

URBAN GROWTH

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1 Scope of Report

- [1] This Recommendation Report relates to the Urban Growth chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The hearing Panel members for the Urban Growth chapter were:
 - Andrew Willis
 - Debra Hasson
 - Gary Rae
 - Lindsay Daysh
 - Malcom Lyall
 - Mark Alexander
 - Nicole Reid
 - Raewyn Solomon
 - Rob van Voorthuysen (Chair)
 - Yvette Couch-Lewis
- [3] The initial Section 42A Report and the end of hearing (or Reply) Section 42A Report for this topic were:
 - Urban Growth, 30 July 2021, Ben Baird
 - Right of Reply Report, Urban Growth Chapter, 1 July 2022, Ben Baird
- [4] The Hearing Panel's recommended amendments to the notified provisions of the Urban Growth chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [5] The Hearing Panel's recommended amendments to the notified planning maps are also set out in narrative form in Appendix 1. There is only one change and that is illustrated using a 'screen shot' from the PDP Planning Maps.
- [6] We note that some of the numbering of individual clauses in the objective and policy provisions may need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [7] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [8] The hearing for the Urban Growth chapter was held on Monday 29 and Tuesday 30 November 2021. The hearing was delayed due to Covid-19 Alert Level restrictions. The submitters who

appeared at the hearing (either in person or over Zoom) are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

Sub #	Submitter	Original	Further
DPR-0032	Christchurch City Council	✓	✓
DPR-0033	Davina Penny	✓	
DPR-0136	L & M Stewart		
DPR-0157	L & C Townsend & R Fraser		
DPR-0180	K & B Williams		
DPR-0209	P & C Bond		
DPR-0456	M Singh		
DPR-0461	Four Stars Development & Gould Developments Ltd	✓	✓
DPR-0488	Dunweavin 2020 Ltd		
DPR-0491	Dally Family Trust and Julia McIlraith		
DPR-0492	P & S Robinson		
DPR-0493	Kevler Development Ltd & Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan		
DPR-0203	Margaret Springer	✓	
DPR-0206	Urban Estates, Suburban Estates & Cairnbrae Holdings	✓	
DPR-0260	Canterbury Regional Council (Environment Canterbury)	✓	
DPR-0298	Trices Road Rezoning Group	✓	✓
DPR-0353	Horticulture New Zealand	✓	✓
DPR-0358	Rolleston West Residential Limited (RWRL)		
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	✓	✓
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)		
DPR-0384	Rolleston Industrial Developments Limited (RIDL)		
DPR-0370	Fonterra Limited	✓	
DPR-0371	Christchurch International Airport Limited	✓	
DPR-0373	Foodstuffs (South Island) Properties Limited	✓	
DPR-0375	Waka Kotahi NZ Transport Agency	✓	✓
DPR-0396	Woolworths New Zealand Limited	✓	
DPR-0412	Hughes Development	✓	
DPR-0414	Kāinga Ora	✓	✓
DPR-0415	Fulton Hogan Limited	✓	✓
DPR-0432	Birchs Village Limited	✓	✓
DPR-0466	Transpower New Zealand Limited	✓	
DPR-0587	Lloyd Bathurst	✓	✓
DPR-0588	Michael House	✓	

[9] Some submitters were represented by counsel or had expert witnesses appear on their behalf. The counsel and expert witnesses we heard from are listed in Appendix 2. Copies of all the legal submissions and evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.

[10] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.

3 Sub-topic Recommendations

[11] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.

3.1 Definitions

3.1.1 Development Capacity

- [12] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified definition.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited	016
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	015
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	021
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	023

3.1.2 Feasible

- [13] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified definition.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited	020
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	019
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	025
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	027

3.1.3 Greater Christchurch

- [14] For the following submitter and their submission point we adopt the recommendation and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for this submission and submission point we are satisfied that the Section 42A Report author's recommended amendment to introduce a map of Greater Christchurch is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents

Sub #	Submitter	Submission Point
DPR-0379	Jill Thomson	025

3.1.4 Greenfield Development

- [15] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that the Section 42A Report author's recommended deletion of the definition is appropriate.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited	024
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	023
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	029
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	031

3.1.5 Housing Bottom Lines

[16] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which was to reject the submissions.

[17] We note that Mr Baird initially¹ recommended that the words “as Housing Targets or Housing Bottom Lines” be inserted to qualify the existing wording relating to “The minimum number of households identified in the CRPS”. However, that recommendation was not repeated in the Reply Report. In that subsequent Report Mr Baird advised “*The Housing Capacity Assessment was completed by Greater Christchurch on July 31st 2021 ... However, the number referenced is a bottom line and does not preclude development beyond this and the use of a current capacity assessment requiring more than the current bottom line would be appropriate evidence to support plan changes.*” He recommended no change to the definition which we agree with.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited (RWRL)	028
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	027
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	033
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	035

3.1.6 Intensification

[18] For the following submitter and their submission point we adopt the recommendation and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for this submission and submission point we are satisfied that the Section 42A Report author’s recommended amendment to refer to ‘urban’ intensification is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Point
DPR-0422	NCFE	058

3.1.7 Net Density

[19] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified definition.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited (RWRL)	032
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	031
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	037
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	039
DPR-0422	NCFE	069

¹ Officer’s Response to Questions from the Hearings Panel, 23 August 2021, page 1 of 19.

3.1.8 Public Transport Facilities

- [20] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified definition.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited (RWRL)	046
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	045
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	051
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	053

3.1.9 Rural Residential Activities

- [21] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified definition.

Sub #	Submitter	Submission Point
DPR-0371	CIAL	012

3.1.10 Definition of Versatile Soils

- [22] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Mr Baird's recommended amendment of the term 'Versatile Soils' to 'Highly Productive Land' is appropriate as a clause 10(2)(b) consequential amendment flowing from our recommended amendments to the Strategic Directions chapter. The use of that latter term is also consistent with the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), which we must give effect to.

Sub #	Submitter	Submission Points
DPR-0142	NZ Pork	016
DPR-0422	NCFF	089

- [23] However, on the following matter we differ from Mr Baird's recommendations and reasons.
- [24] Horticulture NZ sought that Class III Land was also recognised as having versatile soil (or now comprising 'productive land'), because it was clearly valuable land to Selwyn growers. We agree and consider that the definition should be amended to include LUC Class 1, 2 and 3 soils. We also note that the NPS-HPL defines² 'highly productive land' as land that is zoned general rural or rural production and is LUC 1, 2 or 3 land (subject to certain exemptions).
- [25] In making that finding we acknowledge that the notified definition reflected the approach outlined in Chapter 15 of the CRPS where only Class I and II soils are referred to. However, we do not consider that constrains us from reflecting the circumstances of the Selwyn District in a definition specific to the PDP, particularly as we anticipate the CRPS will be amended in due course to give effect to the higher order NPS-HPL.
- [26] In that regard we note from the evidence of Lynette Wharfe for Horticulture NZ that the 'Our Land 2021 Report' includes Class 1-3 as highly productive land and states that it is a scarce,

² Section 3.5(7)(a)(ii)

finite resource.³ Ms Wharfe also noted that Class1 -3 soils make up 21% of Selwyn District, which is higher than the national average of 15% land being highly productive. Therefore, in her view the Selwyn District includes a significant highly productive soil resource for growing food including potatoes, onions and leafy green vegetables.⁴ We agree.

- [27] Consequently, for the following submitter and submission point our recommendation is set out below. The reasons for our recommendations are outlined above. We are satisfied that in terms of s32AA of the RMA our recommendation is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Sub Point	Accept in part
DPR-0353	Horticulture NZ	079	✓

3.2 National Planning Standards

- [28] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.
- [29] In particular we agree that the Future Urban Zone sought by Kāinga Ora would not be appropriate, particularly as it would not replicate any of the underlying zone provisions that are currently enabled through the Urban Growth Overlay approach adopted in the notified Plan. Nor do the areas identified in the Urban Growth Overlay have an appropriate level of certainty regarding their future urban use. Delineating those areas as a Future Urban Zone would not give better effect to the objectives of the Plan or the CRPS.

Sub #	Submitter	Submission Points
DPR-0414	Kāinga Ora	146, 435, 436
DPR-0452	Matthew Keen	001

3.3 National Policy Statement on Urban Development

- [30] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In particular we agree that the Urban Growth Overlay should not be deleted, for the reasons espoused by Mr Baird.
- [31] Foodstuffs sought that the provisions in the Plan be amended to include the strategic ability to enhance commercial development capacity and to give effect to the NPS-UD 2020. We discuss that particular matter in relation to UG-P3, but note here that Mr Baird has recommended that DPR-0373.009 be accepted in part. We agree.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	323
DPR-0363	IRHL	312
DPR-0373	Foodstuffs	009
DPR-0374	RIHL	006, 318
DPR-0384	RIDL	006, 330

³ MfE (2018) Our Land 2018

⁴ Evidence in Chief of Lynette Pearl Wharfe for Horticulture New Zealand Hearing 3 Urban Growth, paragraphs 5.1 to 5.9.

3.4 Urban Growth Overview

- [32] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we adopt Mr Baird's assessment⁵ of the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0136	Stewart Townsend & Fraser	003
DPR-0137	Pinedale & Kintyre	003
DPR-0157	The Williams	004
DPR-0176	Macaulay & Reid	003
DPR-0178	Carey Manson	003
DPR-0180	The Bonds	002
DPR-0209	M Singh	004
DPR-0298	Trices Rd	007
DPR-0302	Smith, Boyd & Blanchard	003
DPR-0344	Four Stars & Gould	008
DPR-0353	Hort NZ	222, 231
DPR-0358	RWRL	322
DPR-0363	IRHL	311
DPR-0374	RIHL	317
DPR-0376	Fox & Associates	003
DPR-0384	RIDL	329
DPR-0397	Survus Consultants Ltd	003
DPR-0399	Gulf Central & Apton	004
DPR-0412	Hughes Developments	004
DPR-0422	NCFE	246
DPR-0460	Marama Te Wai Ltd	009
DPR-0461	Dunweavin	004
DPR-0488	Dally Family & McIlraith	006
DPR-0491	The Robinsons	004
DPR-0492	Kevler Development	003
DPR-0493	Gallina & Heinz-Wattie	003

3.5 Urban Growth Objectives

3.5.1 UG-01

- [33] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author concerning whether to reject or accept submission points. In terms of s32AA of the RMA, we largely adopt Mr Baird's assessment of most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [34] In particular we agree that in response to the submissions of CIAL a new clause 9 should be inserted to include a reference to not constraining the efficient operation, use, development, appropriate upgrading and safety of important infrastructure.

⁵ As modified by the "Officer's Response to questions from the Hearings Panel" dated 23 August 2021.

