

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

UNDER

the Resource
Management Act 1991

IN THE MATTER

of Private Plan Change
74 (West Melton) by
Hughes Development
Limited

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

20 March 2023

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CONTENTS

	PAGE
SUMMARY	1
INTRODUCTION	6
STATUTORY AND PLANNING FRAMEWORK	11
SUBSTANTIVE MATTERS OF CONCERN REGARDING PC74	44

SUMMARY

1. Canterbury Regional Council (**CRC**) and Christchurch City Council (**CCC**) (collectively the **Councils**), have sought that Private Plan Change 74 (**PC74**) to the Operative Selwyn District Plan (**SDP**), be declined.
2. The request seeks to rezone the majority of the subject land from Rural Inner Plains to Living West Melton, and includes the insertion of an Outline Development Plan (**ODP**), and new subdivision rules and other consequential amendments.
3. The Councils consider that PC74 is both inconsistent with the agreed strategic planning framework established through *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update*, that it does not give effect to the Canterbury Regional Policy Statement (**CRPS**) or properly give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**). In addition, the proposal does not give effect to the National Policy Statement on Highly Productive Land 2022 (**NPS-HPL**).
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. In my opinion, the relief sought by PC74 should be declined because:
 - (a) The additional yield proposed by PC74 (totalling approximately 123 lots) does not result in significant additional development capacity in terms of the NPS-UD;
 - (b) Sufficient development capacity to meet expected housing demand has already been identified over the short and medium-term for the Selwyn District;
 - (c) PC74 is not supported by Policy 8 of the National Policy Statement on Urban Development 2020 (**NPS-UD**) in the way that the applicants outline. In my opinion, the operative CRPS and the higher order NPS-UD provisions can be read together, while giving effect to both the NPS-UD and the CRPS;
 - (d) The request is out of sequence with planned infrastructure development, and the implications of the Medium Density Residential Standards (**MDRS**) in terms of infrastructure

development capacity do not appear to have been taken into account;

- (e) The proposal does not achieve the minimum net density of 10 households per hectare required by the CRPS for greenfield priority areas, and represents an inefficient use in terms of urbanisation of rural land;
- (f) The cumulative impact of this and further unplanned greenfield expansion would likely compromise opportunities for intensification elsewhere in Greater Christchurch, as well as intensification enabled through the MDRS (which is currently being included in the Proposed District Plan through the Council's Intensification Planning Instrument);
- (g) The government has sought to encourage intensification of existing urban areas through the requirement to include the MDRS in District Plans for all relevant residential zones. One of the reasons for doing so was that it would result in a more productive and efficient use of existing urban areas, and reduce pressure for urban expansion/sprawl into greenfield areas, including on to highly productive land.¹ PC74 proposes to expand onto highly productive land adjacent to West Melton;
- (h) It follows that the proposal does not give effect to, and is contrary to, the provisions of the NPS-HPL;
- (i) The relief sought in PC74 does not give effect to the following key policies in the Canterbury Regional Policy Statement (CRPS):

- (i) Objective 5.2.1 which seeks that development is located and designed so that it functions in a way that *“achieves consolidated, well designed and sustainable growth...provides sufficient housing choice to meet the region’s housing needs...minimises energy use and or improves energy efficiency...and avoids conflicts between incompatible activities”*;

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>

- (ii) 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”;
 - (iii) 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”;
 - (iv) 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 they are 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 identified in the CRPS which direct territorial authorities to implement the directions set out in the policy statement.
- (j) In relation to the SDP, the limited new provisions sought through PC74 are not the most appropriate to achieve the objectives of the SDP, in particular B1.1.2, B3.4.4, B3.4.5, B4.1.1, B4.3.1, B4.3.3, and their associated policies; and
 - (k) taking into account the higher order planning documents, the objectives and policies of the operative district plan, and the provisions of s32 of the Resource Management Act 1991 (**RMA91**), I consider that the most appropriate zone for the land is 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.
6. I also explain in my evidence the background and importance of strategic planning for Greater Christchurch. The local authorities in Greater Christchurch, together with other agencies and iwi, have undertaken collaborative strategic planning for nearly twenty years. There remains a risk that if PC74 is approved it will undermine the existing strategic planning framework within the CRPS, and will not achieve a well-functioning urban environment that is well connected along transport corridors. In addition, the proposed plan change is clearly contrary to the NPS-HPL, and the relevant provisions relating to protection of soil in the CRPS.
7. A spatial planning exercise, the Greater Christchurch Spatial Plan, has recently been initiated by the Greater Christchurch Partnership (**GCP**)² and engagement with stakeholders has commenced. 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 PC74.
8. Given the number of private plan change requests seeking additional urban development in Selwyn District, including in areas that are not contemplated for urbanisation in the CRPS (both live, and now determined), any planning decisions that are not aligned with the current strategic planning framework and that are made prior to completion of this wider Spatial Plan process 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

2 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.

development and set a precedent for subsequent requests without fully considering the cumulative impacts of other requests. I consider that a collective view should be taken to how the various private plan change requests could impact on, or undermine, urban growth scenarios across Greater Christchurch.

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**) (together, the Councils). I hold a Bachelor of Resource Studies from Lincoln University (1998). I have previously appeared as a planning witness for the Councils in relation to PCs 68 and 72 at Prebbleton, PC 69 at Lincoln, and PCs 71, 80 and 81 at Rolleston.
11. I have 22 years' experience in planning, of which 20 have been in New Zealand. For the last 9 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 was 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 both 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 for a number of appeals 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 proposed 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 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. 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 PC74 and addresses:
- (a) CRC and CCC's interest in the plan changes, and how that relates to strategic planning in Greater Christchurch; and
 - (b) the relevant statutory and planning framework, with a focus on the CRPS, NPS-UD and NPS-HPL.
20. Where relevant to the matters considered in my evidence, I discuss the analysis and recommendations within the section 42A Report prepared by Mr Craig Friedel, Consultant Planner for Selwyn District Council (**SDC**), dated 6 March 2023 (**s42A Report**).
21. I have also reviewed the following documents:
- (a) the notified PC74 plan change request and further information received, as well as the revised ODP and accompanying text;
 - (b) the submissions made on PC74, 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 applicants;
 - (f) the National Policy Statement on Urban Development 2020 (**NPS-UD**);
 - (g) the NPS-HPL;
 - (h) the CRPS, incorporating Change 1 to Chapter 6 (**Change 1**);
 - (i) the SDP and the proposed SDP (**PDP**);
 - (j) Our Space 2018-2048: Greater Christchurch Settlement Pattern Update *Whakahāngai O Te Hōrapa Nohoanga* (**Our Space**), the FDS for Greater Christchurch; and
 - (k) the Greater Christchurch Housing Development Capacity Assessment (**HCA**), 30 July 2021.

