

**BEFORE THE HEARINGS PANEL
FOR THE SELWYN PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act
1991

AND

IN THE MATTER of Hearing Topic 1,
Strategic Directions

**LEGAL SUBMISSIONS FOR CHRISTCHURCH CITY COUNCIL
HEARING TOPIC 1 – STRATEGIC DIRECTIONS SECTION OF THE
PROPOSED DISTRICT PLAN**

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SCHEDULE 1 – *COLONIAL VINEYARD* MANDATORY REQUIREMENTS FOR DISTRICT PLANS WITH UPDATES TO CAPTURE AMENDMENTS MADE BY THE RESOURCE MANAGEMENT AMENDMENT ACT 2013

1. INTRODUCTION

- 1.1 These legal submissions are made on behalf of Christchurch City Council (**Council or CCC**) in respect of the submissions made on the Strategic Directions section of the Selwyn Proposed District Plan (**PDP**). The relevant submissions have been allocated to Hearing 1 – Strategic Directions, with the hearings scheduled to commence on 9 August 2021.

2. OUTLINE OF SUBMISSIONS FOR CCC

- 2.1 These legal submissions:

- (a) provide an outline of the functions and statutory obligations relevant to territorial authorities, and considerations for plan-making, under the Resource Management Act 1991 (**RMA**);
- (b) address two key higher order planning documents that the PDP (including the Strategic Directions) must give effect to, being the Canterbury Regional Policy Statement (**CRPS**) and National Policy Statement for Urban Development 2020 (**NPS-UD**);
- (c) discuss the implications of the CRPS and NPS-UD for the Strategic Directions, and the related identified issues with the PDP Strategic Directions, particularly in relation to the matter of urban growth; and
- (d) consider the potential amendments proposed by Mr Falconer, which seek to address those identified issues and concerns identified by CCC.

3. STATUTORY FRAMEWORK AND RELEVANT LEGAL CONSIDERATIONS

- 3.1 Without traversing all aspects of the statutory framework in detail:
- (a) The RMA requires that there shall at all times be one district plan for each district, prepared by a territorial

authority in the manner set out in Schedule 1 of the RMA.¹ The purpose of a district plan is to assist the relevant territorial authority to carry out its functions in order to achieve the purpose of the RMA.²

- (b) That purpose is to promote the sustainable management of natural and physical resources.³ The Schedule 1 process is designed to deliver a district plan that achieves this purpose, through the requirement to prepare a district plan in accordance with the provisions of Part 2 of the RMA.⁴
- (c) Part 2 comprises (relevantly) sections 6, 7 and 8, all of which provide direction in relation to certain matters. Several of those matters in Part 2 are elaborated on through national policy statements prepared in accordance with sections 45 to 52 of the RMA. Of particular relevance to the matters raised by the CCC submissions and evidence, the NPS-UD serves to recognise the national significance of “having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future”.⁵
- (d) SDC’s functions derive from section 31 of the RMA. Those functions are to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.
- (e) The preparation of a district plan is to occur in accordance with the process set out in Schedule 1. The relevant, and mandatory considerations, are prescribed in sections 32, 74 and 75 of the RMA. Of significance to the matters addressed in Council’s evidence, a district plan *must give effect to* a national policy statement and any regional policy statement,⁶

1 Section 73, RMA.

2 Section 72, RMA.

3 As that phrase is defined in section 5(2) of the RMA.

4 RMA, s74(1)(b).

5 <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-urban-development/>

6 RMA, s75(3).

and *shall have regard to* any proposed regional policy statement.⁷ These sections recognise that the RMA sets up a hierarchy of planning documents, all of which give meaning to Part 2 of the RMA.

3.2 The Environment Court, in *Long Bay-Okura Great Park Society v North Shore City Council*,⁸ and in subsequent decisions, has provided a comprehensive summary of the relevant considerations for plan making. Most recently, those considerations were summarised in *Colonial Vineyard Limited v Marlborough District Council*,⁹ the content of which is set out in **Schedule 1** to these submissions.

4. HIGHER ORDER PLANNING DOCUMENTS: SECTION 75(3)

National Policy Statement on Urban Development (NPS-UD)

4.1 The NPS-UD came into force in 2020. In short, it provides high order policy direction for decision-making on a range of matters associated with urban development and urban growth in New Zealand.

4.2 By way of context, the matters of urban development and growth are key resource management issues in New Zealand. Two national policy statements on these matters have been promulgated within the last five years: the first in 2016, and now the more recent NPS-UD in 2020.

4.3 The policy direction provided by the NPS-UD is a matter that requires specific assessment and recognition during the preparation of district plans, as the PDP is required to *give effect* to the NPS-UD.

4.4 Case law has established that “give effect to” means implement, which is a strong directive, creating a firm obligation on those

⁷ RMA, s74(2)(a)(i).