Sub #	Submitter	Submission Points
DPR-0032	CCC	002, 052
DPR-0125	BE Faulkner	003
DPR-0205	Lincoln University	039
DPR-0260	CRC	147
DPR-0343	CDHB	052
DPR-0353	Hort NZ	223
DPR-0358	RWRL	324
DPR-0361	The Wrights	003
DPR-0363	IRHL	313
DPR-0367	Orion	044
DPR-0370	Fonterra	074
DPR-0371	CIAL	057
DPR-0374	RIHL	319
DPR-0384	RIDL	331
DPR-0412	Hughes Developments	005
DPR-0414	Kāinga Ora	147

- [35] However, on the following matters we differ with Mr Baird’s detailed recommendations and reasons.
- [36] In the Reply Report Mr Baird recommended inserting new clauses 10 and 11. The first new clause would refer to not compromising the ability to use adjoining rural land for rural production while the second new clause would refer to having particular regard to the finite nature and life supporting capacity of highly productive land. We agree that the protection of highly productive land from urban development is appropriate, particularly having regard to the NPS-HPL. However, we do not consider there is scope within the submissions to make those amendments which would need to be actioned by a plan change.⁶
- [37] Consequently, we prefer a single clause that draws on the wording suggested by Horticulture NZ and reflects CRPS Policy 5.3.2(1)(c), which refers to development that does not compromise or foreclose the productivity of the region’s soil resources, including through the fragmentation of rural land. We recommend accordingly.

3.5.2 UG-O2

- [38] None of the nine submitters on UG-O2 sought changes to its wording. Kāinga Ora sought that the objective be retained as notified but be moved to the Strategic Directions chapter. As outlined in the Recommendation Report for that chapter we have rejected that submission. Consequently, we have no scope to alter the wording of UG-O2.
- [39] On that basis for the following submitters and their submission points we do not adopt Mr Baird’s recommendations and reasons that were set out in the Reply Report. In that Report Mr Baird recommended that a new clause be added that would read “The reduction in future effects of climate change and greenhouse gas emissions”. His rationale⁷ was to align UG-O2 with the NPS-UD ‘criteria’ found within Policy 8 and Implementation Part 3.8 of that

⁶ While the matter of ‘scope’ needs to be approached with a degree of pragmatism as opposed to legal pedantry, we consider that for us to consider inserting whole new clauses into a provision, there must be a submission explicitly seeking that new wording or at the very least very similar wording. That is not the case here. Amendments of that nature must be made by way of a Variation or Plan Change process.

⁷ Reply Report, paragraph 2.41.

document. While that may well be desirable, we do not consider there is scope within the submissions to make that amendment and it would need to be actioned by a plan change.

- [40] We do however adopt the recommendations and reasons in the original Section 42A Report for the following submitters and their submission points. We note that results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	014
DPR-0205	Lincoln University	040
DPR-0260	CRC	148
DPR-0358	RWRL	325
DPR-0361	The Wrights	004
DPR-0363	IRHL	314
DPR-0374	RIHL	320
DPR-0384	RIDL	332
DPR-0414	Kāinga Ora	148

3.5.3 UG-03

- [41] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author.
- [42] In particular we agree with Mr Baird that in response to the submission of Foodstuffs, clause 3 should support commercial growth generally but it does not need to specifically reference supermarkets. That level of detail for commercial growth would generally be implemented through the CMUZ provisions. However, we agree that the insertion of the word 'appropriately' into clause 3 will provide flexibility while still supporting the Activity Centre Network.
- [43] In response to the Foodstuffs⁸ evidence lodged in support of the quite broadly worded relief that was sought by them, Mr Baird commented that the addition of the wording 'and the needs of residents' was appropriate as growth should meet the needs of residents and the Plan's objectives should reflect that. He considered that wording was better placed in UG-01 clause 8 as that clause focuses on people and communities' wellbeing, health and safety and could be expanded to consider their needs. We are satisfied that amendment is appropriate and can be made as a section 10(2)(b) consequential amendment.
- [44] Mr Baird also recommended the insertion of a new clause into UG-03 which would read "Competitiveness within the market". His rationale⁹ was to align UG-03 with the NPS-UD 'criteria' found within Policy 8 and Implementation Part 3.8 of that document. We do not consider there is scope within the submissions to make that amendment and it would need to be actioned by a plan change.

Sub #	Submitter	Submission Points
DPR-0032	CCC	053
DPR-0125	BE Faulkner	015
DPR-0205	Lincoln University	041
DPR-0209	M Singh	005

⁸ Attached as part of "Memorandum of Counsel regarding requested amendments to Urban Growth Chapter of Proposed Selwyn District Plan, 27 June 2022".

⁹ Reply Report, paragraph 2.41.

Sub #	Submitter	Submission Points
DPR-0260	CRC	149
DPR-0298	Trices Rd	008
DPR-0344	Four Stars & Gould	009
DPR-0358	RWRL	326
DPR-0363	IRHL	315
DPR-0373	Foodstuffs	007
DPR-0374	RIHL	321
DPR-0384	RIDL	333
DPR-0412	Hughes Developments	003
DPR-0414	Kāinga Ora	149
DPR-0460	Marama Te Wai Ltd	010
DPR-0461	Dunweavin	005

3.6 Urban Growth Policies

3.6.1 UG-P1

- [45] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that the Section 42A Report author's recommended amendment to refer to 'greenfield' urban growth areas is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	004
DPR-0205	Lincoln University	042
DPR-0343	CDHB	035
DPR-0358	RWRL	327
DPR-0361	The Wrights	005
DPR-0363	IRHL	316
DPR-0374	RIHL	322
DPR-0375	Waka Kotahi	161
DPR-0384	RIDL	334
DPR-0412	Hughes Developments	006
DPR-0414	Kāinga Ora	150

3.6.2 UG-P2

- [46] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified policy.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	016
DPR-0205	Lincoln University	043
DPR-0343	CDHB	036
DPR-0358	RWRL	328
DPR-0361	The Wrights	006
DPR-0363	IRHL	317
DPR-0374	RIHL	323
DPR-0375	Waka Kotahi	162
DPR-0384	RIDL	335

Sub #	Submitter	Submission Points
DPR-0414	Kāinga Ora	151

3.6.3 UG-P3

- [47] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	017
DPR-0136	Stewart Townsend & Fraser	004
DPR-0137	Pinedale & Kintyre	004
DPR-0157	The Williams	003
DPR-0176	Macaulay & Reid	004
DPR-0180	The Bonds	004
DPR-0205	Lincoln University	044
DPR-0209	M Singh	006
DPR-0260	CRC	150
DPR-0298	Trices Rd	009
DPR-0302	Smith Boyd & Blanchard	004
DPR-0343	CDHB	037
DPR-0344	Four Stars & Gould	010
DPR-0358	RWRL	329
DPR-0363	IRHL	318
DPR-0367	Orion	045
DPR-0371	CIAL	058
DPR-0374	RIHL	324
DPR-0375	Waka Kotahi	163
DPR-0384	RIDL	336
DPR-0412	Hughes Developments	007
DPR-0414	Kāinga Ora	152
DPR-0460	Marama Te Wai Ltd	011
DPR-0461	Dunweavin	006
DPR-0488	Dally Family & McIlraith	007
DPR-0493	Gallina & Heinz-Wattie	004

- [48] Having said that, a key issue for this particular Policy was the interrelationship between the CRPS, and specifically Change 1 to the CRPS and its accompanying Map A, and the NPS-UD 2020. Some submitters considered that the CRPS did not give effect to the NPS-UD while others considered that it did.

- [49] The latter position was best summarised in the submissions of counsel for CRC¹⁰ which stated:

“... it is important to note that despite Change 1 to the CRPS being initially promulgated to give effect to the NPSUDC, it still gives effect to the NPSUD. Although Our Space 2018-2048 was prepared as an FDS for Greater Christchurch under the NPSUDC, specific consideration was given to ensuring that Change 1 also gave effect to the NPSUD.”¹¹

- [50] Counsel for CRC noted that Change 1 to the CRPS was progressed under the Streamlined Planning Process (SPP) and was designed to implement an action in Our Space 2018-2048: Greater Christchurch Settlement Pattern Updated Whakahangai O Te Horapa Nohoanga (Our

¹⁰ Legal Submissions on Behalf of Canterbury Regional Council, M A Mehlhopt, 20 August 2021.

¹¹ Ibid, paragraph 28.

Space). Regarding the SPP, the CRC sought an extension of time from the Minister for the Environment, which was granted, to enable consideration of the implications of the NPS-UD, any necessary amendments to Change 1 and further engagement.¹²

“The Council [CRC] concluded that Change 1 would give effect to the NPSUD by:

- (i) Identifying and enabling additional development capacity for housing within greenfield priority areas; and*
- (ii) Providing flexibility for Selwyn and Waimakariri to consider rezoning land within the PIB to meet medium term housing demands where a sufficiency shortfall is identified through a housing development capacity assessment.”¹³*

[51] The Minister for the Environment approved Change 1 to the CRPS and referred it back to CRC on 28 May 2021. The Minister specifically acknowledged that the CRC had complied with the RMA, regulations made under it, and any relevant national direction.¹⁴

[52] We understand that Our Space, together with the inclusion of Change 1 in the CRPS, shows that there is sufficient housing capacity within Greater Christchurch to meet expected demands over the next 30 years. This has been confirmed in the recently updated Housing Capacity Assessment which shows that, over the long term across the Greater Christchurch areas as a whole, there is sufficient capacity and a significant surplus of some 48,000 feasible households.¹⁵

[53] The alternative perspective put to us, primarily by counsel for the ‘Carter Group’ of submitters, was that Objective 6, Policy 8 and Clause 3.8 of the NPS-UD required the PDP be amended to adopt a more ‘responsive’ or ‘flexible’ approach to urban growth. Counsel and various expert witnesses for those submitters advocated wording changes to provide that ‘flexibility’ within UG-P3 (and other Urban Growth chapter provisions).

[54] The SDC sought legal advice¹⁶ on this matter from Paul Rogers and that advice was included as Appendix 4 to Mr Baird’s Reply Report. Key aspects of that legal advice include:

“It is very clear the NPS-UD does include select provisions, being objectives, policies and provisions that serve a particular and distinctive purpose from the balance provisions. They are the responsive planning provisions. ... We say they are distinctive in part because they deal with the circumstance where RMA planning documents include constraints on urban development.

Objective 6 and Policy 8, in our opinion, require local authorities, when making decisions, to be responsive. That direction is not a process direction but directs the decision-maker to act or respond in a particular way. That is why we say these provisions are not procedural rather they are substantive.

We note that CCC acknowledge,¹⁷ that given the relevant criteria directed by clause 3.8(3) NPS-UD are yet to be included in the CRPS, the CRPS does not fully give effect to the NPS-

¹² Ibid, paragraph 28(e).