22. Given the similarity between certain issues raised by PC74, and earlier private plan changes, my evidence adopts some of the earlier evidence presented for the Councils.
23. I have recently visited the subject site, and I am familiar with West Melton township and the surrounding area.

CRC and CCC's interest in PC74 and how it relates to strategic planning in Greater Christchurch

24. 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 Waimakariri District Council) 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.³
25. 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,⁴ 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".

3 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).

4 Such as Selwyn 2031.

- 26.** In relation to PC74, the CCC and CRC submissions address strategic planning matters.
- 27.** The CRC submissions are focused on ensuring that the SDP gives effect to the CRPS and relevant national policy statements, 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 Map A, Chapter 6, and the circumstances under which a review of the extent and location of land for development will be undertaken in accordance with Policy 6.3.11;
 - (b) The anticipated yield of 123 household allotments⁵ for PC74 is not considered significant in the context of Greater Christchurch;
 - (c) The proposal needs to demonstrate how effective provision is made for a range of transport options, including public transport, and does not recognise the need to be well connected along transport corridors;
 - (d) The proposal does not include any business zoning, and 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;
 - (e) The proposal do not give effect to a number of objectives and policies in relation to the NPS-UD;
 - (f) Concern that the use of the site does not maintain versatile soils and protect highly productive land for primary production in accordance with the (then proposed) NPS-HPL;
 - (g) Concern regarding the potential for contaminated land; and
 - (h) For the reasons above, the plan change as proposed does not give effect to the higher order planning instruments.

- 28.** The CCC submission:

⁵ Plan change request at 3.1, noting that the possible subdivision scheme plan attached to the amended ODP shows 124 lots, one of which is a utility lot, and there are no associated rules proposed to provide a minimum yield

- (a) Considers that the proposal does not provide for a well functioning urban environment under the NPS-UD in terms of:
 - (i) Meeting the needs of different households; and
 - (ii) Ensuring urban environments have good accessibility.
- (b) Notes that the proposal is inconsistent with the CRPS as it does not provide for the minimum requirement of 10 households per hectare, and that in order to be giving effect to the NPS-UD in terms of a well-functioning urban environment, seeks a minimum density of 12 households per hectare; and
- (c) Sets out that the proposal will have downstream effects on Christchurch City, and that the development should be of a form which enables public transport services through appropriate urban form, and that its form and design should enable public transport.

29. In summary, the Councils:

- (a) Consider that PC74 is inconsistent with the agreed strategic planning framework established through Our Space and the CRPS;
- (b) Do not consider the proposed rezonings to be more appropriate than the current SDP zoning; and
- (c) Seek that the request is declined.

STATUTORY AND PLANNING FRAMEWORK

30. 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 (section 75(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 (section 76(3));*
- (f) *the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (section 32(1)(a));*
- (g) *whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (section 32(1)(b)) and taking into account (under section 32(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.*

31. 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.*

32. 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.*

33. This section of my evidence addresses certain aspects of the statutory framework, and the requirement to give effect to higher order documents.

Firstly I address the NPS-HPL as it relates to the land, and comment on the evidence provided by the applicant.

34. Secondly, I outline 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. I provide my opinion on how the NPS-UD is relevant to PC74, consider 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 Highly Productive Land

35. The NPS-HPL came into force on 17 October 2022. The NPS has a singular objective that seeks that:

Highly productive land is protected for use in land-based primary production, both now and for future generations.

36. The NPS-HPL sets out a series of provisions which identify how highly productive land (**HPL**) is defined, and to be managed so that it protects the potential use of soils for primary production. It sets out a range of restrictions on the urban-rezoning, use, and subdivision of land that is HPL, and also sets out exceptions and exemptions from the requirement to protect HPL.
37. At the time of preparation of the s42A report, no evidence had been provided to submitters (as part of the application material) or the decision-maker on whether the land met the requirements of the NPS-HPL, and the application material did not include any assessment of soil or agricultural economics. Mr Friedel, in his s42A report, relied on Joint Witness Statements provided in other planning processes relating to the PDP to support his views on the assessment of HPL.
38. Further evidence was filed by the applicant on 13 March 2023, in the form of evidence from two witness on highly productive land⁶, and agricultural economics⁷. Given the national importance of the NPS-HPL which is

6 EIC S Hainsworth and EIC V Mthamo.

7 EIC S Ford

required to be given effect to, I consider it an omission that no experts on the issue of highly productive land, soil, or agricultural economics, contributed to the s42A report on the initial application, or undertook a thorough peer review of the evidence put forward by the applicant. That does not mean that a review cannot be undertaken, and that the Commissioner can request such a report.

39. Turning to the provisions of the NPS-HPL, it is my opinion that the site is HPL. Clause 3.5 directs that maps are included in a regional policy statement that show all highly productive land, but in the interim (ie. before that mapping is complete), clause 3.5(7) defines HPL in circumstances where it has not yet been mapped. More specifically, land is HPL where it is zoned general rural or rural production (based on the Planning Standard descriptions) **and** categorised as LUC 1, 2 or 3.
40. Mr Brown does not consider the land to be zoned general rural or rural production.⁸ While the subject land is zoned General Rural Zone (**GRUZ**) in the proposed district plan (and has a Inner Plains zoning under the ODP), Mr Brown's evidence is that the land has characteristics that are more akin to the Rural Lifestyle Zone in the National Planning Standards, because of the 4ha minimum site size and fragmented nature of the Rural (Inner Plains) Zone. In my opinion, this evidence does not reflect the test that the NPS-HPL has established in clause 3.5(7).
41. What clause 3.5(7) requires is that – where the National Planning Standards have not yet been implemented - the initial focus is on the relevant Planning Standard zone descriptions, with the task then to identify which of the zone descriptions is the nearest equivalent zone to the zone applied to the land in question (which is not expected to be zoned any of the Planning Standard zones). In this way, the Planning Standard provides the starting point, with the zone construct in the relevant district plan evaluated to find the closest comparable option.
42. Here, the relevant district plan is the Operative District Plan, which applies the Rural Inner Plains zone to the site.

8 EIC M Brown at para 108-116.

43. I disagree with Mr Brown on this point, as I consider that the notification of the proposed plan with the subject land as GRUZ, aligns with the Council having “implemented” the framework of the National Planning Standards, albeit that the provisions are notified and not yet operative. In addition, the proposed zone in the Operative District Plan is similar to the description of the GRUZ in the National Planning Standards, which describes the GRUZ as:

Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

44. In this respect, I agree with Mr Friedel’s evaluation that the proposal is on land identified as General Rural, and this aligns with SDC’s legal opinion on the matter.⁹

45. The significance of the land being HPL is that the NPS-HPL brings into play several relevant policies. These are set out in the s42A report.