⁸ *Long Bay-Okura Great Park Society v North Shore City Council* EnvC Auckland A078/08, 16 July 2008, at [34]. This case related to the district plan provisions controlling urban development behind Long Bay and Grannie’s Bay within the North Shore City.

⁹ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55.

subject to it.¹⁰ What is required to implement any higher order direction will, however, depend on what resource issue the direction relates to, and how it is expressed, in terms of the language / wording used (ie. a specific / unqualified direction may be more prescriptive than those that are more abstract). The way in which any higher order direction in an NPS is reflected in a lower order planning document, ie. a regional policy statement, will also be material when preparing a district plan.

4.5 In the context of Greater Christchurch, and in light of there being an operative CRPS, it is a requirement that any regional or district plan change must give effect to both the provisions of the CRPS and NPS-UD, unless the CRPS can be said to be invalid or incomplete (in which case the district plan must give effect to the NPS-UD).

4.6 It is submitted for CCC that there is no reason why the CRPS could be considered to be invalid or incomplete, particularly in light of the new NPS-UD and the recently approved Change 1 to the CRPS. This matter is discussed further below.

4.7 As noted in Mr Falconer's evidence, it is concerning to CCC that the section 42A reports prepared by SDC provide limited discussion on the objectives of the NPS-UD, and inaccurately paraphrase the requirements imposed by the NPS-UD on territorial authorities.¹¹ The key reasons for this concern are that:

- (a) Selwyn District Council is a Tier 1 local authority under the NPS-UD, and a part of the Christchurch urban environment (also Tier 1);
- (b) Urban environments and local authorities listed in Tier 1 have experienced rapid urban growth and development in recent years, and are required by the NPS-UD to plan for significant further urban

¹⁰ *Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [77].

¹¹ PDP Overview s42A report, at 5.19 and 5.20.

development growth across the short, medium and long term.

- (c) For Selwyn District, the projected household growth across a 30-year period is 20,700, which equates to almost half that of Christchurch City; and
- (d) The response to managing this level of projected growth is of critical strategic significance for SDC, and the adjoining local authorities. The reason for this is that the NPS-UD directs that urban development growth be approached in a manner that contributes to a well-functioning urban environment, and so that it is aligned with the funding and delivery of strategic infrastructure.

4.8 It follows that CCC considers the matter of urban growth to be of fundamental importance, and that SDC should recognise this issue overtly through its PDP, particularly through the Strategic Directions chapter.

4.9 Before addressing the CRPS, one of the features of the new NPS-UD that warrants discussion is the “responsive planning framework” that is established by:

- (a) Objective 6(c), which is that decisions on urban development that affect urban environments are “**responsive**, particularly in relation to proposals that would supply significant development capacity”;
- (b) Policy 8, which directs decisions makers to be “**responsive** to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is... [un-anticipated or out-of-sequence]”; and
- (c) Clause 3.8 of the NPS-UD, which states that “every local authority **must have particular regard** to the development capacity provided by the plan change”.

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- 4.10** It is CCC's position that the responsive planning framework requires local authorities to engage with the substance / merits of unplanned growth or out-of-sequence plan changes, even if they do not accord or align with existing strategic growth plans. While it provides a way to release land for development capacity in a manner that is not entirely aligned with existing growth strategies, this is only where it is warranted (on the merits) and where it still accords with the hierarchy of planning documents under the RMA.
- 4.11** However, to the extent that it could be argued that the responsive planning framework overrides more specific or directive strategic growth provisions within an RPS (ie. by operating as a discrete pathway for the processing of out-of-sequence plan changes), it is submitted that there is nothing in Objective 6 or Policy 8 that gives priority or precedence to this new responsive framework. It is submitted that the NPS-UD is intended to be given effect to as a whole and that, when it is read as a whole, the NPS-UD does not provide any licence, or indicate any merits preference, for out-of-sequence, or unanticipated, urban development.
- 4.12** The overall direction provided by the NPS-UD, including that in Objective 6, is that local authority decisions affecting urban development are required to remain integrated with longer-term infrastructure decisions, and be strategic across the medium and long term, even if out-of-sequence proposals are being considered. As a result, the responsive planning framework cannot operate in a silo, as it would not achieve this overall direction.
- 4.13** It follows that the responsive planning framework is a complementary, but subsidiary, mechanism to the other objectives of the NPS-UD, and designed to work in tandem with existing growth strategies and relevant lower order planning documents. It is submitted that there is no reason why it, or any other policy direction in the NPS-UD, will displace any existing strategic planning for urban growth within urban environments.

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- 4.14** With the above in mind, it is submitted that the CRPS is the next key higher level document that needs to be considered.