¹³ Ibid, paragraph 28(i).

¹⁴ Ibid, paragraph 28(k).

¹⁵ Ibid, paragraph 36.

¹⁶ Paul Rogers, Adderley Head.

¹⁷ Referring to “Legal Submissions for Christchurch City Council, Hearing Topic 3 – Urban Growth Section of The Proposed District Plan, 20 August 2021” page 6, paragraph 3.3

UD.... In its current form the CRPS cannot be giving effect to the NPS-UD, as required by s62 (3) RMA.

We consider that the PDP can and should be drafted to give primacy to the NPS-UD responsive planning framework over the CRPS because the NPS-UD is a higher order document dealing with matters of national significance, containing express and specific provisions as to what decision-makers, when making planning decisions, are to take into account, particularly when dealing with planning instruments that include provisions that could constrain development. As well, it needs to be remembered that not only is the NPS-UD a higher order document, but it is a later in time document.”

[55] Having reflected on the wealth of legal opinion provided to us we prefer the position submitted by Mr Rogers. In particular we note the NPS-UD is both later than time than the CRPS and is a superior instrument to it.

[56] Having made that finding, we do not think it necessarily conflicts with the legal submissions of counsel for the CRC and CCC. For the former Ms Mehlhopt submitted that:¹⁸

“The NPS-UD 2020’s Policy 8 and Clause 3.8 do not allow for the provision of development capacity that is unanticipated or out of sequence at the expense of a well-functioning urban environment or integration with transport networks. Rather, the requirement for local authority decisions affecting urban environments to be responsive in certain circumstances is ... a requirement to consider the merits of a plan change in accordance with the relevant statutory framework, including having particular regard to the matters in Clause 3.8 of the NPS-UD.”

[57] Counsel for the CCC submitted¹⁹ “... the key matter of concern is that the PDP provides a policy framework that gives effect to the directive, and higher-order CRPS, without introducing any flexibility or ambiguity that could facilitate or encourage ad hoc, unplanned urban growth”.

[58] We agree and, in that regard, we find it appropriate, for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents, to ‘qualify’ UG-P3 by inserting unambiguous, ‘merits’ based criteria that derive from the ‘responsive’ provisions of the NPS-UD (namely Policy 8 and section 3.8(2)) but which are not already embodied within UG-O1 to UG-O3. For example, UG-O1.7 already addresses the need for urban growth to be coordinated with the strategic transport network and land transport infrastructure, so there is no need to insert a clause into UG-P3 that addresses ‘transport corridors’ (which are referred to in NPS-UD 3.8(2)(b)).

[59] Amending UG-P3 will enable decision-makers to be ‘responsive’ as required by the higher order NPS-UD whilst avoiding ‘ad hoc, unplanned urban growth’ which is the theme of the CRPS.

[60] In coming to that conclusion, we were cognisant of counsel for CCC’s verbal advice that NPS-UD Clause 3.8 criteria would not be included in the CRPS prior to 2024 and those criteria might not be operative until 2026. We do not consider it appropriate to retain an urban growth ‘planning void’ in the PDP for that length of time for such an important issue.

¹⁸ Ibid, paragraph 45.

¹⁹ Legal Submissions for Christchurch City Council, Hearing Topic 3 – Urban Growth Section of the Proposed District Plan, 20 August 2021; paragraphs 3.3 and 4.4.

- [61] We note that our conclusion on UG-P3 is consistent with amendments we have recommended to Strategic Directions objective SD-UFD-O1. For that objective we recommended that within Greater Christchurch, urban growth was located only within existing urban areas, Greenfield Priority Areas or Future Development Areas identified in the CRPS unless it would add significantly to development capacity and contribute to well-functioning urban environments.
- [62] While similar amendments to UG-P3 are arguably consequential to the recommended changes to SD-UFD-O1, we also considered if there was scope within the submissions on the Urban Growth chapter to amend UG-P3. Having carefully considered that matter we find that scope is provided by Waka Kotahi submission on UG-P3 and also as clause 10(2)(b) consequential amendment arising from the submissions of Rolleston West Residential Limited (DPR-0358.322) on the UG Overview and Keith Jenkins (DPR-0140.002) on UG-P14.
- [63] We therefore recommend the following amendments to UG-P3:

Avoid the zoning of land to establish any new urban areas or extensions to any township boundary in the Greater Christchurch area of the District outside the Urban Growth Overlay, unless it:

1. Adds significantly to development capacity;
2. Contributes to well-functioning urban environments; and
3. Gives effect to UG-O1, UG-O2 and UG-O3.

3.6.4 UG-P4, UG-P5 and UG-P6

- [64] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in no changes to the notified provisions.
- [65] For UG-P4:

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	018
DPR-0136	Stewart Townsend & Fraser	005
DPR-0137	Pinedale & Kintyre	005
DPR-0157	The Williams	005
DPR-0176	Macaulay & Reid	005
DPR-0178	Carey Manson	004
DPR-0205	Lincoln University	045
DPR-0209	M Singh	007
DPR-0260	CRC	151
DPR-0298	Trices Rd	010
DPR-0302	Smith Boyd & Blanchard	005
DPR-0343	CDHB	038
DPR-0344	Four Stars & Gould	011
DPR-0358	RWRL	330
DPR-0361	The Wrights	007
DPR-0363	IRHL	319
DPR-0374	RIHL	325
DPR-0375	Waka Kotahi	164
DPR-0376	Fox & Associates	004
DPR-0384	RIDL	337
DPR-0399	Gulf Central & Apton	005
DPR-0414	Kāinga Ora	153
DPR-0460	Marama Te Wai Ltd	012

Sub #	Submitter	Submission Points
DPR-0461	Dunweavin	007
DPR-0488	Dally Family & McIlraith	008
DPR-0491	Paul and Sue Robinson	005
DPR-0493	Gallina & Heinz-Wattie	005

[66] For UG-P5:

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	019
DPR-0205	Lincoln University	046
DPR-0260	CRC	152
DPR-0343	CDHB	039
DPR-0358	RWRL	331
DPR-0363	IRHL	320
DPR-0374	RIHL	326
DPR-0375	Waka Kotahi	165
DPR-0384	RIDL	338
DPR-0414	Kāinga Ora	154

[67] For UG-P6:

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	020
DPR-0142	NZ Pork	038
DPR-0205	Lincoln University	047
DPR-0260	CRC	153
DPR-0343	CDHB	040
DPR-0358	RWRL	332
DPR-0361	The Wrights	008
DPR-0363	IRHL	321
DPR-0374	RIHL	327
DPR-0375	Waka Kotahi	166
DPR-0384	RIDL	339
DPR-0414	Kāinga Ora	155

3.6.5 UG-P7

[68] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	021
DPR-0136	Stewart Townsend & Fraser	006
DPR-0137	Pinedale & Kintyre	006
DPR-0157	Kevin & Bonnie Williams	006
DPR-0176	Macaulay & Reid	006
DPR-0180	The Bonds	005
DPR-0205	Lincoln University	048
DPR-0260	CRC	154
DPR-0302	Smith Boyd & Blanchard	006
DPR-0343	CDHB	041
DPR-0358	RWRL	333
DPR-0360	WMDRA	003
DPR-0361	The Wrights	009

Sub #	Submitter	Submission Points
DPR-0363	IRHL	322
DPR-0367	Orion	046
DPR-0374	RIHL	328
DPR-0375	Waka Kotahi	167
DPR-0384	RIDL	340
DPR-0412	Hughes Developments	008
DPR-0414	Kāinga Ora	156
DPR-0488	Dally Family & McIlraith	009
DPR-0492	Kevler Development	004
DPR-0493	Gallina & Heinz-Wattie	006

- [69] In particular we agree with Mr Baird that an additional clause relating to the transport network should be added to UG-P7 as was sought by the CRC, as that would make the policy more consistent with the CRPS policy 5.3.7 and enable an assessment to be made of when township growth is appropriate along transport corridors. We also agree with Mr Baird that use of the term ‘future strategic transport network’ as sought by the CRC is uncertain, whereas the term ‘planned strategic transport network’ is more definitive. We recommend accordingly and we are satisfied that in terms of s32AA of the RMA our recommendations reflect the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

3.6.6 UG-P8

- [70] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that those recommendations are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	022
DPR-0205	Lincoln University	049
DPR-0260	CRC	155
DPR-0343	CDHB	042
DPR-0353	Hort NZ	224
DPR-0358	RWRL	334
DPR-0360	WMDRA	004
DPR-0361	The Wrights	010
DPR-0363	IRHL	323
DPR-0371	CIAL	059
DPR-0374	RIHL	329
DPR-0375	Waka Kotahi	168
DPR-0384	RIDL	341
DPR-0414	Kāinga Ora	157

- [71] In particular, we agree with Mr Baird that it is appropriate to include an additional clause that refers to the ‘50 dB Ldn Air Noise Contour’ as was sought by CIAL. Doing so will protect the airport from reverse sensitivity effects and avoid the exposure of noise sensitive activities within the noise contour to heightened levels of noise. As noted by Mr Baird, CRPS Policy 6.3.5 seeks to avoid noise sensitive activities within the 50 dB Ldn Air Noise Contour. We also note

that the inclusion of this additional clause in UG-P8 is consistent with our recommendations on the Noise and GRUZ chapters of the PDP.

3.6.7 UG-P9

- [72] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, we are satisfied that those recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0033	Davina Louise Penny	002
DPR-0125	BE Faulkner	023
DPR-0136	Stewart Townsend & Fraser	007
DPR-0142	NZ Pork	039
DPR-0157	The Williams	007
DPR-0176	Macaulay & Reid	007
DPR-0178	Carey Manson	005
DPR-0205	Lincoln University	050
DPR-0209	M Singh	008
DPR-0260	CRC	156
DPR-0298	Trices Rd	011
DPR-0343	CDHB	043
DPR-0344	Four Stars & Gould	012
DPR-0353	Hort NZ	225
DPR-0358	RWRL	335
DPR-0360	WMDRA	005
DPR-0361	The Wrights	011
DPR-0363	IRHL	324
DPR-0374	RIHL	330
DPR-0375	Waka Kotahi	169
DPR-0376	Fox & Associates	005
DPR-0384	RIDL	342
DPR-0397	Survus Consultants Ltd	004
DPR-0399	Gulf Central & Apton	006
DPR-0414	Kāinga Ora	158
DPR-0422	NCCF	246, 248
DPR-0460	Marama Te Wai Ltd	013
DPR-0461	Dunweavin	008
DPR-0488	Dally Family & McIlraith	010
DPR-0491	The Robinsons	006

- [73] In particular, we note the need to give effect to our recommended amendment to UG-O1 regarding the protection of highly productive land. In saying that we consider that the policy needs to provide clear and concise guidance to decision-makers, and to avoid the use of phrases such as 'to the extent reasonably possible' as was sought in the relief of Horticulture NZ. However, we agree with Mr Baird that the protection from 'development' (as sought by Davina Penny) is a matter for the GRUZ chapter because the Urban Growth chapter is specifically directed at providing for strategically planned urban growth.
- [74] We find that the guidance to decision-makers regarding highly productive land should prioritise the protection of that land when considering urban growth.