46. Of most significance, clause 3.6(1) provides that Selwyn District Council may only allow urban rezoning of highly productive land if it meets all of the following:

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

⁹ S42A report at 7.159 and Appendix 7.

47. Clause 3.6(2) also sets out the matters a local authority must consider in order to meet the requirements of Clause 3.6(1)(b):

In order to meet the requirements of subclause (1)(b), the territorial authority must consider a range of reasonably practicable options for providing the required development capacity, including:

- (a) greater intensification in existing urban areas; and*
- (b) rezoning of land that is not highly productive land as urban; and*
- (c) rezoning different highly productive land that has a relatively lower productive capacity.*

48. Clause 3.6(3) further sets out the requirements for identifying whether development capacity is within the same locality and market:

(3) In subclause (1)(b), development capacity is within the same locality and market if it:

- (a) is in or close to a location where **a demand for additional development capacity has been identified through a Housing and Business Assessment (or some equivalent document)** in accordance with the National Policy Statement on Urban Development 2020; and*
- (b) is for a market for the types of dwelling or business land that is in demand (as determined by a Housing and Business Assessment in accordance with the National Policy Statement on Urban Development 2020).*

49. Both Mr Colegrave and Mr Friedel have skirted this provision in their evidence. While it is referenced in Mr Friedel's evidence¹⁰, no analysis or evaluation has been undertaken against the provision. Mr Colegrave has not mentioned the provision at all, which requires the market and demand to be determined by a Housing and Business Assessment (**HBA**).¹¹ Instead, Mr Colegrave has developed his own assessment of market and demand, limited to West Melton only.¹² In my view, this is

¹⁰ S42A at para 7.148 and 7.161.

¹¹ Refer clause 3.6(3), NPS-HPL.

¹² EIC F Colegrave at para 114-128.

not what Clause 3.6(3) requires. It requires a consideration of where development capacity can be provided, including in urban areas, rezoning of land that is not highly productive, and rezoning different areas of HPL that have relatively lower productive capacity. Given the importance of HPL as set out in the NPS, this should be considered on a Selwyn-wide basis, unless it is otherwise identified in an HBA specific to West Melton.

50. Finally, clause 3.6(5) requires that:

*(5) Territorial authorities must take measures to ensure that **the spatial extent of any urban zone covering highly productive land is the minimum necessary** to provide the required development capacity while achieving a well-functioning urban environment.*

51. Again, Mr Colegrave's evidence appears to be silent on this matter. This has implications in terms of the density provided on the subject site (currently proposed as having no minimum yield, but with an estimated net density of 6.15 dwellings per hectare) which results in the inefficient use of the land resource.

52. I continue to hold the same concerns expressed in previous hearings that provision of housing should be looked at on a larger scale than just the township or area where the development is being sought. This is particularly the case with development that is being sought over HPL, and where there remains a question as to whether a proposal can achieve the objective and policies of the NPS-HPL. I note that although evidence has been put forward that the land is subject to constraints, no argument has been made by any witness that the subject site should qualify under clause 3.10 of the NPS.¹³

53. In my view, there are a number of points that are relevant when considering potential primary production land uses, that have not been addressed by the witnesses. This includes recognition of the existing surrounding development, which includes commercial productive uses. Ariki Seed is located at 117 Halkett Road (three properties to the east).

13 I note the guidance prepared by MfE notes that urban rezoning should just be addressed through Clause 3.6 – see page 32 <https://environment.govt.nz/assets/publications/NPS-Highly-Productive-Land-Guide-to-implementation.pdf>.

Two properties further on at 40 Wylies Road, on the corner of Wylies Road and Halkett Road, is West Melton Plant Nursery. In addition, I am aware of viticulture that takes place in the vicinity, at Melton Estate, and walnut growing and processing at Tricketts Grove on Tricketts Road to the south west of West Melton. All of these provide productive horticultural uses in the close vicinity that haven't been assessed by the witnesses.

54. Mr Mthamo addresses the availability of water, noting that the site is in an over allocated zone¹⁴ (Selwyn-Waimakariri Groundwater Zone). I note that currently, Hydrotrader¹⁵ has 638,871m³/annum tradeable groundwater permits available in the Selwyn-Waimakariri Groundwater Zone. This is well in excess of the 126,195m³ Mr Mthamo has estimated would be required for the site. No analysis has been undertaken as to how this could result in a more economic use of the site, and Mr Hainsworth relies on the lack of water identified by Mr Mthamo in his assessment.¹⁶
55. Mr Ford has provided a very brief economic assessment of potential farm uses for the site, however these are limited dryland arable crop rotation, and dryland sheep and beef finishing and breeding.¹⁷ The NPS-HPL defines 'land-based primary production' as production from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land. No consideration has been given to forestry, orcharding, tree crop production, covered horticulture, or viticulture, as examples of land-based primary production.¹⁸ Similarly, Mr Colegrave has limited his economic analysis to Grain, Seeds, Sheep and Beef, and Dairy.¹⁹ It is not clear in his assessment whether he anticipates that this includes irrigation. In addition, he averages the output across all activity options, rather than evaluating the highest and best use, and it appears he has included a linear value for milk solid prices over a 50 year period, when historical prices have been rising on average since 1998. Apart from attaching the joint witness statement in relation to the PDP process,

14 EIC V Mthamo at para 46-52.

15 <http://hydrotrader.co.nz>.

16 EIC S Hainsworth at para 37 and 45.

17 EIC Stuart Ford at para 27-35.

18 Mr Hainsworth has discounted this due to perceived lack of availability of water.

19 EIC F Colegrave at para 129-159.

no evidence has been put forward by the Council analysing the appropriateness of the economic analysis for the site with respect to productive uses.

56. Overall, I consider that the proposal does not give effect to the NPS-HPL for the following reasons:

- (a) The subject site is HPL;
- (b) The proposed rezoning is inconsistent with the objective, which seeks that highly productive land is recognised as a resource with finite characteristics and long term values for land-based primary production;
- (c) It is inconsistent with Policy 5, which requires that urban rezoning of highly productive land is avoided, except as provided for by the policy statement;
- (d) An appropriate assessment of reasonably practicable alternatives for providing for development capacity has not been provided, with the assessment focused on West Melton, which is not a location identified in an HBA, nor is it a market that has been identified in an HBA, where development capacity is sought;
- (e) A peer review of economic use and alternatives for primary production has not been undertaken;
- (f) The assessments rely on dryland uses, when water is available through transferable permits; and
- (g) As a result, there has been limited consideration of alternative primary production uses.

