

Kirk Joseph Lightbody for Christchurch City Council

Summary of Evidence: Private Plan Change 79 - Prebbleton

1. The position of the s42A author and Christchurch City Council (**CCC**) is aligned.
2. I agree with the s42A authors recommendations to reject PC79 due to the Objectives and Policies of the NPS-HPL that seek to avoid urban rezoning of highly productive land.
3. The key thrust of my evidence is that sufficient development capacity is already provided for within Prebbleton and thus the clauses of the NPS-HPL that allow rezoning of highly productive land cannot be complied with.

**Kirk Lightbody, 24th April
2023**

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED PRIVATE PLAN CHANGE 79**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Selwyn District
Plan

**EVIDENCE IN CHIEF OF KIRK JOSEPH LIGHTBODY ON BEHALF OF
CHRISTCHURCH CITY COUNCIL**

PRIVATE PLAN CHANGE 79

24 APRIL 2023

TABLE OF CONTENTS

1. INTRODUCTION	1
2. SCOPE OF EVIDENCE	1
3. SUMMARY OF CCC'S POSITION ON PC79	2
4. STATUTORY FRAMEWORK	2
5. NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND	2
6. CLAUSE 3.6(a) – SUFFICIENT DEVELOPMENT CAPACITY	5
7. CONCLUSION	7

1. INTRODUCTION

- 1.1 My full name is Kirk Joseph Lightbody. I am employed as a Policy Planner in the City Planning team of the Christchurch City Council (**CCC**). I have been in this position since January 2022
- 1.2 I hold the Degree of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am an intermediate member of the New Zealand Planning Institute.
- 1.3 I have five years' experience in planning and resource management in New Zealand, having previously been employed by the Manawatu District Council in both consents and policy planner roles.
- 1.4 In accordance with 'Minute 1 - Directions of the Hearings Panel' I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 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.

2. SCOPE OF EVIDENCE

- 2.1 This evidence is filed on behalf of CCC in relation to submissions made on Proposed Private Plan Change 79 (**PC79**) to the Selwyn District Plan.
- 2.2 This evidence responds to Selwyn District Council's (**SDC**) section 42A report (**s42A Report**), and evidence filed by the plan change proponent.
- 2.3 In preparing this evidence I have reviewed the following documents:
- (a) the notified provisions of the PDP;
 - (b) the s42A report prepared by SDC;

- (c) the National Policy Statement on Urban Development 2020 (**NPS-UD**); and
- (d) the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**).

3. SUMMARY OF CCC'S POSITION ON PC79

- 3.1** CCC's interest in PC79 principally relates to the integrated management of the effects of land use, and ensuring the achievement of well-functioning urban environments across the Greater Christchurch urban area. CCC's submission outlined concern that PC79 does not give effect to the NPS-HPL, and CCC remains in opposition to the approval of PC79 for this reason.
- 3.2** Overall, I agree with the s42A author for SDC that PC79 does not give effect to the NPS-HPL, in particular Clause 3.6, and as such the request should be rejected.

4. STATUTORY FRAMEWORK

- 4.1** The following is a summary of the relevant section of the Resource Management Act 1991 (**RMA**) that I consider relevant to my evidence being, s75 the matters and contents of District Plans
- 4.2** Section 75(3) of the RMA requires that:
 - A district plan must give effect to—
 - (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (ba) a national planning standard; and
 - (c) any regional policy statement.
- 4.3** Section 75(3)(a) outlines that the contents of a district plan, a territorial authority must give effect to a national policy statement.
- 4.4** My evidence that follows considers how PC79 gives effect to the direction of the NPS-HPL.

5. NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND

5.1 The NPS-HPL provides policy direction to protect highly productive land (**HPL**) (being land that is identified as either LUC 1, 2 or 3) for land-based primary production activities.¹ The NPS-HPL directs that HPL is to be mapped by regional councils in their regional policy statements, with changes for that purpose to be notified no later than three years after the NPS-HPL became operative on 17th October 2022.² In the interim, as is the case now, HPL must be taken to have the meaning in clause 3.5(7) of the NPS-HPL:

- (a) Is:
 - (i) zoned general rural or rural production; and
 - (ii) Land Use Capability (**LUC**) 1, 2 or 3; but
- (b) is not:
 - (i) identified for future urban development; or
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general or rural production, to urban or rural lifestyle.

5.2 When considering the criteria of part (a) above, the PC79 land:

- (a) is currently zoned Rural (Inner Plains) under the operative Selwyn District Plan (**ODP**), and is zoned General Rural Zone under the proposed Selwyn District Plan (**pDP**). For completeness I consider that the Rural (Inner Plains) Zone is the equivalent to a General Rural or Rural Production Zone, and is not a Rural Lifestyle Zone. ;
- (b) is mapped as having LUC 1 and 2 soils.³

5.3 In relation to clause 3.5(7)(b) of the NPS-HPL, the PC79 land is neither identified for future urban development, nor is it subject to a council initiated, or an adopted, notified plan change to rezone the land from general or rural production, to urban or rural lifestyle. PC79 is a private plan change and therefore does not fall within clause 3.5(7)(b).