- [75] We also agree with Mr Baird²⁰ that UG-P9 should not be expanded to include the impact on adjoining land (as was sought by Horticulture NZ) because there is a distinction between UG-P9 and its focus on highly productive land and UG-P11 and its focus on avoiding reverse sensitivity effects on any adjoining rural zone.

3.6.8 UG-P10

- [76] For the following submitters and their submission points we generally adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied those recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	024
DPR-0136	Stewart Townsend & Fraser	008
DPR-0176	Macaulay & Reid	008
DPR-0178	Carey Manson	006
DPR-0205	Lincoln University	051
DPR-0209	M Singh	009
DPR-0298	Trices Rd	012
DPR-0302	Smith Boyd & Blanchard	007
DPR-0343	CDHB	044
DPR-0344	Four Stars & Gould	013
DPR-0353	Hort NZ	226
DPR-0358	RWRL	336
DPR-0360	WMDRA	006
DPR-0361	The Wrights	012
DPR-0363	IRHL	325
DPR-0374	RIHL	331
DPR-0375	Waka Kotahi	170
DPR-0376	Fox & Associates	006
DPR-0384	RIDL	343
DPR-0397	Survus Consultants Ltd	005
DPR-0399	Gulf Central & Apton	007
DPR-0414	Kāinga Ora	159
DPR-0460	Marama Te Wai Ltd	014
DPR-0461	Dunweavin	009
DPR-0491	The Robinsons	007
DPR-0492	Kevler Development	005
DPR-0493	Gallina & Heinz-Wattie	007

- [77] We agree that:

- In response to the submission of Kāinga Ora an amendment to clause 1 that is consistent with the change recommended to UG-O1 is appropriate to recognise the anticipated built form, amenity values and character; and
- Clause 3 should be amended to 'preserve' the rural 'amenity values' at the rural-urban interface. We consider that using the term 'amenity values' instead of 'rural outlook' responds to the submissions seeking that decision-makers need only 'have regard' to

²⁰ Reply Report paragraph 2.49.

‘preserving the rural outlook’. We also note that ‘amenity values’ are defined in the RMA whereas ‘rural outlook’ is not.

3.6.9 UG-P11

[78] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied those recommendations are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	025
DPR-0136	Stewart Townsend & Fraser	009
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	040
DPR-0176	Brent Macaulay & Becky Reid	009
DPR-0180	Peter & Christine Bond	006
DPR-0205	Lincoln University	052
DPR-0209	Manmeet Singh	010
DPR-0260	Canterbury Regional Council	157
DPR-0298	Trices Road Re-zoning Group	013
DPR-0302	Alison Smith, David Boyd & John Blanchard	008
DPR-0342	AgResearch Limited	005
DPR-0343	Canterbury District Health Board	045
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	014
DPR-0353	Horticulture New Zealand	227
DPR-0358	Rolleston West Residential Limited (RWRL)	337
DPR-0360	West Melton District Residents Assn. Inc.	007
DPR-0361	Rupert J Wright & Catherine E Wright	013
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	326
DPR-0367	Orion New Zealand Limited	047
DPR-0370	Fonterra Limited	075, 077
DPR-0371	Christchurch International Airport Limited	060
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	332
DPR-0375	Waka Kotahi NZ Transport Agency	171
DPR-0376	Fox & Associates	007
DPR-0384	Rolleston Industrial Developments Ltd (RIDL)	344
DPR-0397	Survus Consultants Ltd	006
DPR-0399	Gulf Central Properties Ltd & Apton Developments Ltd	008
DPR-0412	Hughes Developments	009
DPR-0414	Kāinga Ora	160
DPR-0446	Transpower New Zealand Limited	135
DPR-0448	New Zealand Defence Force	048
DPR-0454	Central Plains Water Limited	013
DPR-0460	Marama Te Wai Ltd	015
DPR-0461	Dunweavin 2020 Ltd	010
DPR-0491	Paul and Sue Robinson	008
DPR-0492	Kevler Development Ltd	006
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	008

[79] In particular we agree that:

- in response to the submissions of Fonterra, CIAL, and Transpower, clause 1 should be amended to avoid both reverse sensitivity effects and other significant adverse effects as

that enables a broader range of effects and mitigation options to be considered by decision-makers;

- in response to the submission of NZ Pork, clause 1 should be amended to refer to both an existing or anticipated activity (with that latter term referring to what is permitted on a site), to better guide decision-makers in terms of what they should consider when zoning land;
- in response to the submissions of Fonterra and Transpower, clause 2 should be amended to explicitly refer to 'reverse sensitivity effects' as a subset of more general adverse effects because for important infrastructure (which clause 2 addresses) all adverse effects need to be considered, as outlined in CRPS Objective 5.2.1. However, we have amended the wording to require the avoidance of adverse effects (including reverse sensitivity effects) in response to the submission of CIAL and Transpower and have expanded the list of infrastructure activities in response to the submission of CIAL; and
- in response to CIAL (amongst others), clause 2 should be expanded to refer to the 'use, maintenance, development, appropriate upgrading and safety' of important infrastructure. As noted by Matt Bonis for CIAL that wording is more consistent with CRPS Objective 6.2.1(10) and Policy 6.3.5(4).

[80] We note that the recommended amendments to clause 2 are consistent with recommended amendments to provisions in the Energy and Infrastructure chapter.

3.6.10 UG-P12

[81] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions we are satisfied that Mr Baird's recommendations to make relatively minor wording improvements to the policy are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0032	Christchurch City Council	003
DPR-0125	BE Faulkner	026
DPR-0205	Lincoln University	053
DPR-0260	Canterbury Regional Council	158
DPR-0343	Canterbury District Health Board	046
DPR-0358	Rolleston West Residential Limited (RWRL)	338
DPR-0360	West Melton District Residents Assn Inc.	008
DPR-0361	Rupert J Wright & Catherine E Wright	014
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	327
DPR-0367	Orion New Zealand Limited	048
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	333
DPR-0375	Waka Kotahi NZ Transport Agency	172
DPR-0378	The Ministry of Education	020
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	345
DPR-0414	Kāinga Ora	161

3.6.11 UG-P13

- [82] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we adopt the Section 42A Report author's assessment as to the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0032	Christchurch City Council	004
DPR-0125	BE Faulkner	027
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	010
DPR-0176	Brent Macaulay & Becky Reid	010
DPR-0205	Lincoln University	054
DPR-0209	Manmeet Singh	011
DPR-0260	Canterbury Regional Council	159
DPR-0298	Trices Road Re-zoning Group	014
DPR-0302	Alison Smith, David Boyd & John Blanchard	009
DPR-0343	Canterbury District Health Board	047
DPR-0344	Four Stars Development Ltd & Gould Developments Ltd	015
DPR-0355	Ellis Darusette	003
DPR-0358	Rolleston West Residential Limited (RWRL)	339
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	328
DPR-0371	Christchurch International Airport Limited	061
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	334
DPR-0375	Waka Kotahi NZ Transport Agency	173
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	346
DPR-0412	Hughes Developments	010, 014
DPR-0414	Kāinga Ora	162
DPR-0460	Marama Te Wai Ltd	016
DPR-0461	Dunweavin 2020 Ltd	011
DPR-0492	Kevler Development Ltd	007
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	009

- [83] We note that in the Reply Report, in response to the submission of Kāinga Ora, Mr Baird recommended amending clause 1 to read "Extensions assist in at least providing for meeting the housing bottom lines ...". His reason was that the amended wording improved the PDP's alignment with the NPS-UD's intent of enabling 'at least' the bottom lines and not necessarily restricting development to achieving the bottom line. We agree.
- [84] We also note that in the Reply Report, in response to the submission of the Trices Road Re-zoning Group, Mr Baird recommended that clause 3 be deleted as a consequence of amendments recommended to UG-P3. The amended UG-P3 effectively provides an avenue for appropriately located and configured urban growth to occur outside of what is identified in the Urban Growth Overlay. We agree that the retention of notified clause 3 in UG-P13 would result in conflicting guidance for decision-makers considering 'out of sequence' urban growth or urban growth that is not identified in Map A of the CRPS. On that basis we accept Mr Baird's recommendation to delete clause 3. Scope for the deletion of clause 3 is provided by the submission of Rolleston Industrial Holdings Limited and associated 'Carter Group' submitters.

- [85] We accept the submissions of CCC and CRC that there should be an increase in the minimum density in clause 4 from 12hh/ha to 15hh/ha. We note that amendment is based on the recommendation from the Harrison Grierson Greenfield Density Analysis Technical Report for the Greater Christchurch Partnership. However, Mr Baird advised that the Harrison Grierson report had outlined that the use of 12hh/ha was nevertheless appropriate until identified constraints, including identifying open space and enabling infrastructure upgrades with appropriate funding models, were resolved. On that basis we agree that clause 4 should refer to 'demonstrated constraints'.
- [86] We acknowledge the submission of Hughes Development regarding 'urban amenity or residential character considerations' that might also favour a lower residential density in certain 'circumstances'. However, on balance we consider that addition of that relatively subjective phraseology would unduly dilute the clear direction that would otherwise be provided to decision-makers.
- [87] We note that we have recommended a clause 16(2) grammatical improvement to UG-P13 clause 4 dealing with rural residential activities.