National Policy Statement on Urban Development 2020

57. The NPS-UD came into force on 20 August 2020,²⁰ replacing the NPS-UDC. It applies to all local authorities that have all or part of an urban environment within their district or region, and to planning decisions by any local authority that affect an urban environment.²¹ An urban environment means any area of land that is, or is intended to be,

²⁰ NPSUD Cl. 1.2(1).

²¹ NPSUD Cl. 1.3 Application.

predominantly urban in character and is, or is intended to be, part of a housing and labour market of at least 10,000 people.²²

58. The NPS-UD identifies Christchurch as a Tier 1 urban environment.²³ 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.²⁴
59. 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*”.²⁵ The NPS-UD also sets out the implementation of the objectives and policies in Part 3, providing for implementation methods set out in 3.1-3.38.
60. 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 8.²⁶ 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.²⁷ I provide my assessment of PC74 in relation to contributing to a well-functioning urban environment later in my evidence.
61. The other objectives and policies that I consider to be particularly relevant to the matters raised by PC74 are summarised below (**bold** my emphasis):

22 NPSUD Cl. 1.4 Interpretation.

23 NPSUD Appendix Table 1.

11 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.

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

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

27 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.”

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;

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 is 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.

62. 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);²⁸
- (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));²⁹
- (iii) feasible and reasonably expected to be realised;³⁰ and
- (iv) for Tier 1 and 2 local authorities, required to meet the expected demand plus the appropriate competitiveness margin.³¹

(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

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

29 NPSUD 2020 Part 3, subpart 1, clause 3.4(3).

30 NPSUD 2020 Part 3, subpart 5, clause 3.26.

31 NPDUD 2020 Part 3, subpart 1, clause 3.2.

- (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.

63. 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.³² Given the criteria are not yet operative, the plan change cannot achieve criterion (b)(iii) above, and it is my opinion that the plan change does not achieve (b)(i) or (b)(ii).

64. 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, or which may set a different policy direction that guides relevant considerations. To this extent, the Panel needs to determine the most appropriate zone that can achieve all of the higher order policy directions.

Canterbury Regional Policy Statement

65. 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

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

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 West Melton is located within Greater Christchurch my evidence concentrates on the Chapter 6 provisions.

- 66.** Chapter 5 includes Objective 5.2.1 which is particularly relevant to PC74. That includes a requirement that development achieves consolidated , well-designed and sustainable growth in and around urban areas, that such development minimises energy use and/or improves energy efficiency, and that it avoids conflicts between incompatible activities. I address issues in relation to energy use (as it relates to greenhouse gas emmissions) later in my evidence.
- 67.** 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**).
- 68.** 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.
- 69.** 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.

70. 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;*

...

71. 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.

72. 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.

73. 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.

74. 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.³³

75. The Chapter 6 requirement to avoid urban development outside of the areas identified on Map A is deliberately strict. It was anticipated through the preparation of Chapter 6 that there would be requests for development adjoining existing townships, which led to the notification of the 'avoidance' framework. This framework provides certainty and targeting of investment (including infrastructure) into *planned* greenfield areas, and enables the community to understand and appreciate where greenfield development will take place. In addition to this certainty, it also acts as a tool to ensure that where greenfield development was not available, that resources and investment in housing markets would be

³³ 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.

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.

76. 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 amendments to the RMA made by the RM Amendment Act also provide for intensification within existing urban environments.³⁴
77. 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.
78. 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 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.
79. 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.
80. 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

³⁴ Particularly through the requirement to incorporate the MDRS into all relevant residential zones, and to give effect to Policy 3 of the NPS-UD. Refer to section 80E of the RMA.

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.³⁵ Change 1 was made operative on 28 July 2021.

- 81.** 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.³⁶ Urban development outside of these identified areas is to be avoided, unless expressly provided for in the CRPS.³⁷
- 82.** As discussed later in my evidence, PC74 seeks to rezone land that has not been identified as a GPA or FDA, and nor is development of the land for urban development expressly provided for in the CRPS.
- 83.** Other provisions in the CRPS that I consider are relevant to PC74 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;
 - (b) Objective 6.2.4 - which prioritises the planning of transport infrastructure so that it maximises integration with priority areas and settlement patterns, and Policies 6.3.4 and 6.3.5 which support this objective, and others, in respect of transport effectiveness and the integration of land use and infrastructure;
 - (c) Policy 6.3.7 – which specifies minimum densities to be achieved in order to efficiently utilise identified areas and create a compact urban form with appropriate development controls that support more intensive developments;
 - (d) Policy 6.3.11 – which prescribes the monitoring and review methods to demonstrate there is an available supply of residential and business land and provides the circumstances

³⁵ Policy 6.3.12.

³⁶ Objective 6.2.2.

³⁷ Objective 6.2.1 and Policy 6.3.1.

for initiating a review of the extent and location of land for development.

Strategic planning in Greater Christchurch

- 84.** As noted earlier, the relevant local authorities, together with other agencies and iwi, have been involved in collaborative strategic planning through the GCP for nearly twenty years. 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.³⁸
- 85.** 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.
- 86.** 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.
- 87.** 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

³⁸ Integrated decision making must traverse the RMA 1991, Local Government Act 2002, Land Transport Management Act 2003 and a range of other supporting statutes.

and investment requirements to significantly improve the provision of public transport services across Greater Christchurch.

- 88.** 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 urban 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. Importantly, those planning processes will take into account the choices to be made around important planning issues, such as the presence of HPL.
- 89.** 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 pattern for subsequent decision-making without fully considering the cumulative impacts of other requests, or having analysed alternative growth scenarios. This is now playing out, with various private plan change requests being varied to adopt the Living MD zone, as well as the general change to the relevant Living zones being changed to Living MD.
- 90.** In my view (and with reference to NPS-UD Objective 6(b) which requires local authority decisions that affect urban environments to be strategic over the medium and long term), 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, could potentially undermine the achievement of longer-term outcomes set by the GCP following extensive engagement with communities, appear 'ad-hoc', and not properly take account of cumulative effects that would be taken into account as part of a strategic planning exercise. 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 until a companion change to the CRPS is sought. While this view

has not been endorsed by Commissioners in their decisions to date, it remains my expert opinion that this approach would properly implement the statutory framework, even in light of Policy 8 of the NPS-UD.