¹ NPS-HPL, Objective 2.1.

² NPS-HPL, clause 3.5(1), operative as of 17 October 2022.

³ As identified in section 6.3 of the application for PC79.

5.4 The PC79 land is not identified as a Future Development Area (**FDA**) in the Map 6 of Chapter 6 of the CRPS, nor the proposed Urban Growth Overlay (**UGO**) in the PDP.

5.5 The PC74 land should therefore be treated as being “highly productive land” for the purposes of applying the NPS-HPL.

5.6 The NPS-HPL also directs that the use of highly productive land for land-based primary production should be prioritised and supported, and the urban rezoning of such land should be avoided (except as provided in the NPS-HPL).⁴

5.7 Policy 5 is of particular relevance to this hearing it states that

The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

5.8 Clause 3.6 provides for the circumstances when urban rezoning of HPL is provided for. I consider that the criteria in clause 3.6 needs to be met before urban rezoning of HPL can be considered, and this does not guarantee that the rezoning will occur (i.e., clause 3.6 uses the word “may”, which reserves discretion to the relevant Tier 1 and 2 territorial authorities). The criteria in clause 3.6 are as follows::

- (a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**); and
- (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly

⁴ NPS-HPL, Policies 4 and 5.

productive land for land-based primary production, taking into account both tangible and intangible values.

5.9 Clause 3.6(1)(a) references the NPS-UD, and draws a direct link between the rezoning of highly productive land and providing sufficient development capacity to meet demand required to give effect to the NPS-UD. The wording used in clause 3.6 requires that a territorial authority must first be satisfied that the rezoning is required to satisfy demand, before then turning to consider other options (clause 3.6(1)(b)) and benefits-costs (clause 3.6(1)(c)). I discuss these criteria, and in particular clause 3.6(1)(a), further below.

6. NPS-HPL CLAUSE 3.6(1) – SUFFICIENT DEVELOPMENT CAPACITY

6.1 It is a function of territorial authorities under section 31(1)(aa) of the RMA, and by virtue of the NPS-UD, to ensure that there is sufficient development capacity to meet demand for housing and business land. The NPS-UD sets out (in Part 3) how to determine whether there is sufficient development capacity, with a housing capacity assessment playing an important role.

6.2 The Greater Christchurch Partnership (**GCP**) prepared an updated Housing Capacity Assessment in July 2021 (**HCA**) to ensure that the partnership Councils (including SDC) were providing enough capacity to meet expected demand for their district and the Greater Christchurch urban area. The following data has been extracted from this HCA.

Table 1 Short Term (2021- 24) Development Capacity

Territorial Authority	Surplus/Shortfall⁵
Waimakariri	440
Christchurch	95,622
Selwyn	1,864
Total	97,926

⁵ Surplus shown in black text, shortfall in red.

Table 2 Medium Term (2021-2031) Development Capacity

Territorial Authority	Surplus/Shortfall @ 15hh/ha	Surplus/Shortfall @ 12hh/ha
Waimakariri	3,713	2,263
Christchurch	83,779	83,779
Selwyn	4,961	3,667
Total	92,453	89,709

Table 3 Long Term (2021 - 2051) Development Capacity

Territorial Authority	Surplus/Shortfall @ 15hh/ha	Surplus/Shortfall @ 12hh/ha
Waimakariri	583	-876
Christchurch	60,763	60,763
Selwyn	-11,836	-13,130
Total	48,344	46,766

6.3 As per the HCA prepared in 2021 across the Greater Christchurch urban area there is a surplus of 46,766 households in the long-term, assuming 12 hh/ha, with Selwyn District being the only territorial authority with a shortfall. However, this data was prepared prior to the PDP process being initiated, several private plan changes becoming operative, and the implementation of the Medium Density Residential Standards.

6.4 As part of SDC's intensification planning instrument a further development capacity assessment was produced, this SDC specific assessment was included as Appendix 3 to the PC79 reporting officer's s42A report. This development capacity assessment estimated that a development sufficiency of 1,160 households existed in Prebbleton over the medium term (10 years).⁶

6.5 Overall I agree with the assessment of the reporting officer that based on the most recent Selwyn development capacity assessment that sufficient development capacity exists in Prebbleton for the lifetime of the District Plan, therefore clause 3.6(1)(a) of the NPS-HPL has not

6 Selwyn Residential Capacity and Demand Assessment IPI 2023, Figure 4-6.

been satisfied. When considering that sufficient development capacity exists in Prebbleton against the avoid direction of the NPS-HPL, PC79 must be declined.

7. CONCLUSION

7.1 Overall, I agree with the recommendations of the s42A author to reject PC79.

7.2 In the wider Greater Christchurch urban setting and Prebbleton itself a surplus of residential zoned development capacity already exists, in addition to a planning framework that encourages consolidation of urban form to enable the potential positive effects of well-functioning urban environments and protection of highly productive land. As a result, it is my view that PC79 is not the most appropriate way to give effect to the outcomes sought by the RMA or NPS-HPL.



Kirk Joseph Lightbody

24th April 2023