3.6.12 UG-P14

- [88] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that in the Reply Report Mr Baird advised that the beginning of UG-P14 Clause 2 referencing the Urban Growth Overlay required amendment in order to be consistent with the recommended deletion of clause 3 of UG-P13. We agree for the same reason as outlined above with regard to clause 3 of UG-P13. We note that the deletion of those words was also sought by Rolleston West Residential Limited (RWRL) and other 'Carter Group' submitters.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	028
DPR-0140	Keith Jenkins	002
DPR-0178	Carey Manson	007
DPR-0180	Peter & Christine Bond	007
DPR-0192	Merf Ag Services Ltd & Matthew Reed	004
DPR-0205	Lincoln University	055
DPR-0260	Canterbury Regional Council	160
DPR-0343	Canterbury District Health Board	048
DPR-0358	Rolleston West Residential Limited (RWRL)	340
DPR-0361	Rupert J Wright & Catherine E Wright	015
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	329
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	335
DPR-0375	Waka Kotahi NZ Transport Agency	174
DPR-0376	Fox & Associates	008
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	347
DPR-0397	Survus Consultants Ltd	007
DPR-0412	Hughes Developments	011, 015
DPR-0414	Kāinga Ora	163
DPR-0491	Paul and Sue Robinson	009

3.6.13 UG-P15

[89] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Mr Baird's recommended amendments to:

- amend clause 2 in response to the submission of Foodstuffs, because all land within the Urban Growth Overlay is already a greenfield priority area or signalled within a 'Development Plan'. We understand that a 'Development Plan' includes future potential areas that may not yet be zoned. Accordingly, clause 2 does not necessarily require the land to be within the former two areas. By referring only to a 'Development Plan' the policy would better enable the establishment of new commercial areas in existing residential areas where that was required to meet the needs of the residential catchment. We also accept that the Urban Growth Overlay currently identifies greenfield growth areas only and it would be contradictory to require land to be both within the Overlay and concurrently consolidated within an existing General Industrial Zone, Port Zone or Commercial and Mixed Use Zone. We agree with Mr Baird that the policy should enable business growth both within and 'around' Key Activity Centres, but also to be consistent with our recommended amendments to SD-UFD-O1 we prefer the word 'adjoining';
- amend clause 4 to refer to the 'needs of the catchment that the activities serve'. We note that amendment is within the scope of the submission of Hughes Developments (DPR-0412.016) and is also broadly within the scope of the general submission of Foodstuffs. As a clause 10(2)(b) consequential amendment the remainder of the notified clause can be deleted; and
- refer to 'relevant matters listed in UG-ODP Criteria' in clause 6.

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

[90] In the Reply Report Mr Baird recommended a change to clause 5 attributed to the submission of Woolworths. We note that Woolworths were not a submitter on UG-P15 specifically but in their overall submission on the PDP they sought amendment of the PDP's 'centres' approach to be adaptive and responsive to evolving retailing to achieve the best outcomes for the District.²¹ We are satisfied that the recommended amendments to clause 5 are appropriate insofar as they more appropriately refer to the land being suitable for commercial and industrial activities in general. We note that 'more enabling' wording is of course subject to the other clauses of UG-P15 as the clauses are conjunctive.

[91] In that regard we note that in response to our questions to her at the hearing Ms Panther Knight advised that Woolworths was not seeking to establish supermarkets outside the Urban Growth Overlay and the Town Centre Zones. Counsel for Foodstuffs was of a similar view saying there was no desire "for an unfettered ability to locate anywhere."

²¹ Memorandum of Counsel on behalf of Woolworths New Zealand Limited regarding Urban Growth requested amendments, 3 December 2021, paragraph 12(b)

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	029
DPR-0136	Lynn & Malcolm Stewart, Lynn & Carol Townsend & Rick Fraser	011
DPR-0137	Pinedale Enterprises Ltd & Kintyre Pacific Holdings Ltd	007
DPR-0157	Kevin & Bonnie Williams	008
DPR-0160	West Melton Three Ltd	002
DPR-0205	Lincoln University	056
DPR-0260	Canterbury Regional Council	161
DPR-0343	Canterbury District Health Board	049
DPR-0358	Rolleston West Residential Limited (RWRL)	341
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	330
DPR-0367	Orion New Zealand Limited	049
DPR-0373	Foodstuffs	008
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	336
DPR-0375	Waka Kotahi NZ Transport Agency	175
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	348
DPR-0399	Gulf Central Properties Ltd & Apton Developments Ltd	009
DPR-0412	Hughes Developments	012, 016
DPR-0414	Kāinga Ora	164

3.6.14 UG-P16

- [92] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that the recommended amendments are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [93] In saying that we note that the recommended amendments to clauses 2, 4 and 6 are consistent with those recommended for the equivalent clauses in UG-15, which is both appropriate and necessary. We are satisfied there is scope for those amendments within the submissions on UG-P16.
- [94] In the Reply Report Mr Baird recommended a change to clause 5 attributed to the submission of Woolworths. Again, we note that Woolworths were not a submitter on UG-P16 specifically but in their overall submission on the PDP they sought amendment of the PDP's 'centres' approach to be adaptive and responsive to evolving retailing to achieve the best outcomes for the District.²² We are satisfied that the recommended amendments to clause 5 better reflect the fact that the chapeau of the policy addresses the entire area outside Greater Christchurch. As with UG-P15, we note that the 'more enabling' wording is of course subject to the other clauses of UG-P16 as the clauses are conjunctive.
- [95] In the Reply Report Mr Baird also recommended adding the words 'within or around' to clause 2 of the Policy. However, that wording was not sought in the evidence that either Woolworths or Foodstuffs lodged in conjunction with their legal submissions. To be consistent with UG-P15.2 we prefer the word 'adjoining'.

²² Memorandum of Counsel on behalf of Woolworths New Zealand Limited regarding Urban Growth requested amendments, 3 December 2021, paragraph 12(b)

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	030
DPR-0205	Lincoln University	057
DPR-0260	Canterbury Regional Council	162
DPR-0343	Canterbury District Health Board	050
DPR-0358	Rolleston West Residential Limited (RWRL)	342
DPR-0361	Rupert J Wright & Catherine E Wright	016
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	331
DPR-0367	Orion New Zealand Limited	050
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	337
DPR-0375	Waka Kotahi NZ Transport Agency	176
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	349
DPR-0412	Hughes Developments	013, 017
DPR-0414	Kāinga Ora	165

3.6.15 UG-P17

- [96] For the following submitters and their submission points we largely adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Mr Baird's recommended amendment to refer to 'particularly highly productive land' in clause 1 and to add the text 'generate reverse sensitivity effects on important infrastructure' in clause 10 are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [97] The Reply Report recommended a new clause that was included in the evidence of Ms Panther Knight for Woolworths. The new clause would read "Provide for the functional need of commercial activities to be located accessibly in relation to the residential catchment they serve." Mr Baird considered that the new clause added flexibility and was consistent with recommended changes to UG-O3. He suggested it would provide support for current urban areas to be re-zoned commercial if that better served the needs of the catchment. Such flexibility was important as land use intensification increased the demand for commercial activities. We are satisfied that the new clause is appropriate and within the broad scope of the Woolworths submission.
- [98] Mr Baird also recommended amending clause 8 by adding the word 'significant' when referencing 'adverse amenity effects'. We are not persuaded that is appropriate as even adverse effects that are below a threshold of 'significant' can be undesirable. We also consider there is no scope within submissions to recommend such an amendment.

Sub #	Submitter	Submission Points
DPR-0032	Christchurch City Council	054
DPR-0125	BE Faulkner	031
DPR-0205	Lincoln University	059
DPR-0260	Canterbury Regional Council	163
DPR-0343	Canterbury District Health Board	051
DPR-0353	Horticulture New Zealand	228
DPR-0358	Rolleston West Residential Limited (RWRL)	343
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	332
DPR-0367	Orion New Zealand Limited	051
DPR-0370	Fonterra Limited	076
DPR-0371	Christchurch International Airport Limited	062

Sub #	Submitter	Submission Points
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	338
DPR-0375	Waka Kotahi NZ Transport Agency	177
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	350
DPR-0412	Hughes Developments	018
DPR-0414	Kāinga Ora	166

3.7 Urban Growth Rules

- [99] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note this results in no change to the notified provisions relating to new commercial composting or mineral extraction, which would remain non-complying activities.

Sub #	Submitter	Submission Points
DPR-0358	Rolleston West Residential Limited (RWRL)	344
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	333
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	339
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	351
DPR-0414	Kāinga Ora	167

3.8 Urban Growth Matters for Control or Discretion

- [100] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Mr Baird's recommendation to include reference to 'adjacent zones' in clause 1(e) is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0353	Horticulture New Zealand	229
DPR-0358	Rolleston West Residential Limited (RWRL)	345
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	334
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	340
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	352
DPR-0414	Kāinga Ora	168

3.9 UG-SCHED1

- [101] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that Mr Baird's recommendations to:

- In response to the submission of Orion, amend the proposed Schedule (clause 1 and clause 2.c) to clarify when elements apply to residential or business or both. We note this will also meet the concern expressed by Hughes Development that staging is not always relevant;
- In response to the submissions of Hughes Development amend clause 3 to indicate that a subdivision plan is not always needed; and

- In response to the submission of Horticulture NZ add the words 'avoid or' to clause 3.d. in relation to reverse sensitivity. We agree with Mr Baird that this change is appropriate as, in the first instance, boundary treatments can often avoid an adverse effect.

are the most appropriate options for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	041
DPR-0353	Horticulture New Zealand	230
DPR-0358	Rolleston West Residential Limited (RWRL)	346
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	335
DPR-0367	Orion New Zealand Limited	052, 053
DPR-0371	Christchurch International Airport Limited	063
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	341
DPR-0378	The Ministry of Education	021
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	353
DPR-0412	Hughes Developments	019
DPR-0414	Kāinga Ora	169

3.10 Subdivision alignment

- [102] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. We note that this results in no change to the notified provisions.

Sub #	Submitter	Submission Points
DPR-0260	Canterbury Regional Council	130
DPR-0358	Rolleston West Residential Limited (RWRL)	228
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	217
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	223
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	235
DPR-0414	Kāinga Ora	121

3.11 Support for Urban Growth Overlay

- [103] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0125	BE Faulkner	005
DPR-0162	Kerry Millar - Millar's Machinery Limited	001
DPR-0205	Lincoln University	038
DPR-0361	Rupert J Wright & Catherine E Wright	002

3.12 New Urban Growth Overlay Areas

- [104] We firstly note Mr Baird's advice that the Urban Growth Overlay applies to land that is identified within a Development Plan. His assessment of the submissions did not consider whether or not the new Urban Growth Overlay areas sought by the submitters had planning merit, but rather whether they were identified within an approved Development Plan as being potentially suitable for urban development. We agree with that approach.

- [105] For the following submitters and their submission points we adopt Mr Baird's recommendations and reasons. In terms of s32AA of the RMA, for these submissions and submission points we are satisfied that his recommended removal of Lot 1 DP 494969, Lot 1 DP 16759, and Lot 1 DP 35608 in Leeston from the Urban Growth Overlay is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.