91. In terms of timing, I understand that the spatial plan exercise is expected to be completed by mid-2023 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 2024,³⁹ and at a more local level the proposed development of an area plan for the Greater Christchurch part of the Selwyn District.
92. Finally, it is relevant to note that in July 2021 the GCP collaboratively prepared and published a Housing Capacity Assessment (**2021 HCA**),⁴⁰ in accordance with the requirements of the NPS-UD. The 2021 HCA provides an assessment of expected housing demand and the sufficiency of development capacity, through to 2051. Table 3 within the 2021 HCA indicates that, with the inclusion of the FDAs identified through Change 1, there is sufficient development capacity (including the required competitiveness margin) within Selwyn, Waimakariri and Christchurch City, to meet expected housing demand at least over the medium term (i.e. 2021 to 2031).⁴¹ I acknowledge that Mr Colegrave has provided alternative figures to the HBA. However I also note that Appendix 1 to Mr Friedel's evidence, which sets out the shortfalls as at October 2021, is now well out of date due to both the Medium Density Residential Standards being introduced, and the approval of plan changes for urban development in the intervening period.
93. I consider this to be critical information to inform the "need" for additional housing development capacity across Selwyn District, and to be able to assess the efficiency (and overall appropriateness) of zoning these currently greenfield sites.

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

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

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

RECONCILING THE NP-SUD, CRPS AND THE STRATEGIC PLANNING FRAMEWORK

94. The planning report⁴² accompanying PC74 states that the NPS-UD softens the requirement to give effect to the CRPS and the directive provisions of Chapter 6, which requires avoidance of urban development outside of existing urban areas, GPAs and FDAs. 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.
95. 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, the reason I say this is that Policy 8 (in my view) provides a pathway for responsive decision-making (subject to certain criteria being met), but it does not direct any substantive outcome. I rely on my evidence prepared for other plan changes on these matters, and can provide that to the Commissioner if that would be of assistance.
96. In short however, it is my opinion that:
- (a) The direction to be “responsive to plan changes” and have “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 Chapter 6 of the CRPS, and this is relevant to the consideration of the higher order documents required in this case;p
 - (b) Given the wording used, the NPS-UD and the CRPS can and should be reconciled together, in a way that does not absolve the need to comply with the directive elements of the CRPS,⁴³ and
 - (c) If the applicant is correct that there is insurmountable tension or conflict, then the proper approach would be to either:

42 Private Plan Change Request at page 24.

43 *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;⁴⁴ 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.

The NPS-UD

- 97.** In relation to the requested zoning, I now address the key point of contention between the Councils and the applicant, being the approach to applying the NPS-UD and the ‘responsive planning framework’ provisions.
- 98.** Criteria have not yet been included in the CRPS to determine what constitutes “significant development capacity” in the Greater Christchurch context. Mr Friedel accepts that the plan change provides “significant development capacity” on the basis of the reasons set out in the economic reports of the plan change proponents.⁴⁵ I do not consider that in terms of quantum, that 123 additional households provides significant development capacity.
- 99.** As with previous plan changes, I consider the analysis of Mr Friedel is problematic, as it does not take into account:
- (a) Planned growth within the existing GPAs and FDAs; or
 - (b) Unplanned growth subject to the numerous private plan changes currently before Selwyn District Council; and
 - (c) The impact of the inclusion of the MDRS for relevant residential zones within the Selwyn district.
- 100.** I set out those figures below in relation to the private plan changes currently lodged with Selwyn District Council in ascending order by proposed yield, noting that the implementation of the MDRS in the “relevant residential zones” throughout the urban environment of Selwyn (as defined by the NPS-UD) may mean these figures have the potential to be significantly higher:

⁴⁴ 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.

⁴⁵ S42A report at para 8.21.

Plan change request number	Location	Approx. number of residential lot developments	Status
74	West Melton	123	Processing
67	West Melton	131	Approved
76	Rolleston	150	Approved
77	West Melton	218	Processing
75	Rolleston	280	Approved
72	Prebbleton	295	Approved and appealed
81	Rolleston	350	Declined (subject to appeal period)
79	Prebbleton	400	Processing
62	Leeston	410	Approved
63	Darfield	440	Approved
71	Rolleston	440 + 220 deferred	Approved in part (excluding deferred), appealed
78	Rolleston	750	Approved
70	Rolleston	800 + commercial	Processing
68	Prebbleton	820	Approved (subject to appeal period)
82	Rolleston	1320	Declined (subject to appeal period)
69	Lincoln	2000 + commercial	Approved and appealed
73	Rolleston	2100 + commercial	Declined and appealed
Total		11,247 +	

- 101.** The figures set out above represent a minimum increase of 11,561 households (not taking into account increased yield in Lincoln and Rolleston as a result of the MDRS), should all of the private plan changes be approved. This does not take into account planned development within the FDAs and GPAs in the district, which have been allocated to meet anticipated demand for Greater Christchurch. In this context, the contribution of 123 additional houses (by PC74) is in my view insignificant, and I do not consider that the contribution made by the requested rezoning can reasonably be considered to constitute significant development capacity.
- 102.** Irrespective of whether PC74 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 anticipates that proposals should be made that seek to develop land on the periphery of urban areas, and deliberately included policies and methods designed to 'avoid' such development as sought by PC74.⁴⁶ The NPS-UD does not define what 'responsive' means,⁴⁷ and this is not addressed in the s42A report or the Plan Change application material.
- 103.** 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 to ensure strategic intergration, which should properly be assessed through the review of the CRPS.
- 104.** 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 PDP, some submitters have suggested that the CRPS is inconsistent

⁴⁶ 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>.

⁴⁷ The on-line Oxford Learner's Dictionary define 'responsive' as "reacting quickly and in a positive way" or "reacting with interest and enthusiasm".

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. The NPS-UD places an emphasis on integrated decision-making to achieve well-functioning urban environments. There still remains opportunities for Councils to seek changes to the CRPS to include additional greenfield land for development;
- (b) 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”;
- (c) I consider CRC has appropriately 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 in my view these steps are a more immediate, clearer and prudent way to identify additional development capacity as required by Policy 2 of the NPS-UD. This is particularly so when ‘significance’ 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;
- (d) 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;
- (e) Ahead of the clarification signalled in (d) above, 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;

- (f) I note that having identified FDAs through Change 1, the CRPS has already enabled a level of responsive planning to occur. Plan changes seeking to urbanise land in the FDAs which is currently not zoned for urban activities may now be able to justify a greater level of consistency with the statutory planning framework; and
- (g) 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, in my view, confirms that Policy 8 should not operate in isolation from the balance of the NPS-UD, or the relevant CRPS provisions.

