation Act 2019.

⁶ Summary of Ms Aston – Attachment 1.

the HCA identifies that, across Selwyn, CCC, and Waimakariri, there is sufficient development capacity⁷, I consider there will be opportunity in monitor and be responsive to need for further greenfield land if required. I also consider that such monitoring will feed into the special planning exercises, and the subsequent review of the CRPS.

- (h) I maintain my position that there is insufficient information around capacity in light of the MDRS, and what this will mean for development of new residential areas, and the subsequent capacity for network infrastructure being put in place. Absent developer covenants, there is the potential for greater levels of development to take place, than that assessed by both the applicant and the Council, which could place pressure on infrastructure capacity.
- (i) There is little comfort that the proposal will have, or enable a variety of homes that meet the needs of different households, unless the developers commit to not including developer covenants on matters which the MDRS seeks to overcome, including density, building coverage, and height.
- (j) Ms Aston and I disagree on whether the proposal will support a reduction in greenhouse gas emissions. Ms Aston compares the site with other development areas in the district, however the proposal is in addition to these areas, it does not substitute them (and therefore reduce emissions). No attempt to quantify emissions has been made, or comparison made to travel distances within Christchurch, where there is substantial opportunity for intensification with easy access to public transport. Given additional employment is not proposed by the development, it is expected that private vehicle commuting levels will remain the same, if not higher. I compare this to the proposals for PC67 which introduced a range of sustainability requirements, including minimum indigenous planting, an equivalent minimum Homestar 6 rating, solar power generation for each residential site, and rain-harvesting.

⁷ <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports-2021/Greater-Christchurch-Housing-Development-Capacity-Assessment-July-2021.pdf> at page 6, Table 1 (Short term), Table 3 (Medium Term).

5. I have not reviewed any other evidence that has altered the position expressed in my evidence, and I maintain my position set out in my evidence. I am happy to answer any questions.

Dated this 10th day of February 2022



.....
Marcus Hayden Langman