Sub #	Submitter	Submission Points
DPR-0203	M Springer	001
DPR-0206	Urban Holdings Limited, Suburban Estates Limited & Cairnbrae Developments Limited	001
DPR-0207	Selwyn District Council	105, 108
DPR-0245	Brendan Herries	001
DPR-0282	David Fletcher	001
DPR-0365	Stuart PC Limited	041
DPR-0370	Fonterra Limited	003
DPR-0405	Franco Farms Limited	001
DPR-0408	Urban Estates No. 21 Limited	001
DPR-0411	Hughes Developments Limited	001, 002, 007
DPR-0413	Blakes Road Kingcraft Group	002
DPR-0417	Jenny Fisher, Graham & Racquel Drayton, John & Fiona Kipping, David & Elizabeth Whiten	002
DPR-0431	Lance Roper	002
DPR-0432	Birchs Village Limited	003
DPR-0446	Transpower New Zealand Limited	134
DPR-0452	Matthew Keen	002

4 Other Matters

- [106] In the Reply Report Mr Baird recommended the deletion of the definition of the Urban Growth Overlay in HPW25 -Overlays and the insertion of three new Urban Growth Overlays relating to Business, Greenfield and Rural Residential. He attributed that recommendation to the submission of CRC. However, that relief was not sought by the CRC and nor was it contained within the body of their submission. The change recommended is not insignificant and it may well have attracted submissions had it been included in the notified Plan. We therefore reject Mr Baird's recommendation.
- [107] In Appendix 1 of the Reply Report Mr Baird amended many of the initial Section 42A Report recommendations to reject submission points that sought some form of 'flexibility' for urban growth. The amended recommendations were to 'accept in part' all of those submission points. Given the extent of amendments we have recommended to most of the Urban Growth chapter's provisions, we adopt the Reply Report's Appendix 1 amended recommendations on specific submission points.
- [108] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;

- the Hearing Panels considering rezoning requests, and
- the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP

[109] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair²³ and Deputy Chair²⁴ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.

[110] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.

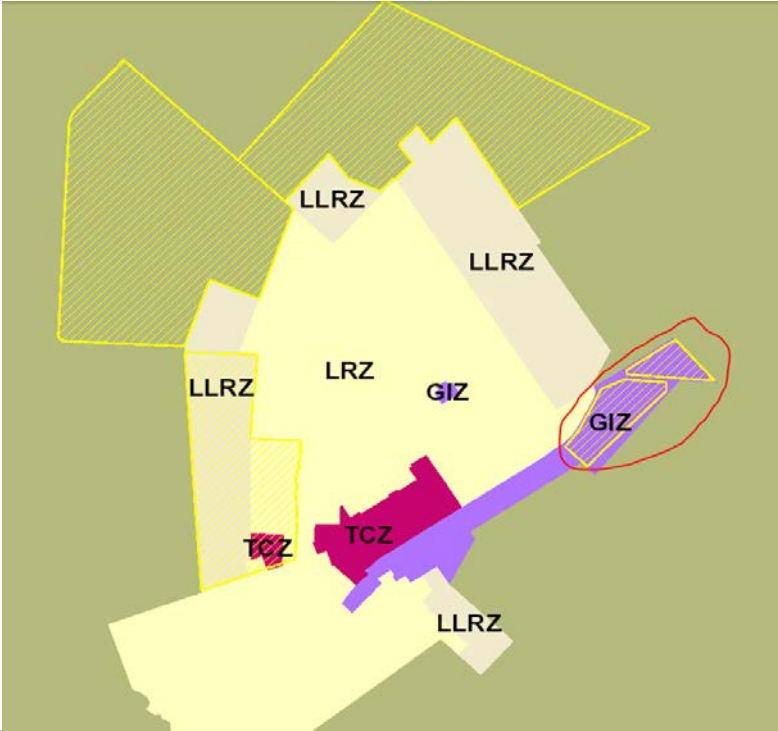
²³ Who is also the Chair of the IHP.

²⁴ Who chaired one stream of hearings.

Appendix 1: Recommended Amendments ²⁵

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

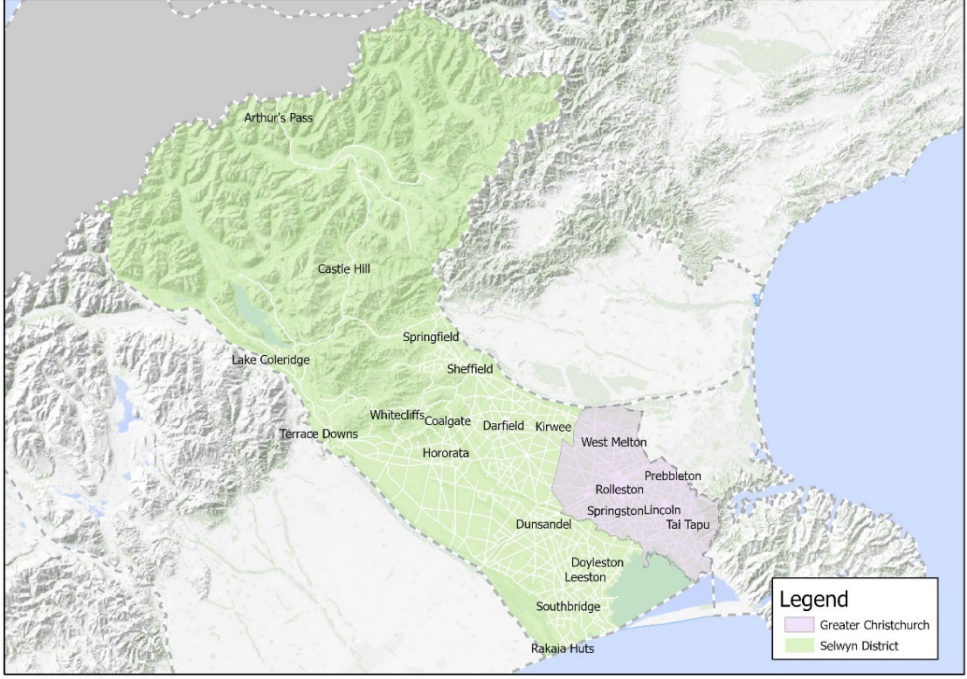
Map Layer	Description of recommended amendment
Urban Growth Overlay	<div>Remove Lot 1 DP 494969, Lot 1 DP 16759, and Lot 1 DP 35608 from the overlay.²⁵</div> <div></div>

²⁵ DPR-0207.105 SDC

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Interpretation

Definitions	
GREATER CHRISTCHURCH	<p>The area shown on Map A of Chapter 6 of the CRPS.</p>  <p style="text-align: right;">²⁶</p>
GREENFIELD DEVELOPMENT	<p>The use and/or development of identified on Map A of Chapter 6 of the as a Greenfield Priority Area.²⁷</p>
URBAN²⁸ INTENSIFICATION	<p>An increase in the residential household yield within existing urban areas located within the district's townships.</p>

²⁶ DPR-0379.025 Jill Thomson

²⁷ DPR-0358.024 RWRL

²⁸ DPR-0422.058 NCFF

Definitions	
VERSATILE SOILS HIGHLY PRODUCTIVE LAND²⁹	Land classified as Land Use Capability 1 or 2 1, 2 or 3 ³⁰ in the New Zealand Land Resource Inventory. ³¹

How the Plan works

HPW13 – Growth Management		
Issue	Local Authority	Process
Managing the form and location of urban growth to ensure an efficient supply of housing and business capacity across Greater Christchurch and within the wider Selwyn District.	Canterbury Regional Council, Christchurch City Council, Waimakariri District Council, and Greater Christchurch Partnership.	... <ul style="list-style-type: none"> Serving notice of any plan changes that propose additional ‘greenfield’ land or an <u>urban</u>³² intensification area within Greater Christchurch to support an increase in housing or business capacity on Canterbury Regional Council, Christchurch City Council, and Waimakariri District Council.

Part 2 – District Wide Matters

General District Wide Matters

UG – Urban Growth

UG-Overview
... <p>Ongoing urban development capacity is provided through the identification of new urban areas that are subject to the Urban Growth Overlay and by enabling existing sites to be intensified or redeveloped. <u>This chapter also provides a framework for assessing urban development outside of the Urban Growth Overlay.</u>³³ The need for zoning processes to demonstrate consistency with all of the urban growth policies and to consider relevant Development Plans will ensure that new urban growth areas do not conflict with legitimately established land use activities, compromise the quality of the environments that people value, and result in adverse environmental effects.</p>

²⁹ Clause 10(2)(b) consequential to recommendations in the Strategic Directions Recommendation Report

³⁰ DPR-0353.079 HortNZ

³¹ Note that, as foreshadowed in Section 4 of the body of this Report, this definition was subsequently further amended in response to the NPS-HPL. See the NPS-HPL Recommendation Report and the decisions version of the PDP for the amended wording.

³² Clause 16(2) clarification

³³ DPR-0136.003 Stewart Townsend & Fraser

The urban³⁴ intensification of activities and redevelopment of existing land within urban zones is encouraged to support the District's urban growth needs. This includes through increased housing densities and the development and implementation of Urban Intensification Plans and Development Plans to achieve integrated settlement patterns and to complement the ongoing provision of new urban area.

The Urban Growth Overlay maps the spatial locations identified in Development Plans that have been adopted by SDC. These assist, but are not determinative in determining identifying³⁵ where new urban areas can locate around townships and delivering the outcomes that are anticipated to be achieved within these environments. Any urban development or subdivision of land outside of the existing township boundaries is precluded unless the urban growth policies have been fulfilled through the zoning process under Schedule 1 of the RMA.

The General Rural Zone activity-based rules apply to the land that is subject to the Urban Growth Overlay to enable the majority of rural land uses to continue. Additional rules apply to ensure that land use and subdivision development does not undermine the future zoning or development of the land that will assist in meeting the growth needs of the district. All other site-specific rules to achieve the urban growth outcomes will be determined through the zoning process.

UG-Objectives and Policies

UG-Objectives	
UG-O1	<p>Urban growth is provided for in a strategic manner that:</p> <ol style="list-style-type: none"> 1. Achieves attractive, pleasant, high quality, and resilient urban environments; 2. Maintains and enhances the <u>Achieves the built form,</u>³⁶ amenity values and character anticipated within each residential, kainga nohoanga, or business area; 3. Recognises and protects identified Heritage Sites, Heritage Settings, and Notable Trees; 4. Protects the health and well-being of water bodies, freshwater ecosystems, and receiving environments; 5. Provides for the <u>urban</u>³⁷ intensification and redevelopment of existing urban sites; 6. Integrates with existing residential neighbourhoods, commercial centres, industrial hubs, inland ports, or knowledge areas; 7. Is coordinated with <u>the provision of</u>³⁸ available infrastructure, <u>the strategic transport network,</u>³⁹ and utilities, including land transport infrastructure; and⁴⁰ 8. Enables people and communities, now and future, to provide for <u>their needs,</u>⁴¹ their wellbeing, and their health and safety.⁴²

³⁴ DPR-0422.058 NCFF

³⁵ DPR-0491.004 Dally Family Trust and Julia McIlraith

³⁶ DPR-0414.147 Kāinga Ora

³⁷ DPR-0422.058 NCFF

³⁸ DPR-0367.044 Orion New Zealand Limited

³⁹ DPR-0032.002 Christchurch City Council

⁴⁰ DPR-0370.074 Fonterra Limited and DPR-0371.057 Christchurch International Airport Limited

⁴¹ Clause 10(2)(b) consequential amendment from DPR-0373.007 Foodstuffs (South Island) Property Ltd