105. With reference to Policy 1 of the NPS-UD, I do not consider that PC74 will provide for a 'well-functioning urban environment', as rezoning these areas could compromise investment in intensification by continuing urban sprawl into greenfield areas. In my view, the rezoning sought would not 'limit as much as possible adverse impacts on the competitive operation of land and development markets'.⁴⁸ 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.

106. According to the MfE guidance on the NPS-UD, adding significantly to development capacity requires fulfilling an identified demand.

107. As outlined in paragraph 92, 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. While Mr

⁴⁸ NPS-UD Policy 1(d).

Colegrave has provided evidence on the matter of demand and supply, I consider it necessary that Selwyn provide an update as to any revised capacity for growth figures it may have, in light of recently approved plan changes, and introduction of the MDRS provisions.

- 108.** 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”*.
- 109.** Overall, the proposed density is extremely low, when compared to that required for greenfield sites in the CRPS. In addition to this, and as noted above, the 2021 HCA does not take into account the additional yield provided by the notified variations to the recently approved private plan changes, nor the ability for existing urban land to be redeveloped, or infilled. This information is in my view important to properly understand how this proposal satisfies demand now, and across the medium-long term periods contemplated by the NPS-UD. Assessing the appropriateness of this rezoning proposal against out-of-date capacity information is problematic, particularly when the subject land is already outside the areas where urban development is anticipated to occur.
- 110.** I consider the merits of PC74 and its request for urban zoning would be better considered in conjunction with and subsequent to a broader assessment of the desirability of additional urban growth in and around West Melton, particularly in light of the presence of HPL, and based on a sound review of housing capacity based on the new Medium Density Zone.
- 111.** This opportunity (and evidence base) will be available through the next spatial planning process, which would ensure that the benefits and implications of additional urban growth (beyond what is zoned at that time) are appropriately weighed against alternative spatial growth scenarios at a Greater Christchurch level.

Specific issues raised in relation to the NPS-UD

112. At this point I briefly provide my opinion on three other matters raised by the proponents of PC74:

- (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;⁴⁹
- (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

113. 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. West Melton is not referenced in the HCA as an area that requires specific treatment or management for demand.

114. 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.

115. I note the evidence provided by the applicant, regarding the high demand for new housing in Selwyn District, and that additional supply is required to meet that demand.⁵⁰ I accept that demand for housing is high and that supply of new housing (as referenced in relation to building consents for

⁴⁹ NPSUD Policy 1(a)(i).

⁵⁰ Plan change application, para 69, and Appendix 8 Economic Assessment, evidence of Fraser Colegrave.

new dwellings⁵¹) is also high, however, that is, as I understand, the nature of the whole of the Christchurch housing market at present. I consider that the economic evidence supporting the plan change narrowly looks at supply and demand only in Selwyn District, and does not address the wider context of housing supply in the Greater Christchurch area as set out in the HCA (which I consider important, particularly in light of the recent intensification amendments, and continuing need for strategic / integrated growth). As can be seen from the Statistics New Zealand consent data below, there is an upward pattern for all territorial authorities in Selwyn, Waimakariri and Christchurch City.

	Waimakariri District	Christchurch City	Selwyn District	Total new dwelling building consents
2016	657	3838	1287	5782
2017	653	2620	1260	4533
2018	624	2522	1113	4259
2019	655	2519	1103	4277
2020	597	2903	1602	5102
2021	788	3198	1782	5768
2022	847	4831	1974	7652

- 116.** 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 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. In addition to this, significantly more capacity is now provided for through both approved plan change requests, and the introduction of the Living MD zone. This should provide

51 EIC Fraser Colegrave, at para 33.

more than sufficient capacity in at least the medium term, without the need for further unplanned greenfield expansion. Further evidence from SDC in relation to updated capacity assessments would assist in this regard.

117. 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.⁵² 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.

118. In my view, the Commissioner should consider whether the development capacity provided through Chapter 6 and the SDP is sufficient, and not underestimated in the 2021 HCA. This is particularly the case now with the, Living MD variations, and the implementation of the 2021 RMA Amendment Act including the MDRS provisions, which require all relevant residential zones permit up to three houses on a site with no density requirement (subject to meeting the standards set out in Schedule 3A of the RMA). This will apply to most of the residential zones across Greater Christchurch. As I have noted earlier in my evidence, this will have a significant impact on capacity numbers across Greater Christchurch, but the various councils (including SDC as far as I am aware) are yet to complete updated capacity figures.

119. Although it will fall on expert witnesses from SDC to provide any detailed clarification on this matter in terms of updated capacity assessments, I highlight previous evidence that was filed in relation to a number of the private plan changes and adopt it here (notwithstanding Mr Colegrave's opposition to reference to the HCA):⁵³

(a) The 2021 HCA is generally consistent with requirements for preparing a HCA as outlined in subpart 5 of the NPS-UD,

⁵² Our Space, Section 5.7.

⁵³ Evidence of Keith Tallentire for CRC and CCC.

including the use of population projections as the initial basis for an assessment of housing demand (adjusted as appropriate following consideration of other relevant information including for example building consents);

- (b) The 2018 HCA incorporated a peer review process (including from an economist and officials representing MfE and the Ministry for Housing and Urban Development) and was considered generally fit-for-purpose;
- (c) The study area for the 2021 HCA appears to differ from the 2018 HCA, the former now seemingly encompassing the full extent of the three territorial authorities as opposed to just the Greater Christchurch urban environment (as identified by Map A in the CRPS and Figure 1 in Our Space). Should areas outside Map A be included in Table 3 of the 2021 HCA this could complicate an assessment of sufficient development capacity for the purposes of these hearings;
- (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 became operative on the 7 September 2022, which in total enables nearly 1,200hhs (or more given the Living MD variations). 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,⁵⁴ thus meeting the medium-term capacity figures in Table 3 of the 2021 HCA;
- (e) Mr Colegrave distinguishes between capacity and likely market supply.⁵⁵ While I agree that not all development capacity is likely to be released at the same time, the factors cited by Mr Colegrave as inhibiting the release of land would not be significant over the medium-term. Should material reasons arise that suggest otherwise, this can be highlighted and there is sufficient time for this to be addressed as part of the spatial planning process. The 2021 HCA includes a section on development capacity that is 'reasonably expected to be realised', which analyses past developments trends to provide

⁵⁴ <https://www.epa.govt.nz/fast-track-consenting/referred-projects/faringdon/the-decision/>.