⁴² DPR-0370.074 Fonterra Limited and DPR-0371.057 Christchurch International Airport Limited

UG-Objectives	
	<p>9. Does not constrain the efficient operation, use, development, appropriate upgrading, and safety of important infrastructure;⁴³ and</p> <p>10. Does not compromise or foreclose the use of highly productive land for rural production.⁴⁴</p>
UG-O3	<p>There is sufficient feasible housing and sufficient business development capacity within Greater Christchurch to ensure:</p> <ol style="list-style-type: none"> 1. The housing bottom lines are met; 2. A wide range of housing types, sizes, and densities are available to satisfy social and affordability needs and respond to demographic change; and 3. Commercial and industrial growth is supported by a range of working environments and places to appropriately⁴⁵ locate and operate businesses consistent with the District's Activity Centre Network
UG-Policies	
Urban Growth	
UG-P1	Spatially identify new greenfield ⁴⁶ urban growth areas supported by a Development Plan.
UG-P3	<p>Avoid the zoning of land to establish any new urban areas or extensions to any township boundary in the Greater Christchurch area of the District outside the Urban Growth Overlay, unless it:</p> <ol style="list-style-type: none"> 1. Adds significantly to development capacity; 2. Contributes to well-functioning urban environments; and 3. Gives effect to UG-O1, UG-O2 and UG-O3.⁴⁷
Urban Form	
UG-P7	<p>Any new urban areas shall deliver the following urban form and scale outcomes:</p> <ol style="list-style-type: none"> 1. Township boundaries maintain a consolidated and compact urban form; 2. The form and scale of new urban areas support the settlements role and function within the District's Township Network; 3. The natural features, physical forms, opportunities, and constraints that characterise the context of individual locations are identified and addressed to achieve appropriate land use and subdivision outcomes, including where these considerations are identified in any relevant Development Plans; and 4. The extension of township boundaries along any strategic transport network is discouraged where there are more appropriate alternative locations available it would adversely affect the safe efficient and effective functioning of the network, including the ability to support freight and passenger transport services, or would foreclose the opportunity for the development of the network to meet planned strategic transport requirements.⁴⁸

⁴³ DPR-0370.074 Fonterra Limited and DPR-0371.057 Christchurch International Airport Limited

⁴⁴ DPR-0353.223 Horticulture NZ and DPR-0370.074 Fonterra Limited

⁴⁵ DPR-0373.007 Foodstuffs (South Island) Properties Ltd

⁴⁶ DPR-0414.150 Kāinga Ora

⁴⁷ **DPR-0375.163 Waka Kotahi NZ Transport Agency**

⁴⁸ DPR-0260.154 Canterbury Regional Council

UG-Policies	
UG-P8	Avoid the following locations and areas when zoning land to extend township boundaries to establish new urban areas: <ol style="list-style-type: none"> 1. Sites and Areas of Significance to Māori; 2. Significant Natural Areas; 3. Outstanding Natural Landscapes and Visual Amenity Landscapes; 4. <u>The Airport 50 dB Ldn Noise Contours (with respect to extension of boundaries to establish noise sensitive activities)</u>;⁴⁹ and 5. High Hazard Areas.
UG-P9	Recognise and provide for the finite nature of the versatile soil resource when zoning land to extend township boundaries to establish <u>Prioritise the protection of</u> highly productive land from new urban growth areas. ⁵⁰
UG-P10	Ensure the establishment of high-quality urban environments by requiring that new urban areas: <ol style="list-style-type: none"> 1. Maintain the <u>Achieve the built form</u>,⁵¹ amenity values and character anticipated within each township and the outcomes identified in any relevant Development Plan; 2. Recognise and protect identified Heritage Sites, Heritage Settings, and Notable Trees; and 3. Preserving <u>Preserve</u> the rural <u>amenity values</u> outlook that characterises the General Rural Zone at the interface between rural and urban environments⁵² through appropriate landscape mitigation, densities, or development controls at the interface between rural and urban environments⁵³
UG-P11	When zoning land to establish any new urban area or to extend any township boundary, avoid reverse sensitivity effects on: <ol style="list-style-type: none"> 1. <u>Avoid reverse sensitivity effects and other significant adverse effects on any</u>⁵⁴ <u>existing or anticipated activity in an</u>⁵⁵ adjoining rural, <u>dairy processing</u>,⁵⁶ industrial, inland port, or knowledge zone; and 2. <u>Avoid adverse effects, including reverse sensitivity effects</u>,⁵⁷ on the safe, efficient and cost-effective operation, <u>use, maintenance, development, appropriate upgrading and safety</u>⁵⁸ of important infrastructure, land transport infrastructure, and the strategic transport network.

⁴⁹ DPR-0371.059 Christchurch International Airport Limited

⁵⁰ DPR-0033.002 Davina Penny and DPR-0353.225 HortNZ. Note that, as foreshadowed in Section 4 of the body of this Report, this provision was subsequently further amended in response to the NPS-HPL. See the NPS-HPL Recommendation Report and the decisions version of the PDP for the amended wording .

⁵¹ DPR-0414.159 Kāinga Ora

⁵² DPR-0176.008 Macaulay & Reid

⁵³ DPR-0176.008 Macaulay & Reid

⁵⁴ DPR-0446.135 Transpower New Zealand Limited

⁵⁵ DPR-0142.040 NZ Pork

⁵⁶ DPR-0370.077 Fonterra Limited

⁵⁷ DPR-0371.060 Christchurch International Airport Limited and DPR-0446.135 Transpower New Zealand Limited

⁵⁸ DPR-0370.075 Fonterra Limited

UG-Policies	
UG-P12	<p>Ensure the zoning of land to extend township boundaries to establish new urban areas demonstrates how it will integrate with existing urban environments, optimise the efficient and cost-effective provision of infrastructure <u>and public transport</u>⁵⁹, and protect natural and physical resources, by:</p> <ol style="list-style-type: none"> 1. Aligning the zoning, subdivision and development with network capacity and availability of existing or new <u>planned</u>⁶⁰ infrastructure <u>and public transport services</u>⁶¹, including through the staging of development; 2. Avoiding adverse effects on the ground <u>water</u>⁶² and surface water resource by requiring connections to reticulated water, wastewater, and stormwater networks where they are available, or <u>where they are not available</u>⁶³ by demonstrating that the necessary discharge approvals can be obtained for all on-site wastewater and stormwater treatment and disposal facilities; 3. Ensuring the land is located where solid waste collection and disposal services are available <u>or planned</u>⁶⁴; 4. Prioritising accessibility and connectivity <u>within and</u> between the land <u>to be zoned</u>⁶⁵ and adjoining neighbourhoods, commercial centres, open space reserves, and community facilities, including education providers, public reserves, and health services; and 5. Requiring safe, attractive and convenient land transport infrastructure that promotes walking, cycling, and access to public transport and public transport facilities to encourage energy efficiency and improve peoples' health and wellbeing.
Development Capacity	
UG-P13	<p>Residential growth – Greater Christchurch area</p> <p>Any new residential growth area within the Greater Christchurch area shall only occur where:</p> <ol style="list-style-type: none"> 1. Extensions assist in <u>at least providing for meeting</u>⁶⁶ the housing bottom lines (minimum housing targets) of 8,600 households over the medium-term period through to 2028; 2. A HDCA and FDS identify a need for additional feasible development capacity for the township and the additional residential land supports the rebuild and recovery of Greater Christchurch; 3. The land is subject to an Urban Growth Overlay and the area is either: <ol style="list-style-type: none"> a. a 'greenfield priority area', or any subsequent urban growth areas or urban containment boundaries, in the CRPS where it is a residential activity; <p>or</p>

⁵⁹ DPR-0032.003 Christchurch City Council

⁶⁰ DPR-0414.161 Kāinga Ora

⁶¹ DPR-0032.003 Christchurch City Council

⁶² **Clause 16(2) clarification**

⁶³ DPR-0260.158 Canterbury Regional Council

⁶⁴ DPR-0414.161 Kāinga Ora

⁶⁵ DPR-0414.161 Kāinga Ora

⁶⁶ **DPR-0414.162 Kāinga Ora**

UG-Policies	
	<p>b. identified in an adopted Rural Residential Strategy and in accordance with CRPS Policy 6.3.9 where it is a rural residential activity.⁶⁷</p> <p>3. <u>A minimum net density densities of 12 15⁶⁸hh/ha for residential activities is met, unless there are demonstrated constraints, in which case a minimum net density of no less than 12 hh/ha is met,⁶⁹ or 1 to 2hh/ha for rural residential activities a minimum net density of 1 to 2hh/ha is are⁷⁰ met;</u></p> <p>4. A diversity in housing types, sizes and densities is demonstrated to respond to the demographic changes and social and affordability needs identified in a HDCA, FDS or outcomes identified in any relevant Development Plan; and</p> <p>5. An ODP is prepared that addresses the matters listed in UG-ODP Criteria and incorporated into this Plan before any subdivision proceeds.</p>
UG-P14	<p>Any new residential growth area outside the Greater Christchurch area shall only occur where:</p> <ol style="list-style-type: none"> 1. There is a demonstrated need for additional development capacity within the township, including where identified in any relevant Development Plan; 2. The land is subject to the Urban Growth Overlay,⁷¹ The township-based opportunities and constraints identified in any relevant Development Plan are addressed; 3. The minimum net densities support a range of housing types that respond to demographic change, social needs and outcomes identified in any relevant Development Plan; and 4. An ODP is prepared that addresses the matters listed in UG-ODP Criteria and incorporated into this Plan before any subdivision proceeds.
UG-P15	<p>Business growth – Greater Christchurch area</p> <p>Any new areas to support commercial activities, industrial activities, or activities provided for in the Port Zone or Knowledge Zone in the Greater Christchurch area shall only occur where:</p> <ol style="list-style-type: none"> 1. A BDCA and FDS demonstrates a need for additional suitable development capacity within the township and the additional suitable development capacity supports the rebuild and recovery of Greater Christchurch; 2. The land is subject to the Urban Growth Overlay and the area is either: <ol style="list-style-type: none"> a ‘greenfield priority area’, or any subsequent urban growth areas or urban containment boundaries, in the CRPS where it is an industrial activity; or

⁶⁷ DPR-0374.334 RIHL

⁶⁸ DPR-0032.004 Christchurch City Council and DPR-0260.159 Canterbury Regional Council

⁶⁹ DPR-0032.004 Christchurch City Council and DPR-0260.159 Canterbury Regional Council

⁷⁰ Clause 16(2) clarification

⁷¹ DPR-0358.340 RWRL

UG-Policies	
	<p>a. <u>identified within a relevant Development Plan or consolidated within or adjoining</u>⁷² a Key Activity Centre, or within⁷³ an existing General Industrial Zone, Port Zone or Commercial and Mixed Use Zone;⁷⁴</p> <p>3. A diverse range of services and opportunities is provided for to respond to the social and economic needs identified in a BDCA, FDS or any relevant Development Plan;</p> <p>4. The type, scale and function of new commercial areas are consistent with the Activity Centre Network and <u>the needs of the catchment that the activities serve</u>⁷⁵ support mixed use activities, unless located in a Large Format Retail Zone;⁷⁶</p> <p>5. The location, dimensions and characteristics of the land are appropriate to support:</p> <p>a. activities, that are anticipated within the existing General Industrial Zone, Knowledge Zone or Commercial and Mixed Use Zone;⁷⁷</p> <p>b. community facilities and public spaces where these are anticipated by the land use zone; and</p> <p>6. An ODP is prepared <u>that addresses the relevant matters listed in UG-ODP Criteria</u>⁷⁸ and incorporated into this Plan before any subdivision proceeds.</p>
UG-P16	<p>Business growth – Outside the Greater Christchurch area</p> <p>Any new areas to support commercial or industrial activities outside the Greater Christchurch area shall only occur where:</p> <p>1. There is a demonstrated need for additional suitable development capacity within the township, including where identified in any relevant Development Plan;</p> <p>2. The land is subject to the Urban Growth Overlay, or⁷⁹ <u>It is consolidated within</u>⁸⁰ <u>or adjoining</u>⁸¹ an existing Town Centre Zone, Local Centre Zone or General Industrial Zone;</p> <p>3. A diverse range of services and opportunities is provided for to respond to any specific social and economic needs, including where identified in any relevant Development Plan;</p> <p>4. The type, scale and function of new commercial areas are consistent with the Activity Centre Network <u>and the needs of the catchment that the activities serve</u>⁸² including supporting mixed use activity in the Town Centre Zone;</p> <p>5. The location, dimensions and characteristics of the land are appropriate to support;</p>

⁷² DPR-0373.009 Foodstuffs (South Island) Properties Ltd

⁷³ Clause 16(2) clarification

⁷⁴ DPR-0373.008 Foodstuffs (South Island) Properties Ltd

⁷⁵ DPR-0412.016 Hughes Developments and DPR-0373.008 Foodstuffs (South Island) Properties Ltd

⁷⁶ Clause 10(2)(b) consequential amendment.

⁷⁷ DPR-0396.009 Woolworths New Zealand Limited

⁷⁸ DPR-0367.049 Orion New Zealand Limited

⁷⁹ DPR-0358.342 RWRL

⁸⁰ Clause 16(2) clarification

⁸¹ DPR-0373.009 Foodstuffs (South Island) Properties Ltd

⁸² DPR-0412.017 Hughes Developments

UG-Policies	
	<p>a- activities, that are anticipated within the Town Centre Zone, Local Centre Zone or General Industrial Zone;</p> <p>b- community facilities and public spaces where these are anticipated by the land use zone; and</p> <p>6. An ODP is prepared <u>that addresses the relevant matters listed in UG-ODP Criteria</u>⁸³ and incorporated into this Plan before any subdivision proceeds.</p>
UG-P17	<p><u>Urban</u>⁸⁴ Intensification and redevelopment</p> <p>Encourage the intensification of urban activities or redevelopment of existing land within urban zones to assist in supporting the district's urban growth needs, including through the implementation of an adopted Urban Intensification Plan or any relevant Development Plan, to:</p> <ol style="list-style-type: none"> 1. Minimise the loss of the rural land resource, <u>particularly highly productive land;</u>⁸⁵ 2. Maintain the effective and efficient use of infrastructure and the strategic transport network; 3. Support housing choice, increase the availability of affordable housing and enable economically resilient and diverse commercial centres, including by providing mixed use activities in Key Activity Centres' or Local Centre Zones; 4. Promote consolidated and compact townships that support resilient, diverse and self-sufficient settlements; 5. Promote the regeneration of buildings and land; 6. Achieve higher residential densities in and around Key Activity Centres, Town Centres, Core Public Transport Routes and in locations where there is safe and convenient access to public transport and public transport facilities; and 7. Achieve higher floor area ratios in the Commercial and Mixed Use Zone and General Industrial Zone to optimise the use of commercial and industrial land; <u>and</u> <p>7A. <u>Provide for the functional need of commercial activities to be located accessibly in relation to the residential catchment they serve,</u>⁸⁶</p> <p>provided that <u>urban</u>⁸⁷ intensification or redevelopment does not:</p> <ol style="list-style-type: none"> 8. generate adverse amenity effects on surrounding environments; or 9. undermine the safe, efficient or cost-effective operation of infrastructure or utility services; <u>or</u> 10. <u>generate reverse sensitivity effects on important infrastructure.</u>⁸⁸

⁸³ DPR-0367.050 Orion New Zealand Limited

⁸⁴ DPR-0422.058 NCFF

⁸⁵ DPR-0353.228 HortNZ

⁸⁶ DPR-0396 Woolworths New Zealand Limited and DPR-0373 Foodstuffs (South Island) Properties Ltd

⁸⁷ DPR-0422.058 NCFF

⁸⁸ DPR-0367.051 Orion New Zealand Limited

UG-Matters for Control or Discretion

UG-MAT1	Subdivision and Urban Growth
Urban Growth Overlay	<ol style="list-style-type: none"> 1. The extent to which the subdivision will limit, restrict or compromise the ability to zone, subdivide and develop the land as a new urban area in the future, including its impacts on: <ol style="list-style-type: none"> a. The ability to achieve the anticipated urban form, capacity, density or amenity outcomes, including those identified in any relevant development plan; b. The ongoing operation of strategic infrastructure; c. Cost effective and efficient infrastructure provision; d. Safe, efficient and integrated land transport networks; and e. Managing potential adverse reverse sensitivity effects, <u>including within adjacent zones</u>.⁸⁹

UG-Schedules

UG-SCHED1	Residential ⁹⁰ Growth Area ODP Criteria
Urban Growth Overlay	<ol style="list-style-type: none"> 1. A single ODP shall be prepared for each new residential <u>and business</u>⁹¹ growth area and incorporated into the Planning Maps and the relevant Development Area chapter of this Plan; 2. Each ODP shall illustrate how the site characteristics and topography have been addressed through the identification of: <ol style="list-style-type: none"> a. Principal through roads and connections both within and adjoining the ODP area, including principal walking and cycling networks and public transport and freight routes; b. Methods for the integrated management of water, stormwater, and wastewater and associated infrastructure consistent with UG-P15; c. How each ODP area will <u>when required to</u>:⁹² <ol style="list-style-type: none"> i. Achieve the minimum net density requirements and outcomes listed in UG-P5 or UG-P6 are to be achieved⁹³; ii. Be staged to allow the subdivision development to align with the timing, funding, and availability of network infrastructure capacity; and iii. Integrate into any adjoining land that is subject to the Urban Growth Overlay;

⁸⁹ DPR-0353.229 HortNZ

⁹⁰ **Clause 10(2)(b)** consequential amendment

⁹¹ DPR-0367.053 Orion New Zealand Limited

⁹² DPR-0367.053 Orion New Zealand Limited

⁹³ **Clause 16(2)** clarification

	<p>3. The following features <u>shall be considered and where relevant provided for</u> and outcomes are to be illustrated on an indicative subdivision concept plan containing lot configurations and sizes that is to accompany the ODP⁹⁴;</p> <ul style="list-style-type: none"> a. Any land to be set aside to protect or enhance environmental, conservation, landscape, heritage or cultural (including to provide for the interests of nga rūnanga) values; b. Any land to be set aside for community facilities, schools, open space reserve or commercial activities and how accessibility and connectivity between these locations is supported in the land transport network; c. Any land to be set aside to effectively manage hazard risk or contaminated land; d. Any methods or boundary treatments required to <u>avoid or</u>⁹⁵ mitigate reverse sensitivity effects and promote compatible land use activities, including protecting important infrastructure, or a designated site; and f. Any other information which is relevant to the understanding of the development and its proposed zoning.
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⁹⁴ DPR-0412.019 Hughes Developments

⁹⁵ DPR-0371.063 Christchurch International Airport Limited

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0033	Davina Penny	Self	
DPR-0136	L & M Stewart	Fiona Aston Phil Kennard Robbie McIlraith	Planner Representative Representative
DPR-0157	L & C Townsend & R Fraser		
DPR-0180	K & B Williams		
DPR-0209	P & C Bond		
DPR-0456	M Singh		
DPR-0461	Four Stars Development & Gould Dev. Ltd		
DPR-0488	Dunweavin 2020 Ltd		
DPR-0491	Dally Family Trust and Julia McIlraith		
DPR0492	P & S Robinson		
DPR-0493	Kevler Development Ltd & Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan		
DPR-0203	Margaret Springer	Ivan Thomson	Planner
DPR-0206	Urban Estates, Suburban Estates & Cairnbrae Holdings	Patricia Harte	Planner
DPR-0260	Canterbury Regional Council	Michelle Mehlhopt Tammy Phillips Marta Scott	Counsel Planner Scientist
DPR-0298	Trices Road Rezoning Group	Ivan Thomson	Planner
DPR-0353	Horticulture New Zealand	Lynette Wharf	Planner
DPR-0358	Rolleston West Residential Limited (RWRL)	Jo Appleyard Jeremy Philips	Counsel Planner
DPR-0363	Iport Rolleston Holdings Limited (IRHL)		
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)		
DPR-0384	Rolleston Industrial Developments Ltd (RIDL)		
DPR-0370	Fonterra Limited	Rachel Robilliard Sam Flewellen Susannah Tait	Counsel Representative Planner
DPR-0371	Christchurch International Airport Limited	Jo Appleyard Matt Bonis	Counsel Planner
DPR-0373	Foodstuffs (South Island) Properties Limited	Alex Booker	Counsel
DPR-0375	Waka Kotahi NZ Transport Agency	Stuart Pearson Salina Li Stuart Fletcher	Representative Representative Planner
DPR-0396	Woolworths New Zealand Limited	Joshua Leckie Matthew Grainger Kay Panther Knight	Counsel Representative Planner
DPR-0414	Kāinga Ora – Homes and Communities	Lauren Semple Nick Roberts	Counsel Planner
DPR-0415	Fulton Hogan Limited	Tim Ensor	Planner
DPR-0432	Birchs Village Limited	Alex Booker	Counsel
DPR-0466	Transpower New Zealand Limited	Ainsley McLeod	Planner
DPR-0587	Lloyd Bathurst	Self	
DPR-0588	Michael House	Andrew Schulte Lizzie Thomson	Counsel Planner

Kainga Ora were granted leave to be heard in Hearing 2.

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0343	Canterbury District Health Board	Ramon Pink	Medical Officer of Health
DPR-0378	Ministry of Education	Hugh Loughnan	Planner
DPR-0414	Four Stars Development Gould Developments	Phil Kennard	Representative