⁵⁵ EIC F Colegrave at para 50-53.

a more realistic capacity assessment from that which is simply plan-enabled.⁵⁶

- (f) Point-in-time assessments of development capacity are important benchmark reports to guide strategic planning, but these will always be able to benefit from the more regular and comprehensive monitoring and reporting required by the NPS-UD. The three-year cycle for completing HCAs (or in the first instance a NPS-UD deadline for a full housing and business assessment by December 2021) ensures that any new information, methodological improvements, and views from the development sector can be considered in an orderly manner and across the entire urban environment rather than just at a local level.⁵⁷ An update to the HCA is due in 2024.
- (g) While take-up of intensification opportunities will vary due to age of housing stock, financing of individual properties, and demand in particular locations, rezoning these sites to Living MD Zone will, in my view, mean that estimates for land capacity and supply in existing urban areas are (further) significantly underestimated by the HCA. Further analysis of this from SDC would be helpful in this respect.

“At least” sufficient development capacity

- 120.** As I explain above, and subject to any methodological clarifications that may arise through this hearing, I anticipate sufficient development capacity (taking into account the Living MD provisions and associated variations) will meet expected housing demand over the medium term. This includes areas that have already been identified through the Change 1 FDAs and approved private plan changes to date.
- 121.** 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 86, given the extensive upzoning in

⁵⁶ 2021 HCA, section 6.4.

⁵⁷ Policy 10(c) and clause 3.21 of the NPSUD requires that engagement occur with the development sector, including on HCAs. I note that in June/July 2021 a survey was sent to development sector stakeholders to elicit feedback to inform the 2021 HCA.

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 Plan Change 14 to the Christchurch District Plan which provides for significantly more development capacity within existing qualifying urban areas.

- 122.** 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. Providing 'abundant' development capacity could undermine the efficient and timely uptake of existing capacity, the direction to enable intensification in certain areas (based on certain criteria) and may run counter to CRC's statutory function to ensure integrated and strategic delivery of infrastructure with land use.⁵⁸ 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.

SUBSTANTIVE MATTERS OF CONCERN REGARDING PC74

- 123.** As outlined above, in my view PC74 will not give effect to CRPS Objective 6.2.1(3) or Policy 6.3.1(4).
- 124.** It follows that in my view PC74 is inconsistent with SDP Objective B4.3.3 and Policy B4.3.1, and also PDP Policy UG-P3 and UG-P13. I have attached these relevant provisions to my evidence in **Appendix 1**.
- 125.** PC74 does not propose to amend the above objective and policy, 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 30 to 34 of my evidence.
- 126.** With reference to Objective 6.2.1 and 6.2.2 of the CRPS, it does not avoid unplanned expansion of urban areas, nor does it provide for a greater range of housing types, and should in my view be considered through a comprehensive spatial planning exercise. As a result, I consider PC74

⁵⁸ 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.

does not give effect to Objective 6.2.1 or 6.2.2 and is inconsistent with SDP Policies B3.4.4 and B3.4.5.

127. 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) Contributing to a well-functioning urban environment.

128. On the matter of contaminated land raised in the Regional Council's submission, I am satisfied that this matter can be addressed at subdivision stage, or as part of any earthworks on the site, should the plan change be approved.

Infrastructure

129. 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.

130. SDC has provided addition information in relation to provision of infrastructure in the form of officer comments from Mr Shane Bishop for the following:

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

131. 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).

- 132.** 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 Living MD Zone will have on capacity in the network.
- 133.** Mr Bishop has indicated that water supply is available in the Greater West Melton Water Supply, and sets out current use and capacity in his memorandum.⁵⁹ As such, no concerns are raised in relation to water supply.
- 134.** Mr Bishop notes that conveyance of wastewater to the Pines Wastewater Treatment Plan (**WWTP**) is feasible, but this is subject to the timing of critical infrastructure works taking place. Given capacity might not be available for all of the private plan change applications, this highlights the difficulty of catering for this unplanned growth, and the potential downstream implications for capacity generally (including within zoned land).
- 135.** In relation to wastewater treatment Mr Bishop states that the WWTP is currently at or near capacity with upgrades currently underway and additional upgrades planned and budgeted for. He states that the current connected catchment (2021) has a population equivalent of approximately 42,000 – 45,000 person equivalents (**PE**).⁶⁰
- 136.** It is not apparent that Mr Bishop has taken into account the impact of the proposed variations to the approved private plan changes, or the introduction of the Living MD Zone, in terms of determining whether wastewater capacity exists in the existing network. The Council will need to model this, based on the revised capacity work that is being

⁵⁹ S42A report Appendix 5 Infrastructure evidence.

⁶⁰ S42A Report Appendix 5 at para 39.

undertaken (which as acknowledged earlier, I believe is underway or may have been completed).

- 137.** Land within the Rolleston FDA has already been enabled through consents granted by the EPA, or is the subject of notified plan changes⁶¹ and variations to include the Living MD Zone, and significant planned development is signalled for the wider townships of Selwyn that is ultimately reliant on capacity at the WWTP. Other notified plan changes exist beyond the PIB in the Greater Christchurch area of Selwyn District (including PC73, which seeks over 2000 dwellings, and is subject to appeal). It is not clear whether Mr Bishop has looked at the cumulative impact of the planned, or unplanned, growth on the existing network, on the basis that they could all potentially be approved and create demand on an already stretched network.
- 138.** In relation to stormwater, Mr Bishop is satisfied that provision of stormwater management for the site is appropriate. I acknowledge that Mr Bishop is satisfied that feasible options are available, and that there are processes in place to consider the detail of those options through the subdivision and engineering approval processes.
- 139.** In my view, approving the plan change 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. There is therefore a degree of uncertainty in this space, which warrants in my view a conservative approach.

Transport

- 140.** 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

⁶¹ Hughes Developments: consented Covid-19 Fast-track application (80ha, 970hhs); Hughes Developments: Lodged PC70 (63ha, 800hhs); Four Stars/Gould Developments: Notified PC71 (53ha, 660hhs); Rolleston West Residential Limited: Notified PC73 (160ha, 2100hhs) Yoursection: Notified PC75 (24ha, 280hhs); Dunweavin: Notified PC76 (13ha, 155hhs); Urban Estates: Notified PC78 (63ha, 750hhs).

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.

- 141.** 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”*.
- 142.** No additional employment opportunities are provided for as part of the proposed plan change, and as a result, it is expected that there will be relatively high proportions of commuter traffic to employment centres in Christchurch (noting that this is additional to areas identified within existing planned growth areas). 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 per Policy 1 of the NPS-UD, as compared to development within existing public transport serviced urban areas (such as in Christchurch City).
- 143.** Mr Mat Collins, for SDC, has provided a comprehensive review of the Integrated Transport Assessment (ITA) and PC74.⁶² He makes a number of recommendations regarding the proposed plan change if approved, and I endorse those recommendations (and the amendment recommended by Mr de Verteuil regarding the upgrade of Halkett Road/SH73 intersection),⁶³ noting that Mr de Verteuil has recommended adopting all of the other recommendations.
- 144.** Mr Collins does not assess effects on the wider transport network but does conclude: *“Should PPC74 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. The transport effects of*

62 S42A report, Appendix 6 Transportation Review, Mat Collins

63 EIC S de Verteuil at para 29

*PPC74 at a subregional level, as an urban area outside the anticipated urban boundary, are likely to be minor and I note that West Melton/SH73 is less constrained than other key corridors in Selwyn (such as those around Rolleston, Lincoln and Prebbleton). However, the cumulative effect of large scale urban development outside the anticipated urban boundary (as proposed by multiple plan changes in the Selwyn District) could have a significant effect on the transport network, which may require additional and/or reprioritised funding from public agencies at the local, district or regional level to mitigate.*⁶⁴

145. 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, including PC77 at West Melton. In my opinion, approval of this plan change (in combination with other plan changes proposed for West Melton) could result in significant cumulative impacts on the transport network. The ITA accompanying the plan change application indicate that a significant proportion of the trips to West Melton (74% in and 90% out) travel to and from Christchurch.⁶⁵

146. 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”.*⁶⁶

⁶⁴ Ibid at Section 8

⁶⁵ Appendix I at para 15-16

⁶⁶ <https://www.greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/Capacity-Assessment-reports/Housing-and-Business-Development-Capacity-Assessment-Summary.pdf>, p41

147. 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 the PC74 proposed provisions. Notably, the plan change process limits the extent to which alternative locations can be appropriately considered.
148. 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. 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.
149. 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 infrastructure⁶⁷, and that development is infrastructure-ready.⁶⁸ 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.
150. Overall, in my view the plan change 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 they are also inconsistent with Policy B2.1.13 of the SDP that requires "*consolidated land use patterns that will reduce the demand for transport*".

67 CRPS Policy 6.3.5

68 NPS-UD Clause 3.4(3) and 3.5

151. I further address the greenhouse gas emission effects as a result of the plan change below, when considering whether this request would contribute to a well-functioning urban environment.

Well-functioning urban environment

152. Policy 1 of the NPS-UD describes well-functioning urban environments as those that, as a minimum below (my emphasis in **bold**):

- (a) have or enable a variety of homes that:
 - (i) **meet the needs**, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and;
- (b) Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (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.

153. 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*'.

154. The MfE guidance states that ideally areas for development 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.⁶⁹

⁶⁹ *ibid*, Footnote 25.

- 155.** As I have outlined already, I do not consider the plan change achieves Policy 1(a) or (c), or that the site is currently or will be well-connected to or along transport corridors.
- 156.** I also consider that the reliance on private vehicle use for residents will inevitably prevent the plan change from supporting reductions in greenhouse gas emissions (which is required by Policy 1(e)).
- 157.** In the s42A Report, Mr Friedel agrees that the plan change will not support reductions in greenhouse gases (primarily due to a reliance on private vehicles).⁷⁰ Yet his evaluation, in my view, glosses over this requirement, even noting that it is inevitable that the rezoning will increase carbon emissions in at least the short to medium term. He then states that this is not sufficient grounds, in his view, to decline the request.⁷¹ The only conclusion I can draw is that if the proposal does not support reductions in greenhouse gas emissions, it will not contribute to a well-functioning urban environment, and cannot benefit from Policy 8 as a pathway for development.
- 158.** This is a significant issue for all of the private plan changes progressing with SDC, and supporting reductions in greenhouse gas emissions is one of the key objectives of the NPS-UD.⁷² I consider the current analysis of this issue to be inadequate (by both the applicants and SDC), and it is difficult to understand how a conclusion can be reached that the plan change will contribute to a well-functioning urban environment⁷³ in the absence of any robust evidence or analysis.
- 159.** The key distinction between PC74 and land within the existing GPAs and FDAs is that the requested rezoning here is unplanned, and as a result, the request should be required to demonstrate that it will support a reduction in greenhouse gases. This has not been provided.

⁷⁰ S42A report at para 7.71-7.80

⁷¹ Ibid at 7.77-7.79

⁷² NPS-UD Objective 8

⁷³ S42A Report, para 184

- 160.** I note that the recent mode shift plan for Greater Christchurch, prepared by Waka Kotahi with the GCP,⁷⁴ 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.
- 161.** In terms of density, and providing for a range of site sizes to cater for different housing typologies, I consider that the density provided for the plan change is extremely low, at just over 6 households per hectare. This level of development is both an inefficient use of the rural land resource for urbanisation, and it does not achieve densities at a rate that support future provision for an efficient public transport system. In this regard, I agree with Mr Nicholson that a minimum net density of 12 households per hectare is appropriate if the plan change is approved, although I note that 10 households per hectare would also reflect the minima set out in the CRPS for greenfield development.

Most appropriate zone

- 162.** Taking into account the matters above, I consider that the Rural Inner Plains Zone will best meet the objectives and policies of the Selwyn ODP, including those that seek to align the planning framework with the Canterbury Regional Policy Statement.
- 163.** Directing new development into already urbanised areas (rather than new greenfield areas) will promote increases in residential density under the Living MD Zone provisions, which will encourage and support uptake of public transport and reduce private vehicle use. In addition, it will ensure that land identified as HPL is protected for future primary production (as per the intention of the NPS-HPL. As such, I consider the existing zone is more appropriate in terms of achieving the relevant provisions of the NPS-HPL, NPS-UD and the CRPS, and better implements the relevant objectives and policies of the district plan.

Conclusions

⁷⁴ <https://www.nzta.govt.nz/assets/resources/keeping-cities-moving/Christchurch-regional-mode-shift-plan.pdf>

- 164.** Overall, I consider the Rural Inner Plains zone to be the most appropriate for implementing the objectives and policies of the NPS-HPL, the NPS-UD and the CRPS. For the reasons set out in my evidence, I do not consider that the proposed Living WM East Medium Density Zone, to be the most appropriate planning framework for implementing the objectives and policies of the SDP. By way of summary I consider that this zoning would provide for unplanned expansion onto HPL in a general rural area, result in uncertainty around capacity for infrastructure, and would not give effect to the higher order documents,
- 165.** I consider the requirements of the NPS-HPL, the avoid framework established by Chapter 6 of the CRPS, and the direction of the NPS-UD to achieve a well-functioning urban environment, which must be given effect to, requires that this request 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 for the subject site in terms of achieving the objectives of the SDP and the higher order planning documents.
- 166.** As a result, I consider that the PC74 must be declined.

Dated this 20th day of March 2023



.....
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.*