The Canterbury Regional Policy Statement (CRPS)

- 4.15** The CRPS is the regional policy statement for the Canterbury region. While it provides direction on all matters required by sections 61 and 62 of the RMA, these legal submissions focus on the direction provided in relation to urban growth (as this is one of the key issues of interest to CCC).
- 4.16** The CRPS framework, through Objective 6.2.1, establishes a highly directive ‘avoidance’ regime for urban growth outside of existing urban areas, or identified Greenfield Priority Areas, unless expressly provided for by the CRPS. This regime directs that urban growth is located within areas that align (strategically and financially) with existing urban nodes, and existing and planned transport and servicing infrastructure. The regime is equally explicit that urban development outside such expressly identified areas is to be avoided.
- 4.17** Without traversing the leading decision of the Supreme Court in *King Salmon* (which will be well known to the Panel), it is now trite law that “avoid means avoid”, and that the use of this term in a policy document must be interpreted as a strong direction that must be implemented. The relevance of this to the PDP is that the CRPS avoidance regime *must be given effect to* under section 75(3).
- 4.18** Change 1, which introduced the FDAs, was prepared to strengthen the CRPS’ commitment to ensuring that development takes place in a coordinated way, with the staging and timing of future development managed to ensure that transport and other infrastructure planning is integrated with the provision of additional housing.¹² Change 1 was made operative on 28 July 2021.

¹² Appendix 1, Proposed Change 1 to Chapter 6 of the CRPS.

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- 4.19** The CRPS framework therefore limits urban growth within the Greater Christchurch area to within the identified infrastructure boundary, i.e. within the GPAs and FDAs.¹³ Within the Selwyn District, these areas adjoin Rolleston (GPA and FDAs), Lincoln and Prebbleton only (the latter two having GPAs only).
- 4.20** When the CRPS is read as a whole, and when considered against the direction provided by the NPS-UD, it is submitted that it is reasonable to interpret the CRPS as consistent with, and as having given effect to, the NPS-UD.¹⁴
- 4.21** CCC understands the PDP to acknowledge that this directive, and constraining, regime applies within Greater Christchurch. This acknowledgement is, however, provided in the Part 2 – General District Wide Matters, Urban Growth section (UG-P3), and not the Strategic Directions section of the PDP.
- 4.22** It is submitted that because the CRPS regime is of strategic significance to Greater Christchurch, and of importance to all Greater Christchurch Partnership members, specific reference to this avoidance regime should be included in the Strategic Directions of the PDP. We discuss this matter further below.

5. ROLE OF THE STRATEGIC DIRECTIONS

- 5.1** SDC's stated intention is that the Strategic Directions of the PDP are intended to provide "overarching direction" for other chapters and provisions, and that the Strategic Directions will have primacy over the other objectives and policies in the PDP.
- 5.2** CCC understands the Strategic Directions to provide a series of high-level objectives for the district, while leaving the articulation of activity-specific and location-specific objectives and policies to subsequent chapters. As described in the s42A report, the high-level objectives are said to reflect the factors

¹³ Evidence in Chief of David Falconer, 23 July 2021 at [7.12].

¹⁴ It is noted that the Report to the Minister for Change 1 to the CRPS (March 2021) notes, at paragraphs 4 and 6, that Change 1 is a "targeted change" to "give effect to the NPS-UD".

that are considered to be key to achieving the overall vision for the pattern and integration of land use within the Selwyn District.¹⁵

- 5.3** As outlined in Mr Falconer's evidence, while this intention is appropriate from a plan architecture and policy perspective, it is submitted that for certain matters it is critical to provide clear direction through the higher order objectives in the PDP, in a manner that gives effect to higher order planning documents. This is considered necessary to meaningfully articulate the requirements of the NPS-UD and CRPS, and guide the approach taken through the balance of the PDP, both in terms of later plan development and plan implementation.
- 5.4** In relation to the matter of urban growth, there is a degree of misalignment between the Strategic Directions and the lower order provisions, with UG-P3 (and UG-P13, but not as clearly) providing direction that is aligned with the CRPS avoidance regime, and SD-UFD-01 approaching urban growth in a broader manner. There is resulting potential for material inconsistency between these two provisions, as it is not the case that SD-UFD-01 provides overarching direction that supports the direction in UG-P3. The end result is uncertainty, in terms of the application of SD-UFD-01, and the potential that persons seeking to develop land for urban growth may seek to rely on SD-UFD-01 to the detriment of UG-P3 or UG-P13.
- 5.5** The risk is that because the PDP intends for "all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions"¹⁶, it could be possible to *read down* the direction in UG-P3 or UG-P13 in reliance on SD-UFD-01. This would, in turn, fail to give effect to the CRPS in relation to this significant strategic issue, resulting in a non-compliant PDP.

15 Proposed Selwyn District Plan, Part 2 - District Wide Matters, Strategic Directions, Directions Overview, accessed 26.07.21.

16 Proposed Selwyn District Plan, Part 2 - District Wide Matters, Strategic Directions, Directions Overview, accessed 27.07.21.

5.6 As a Tier 1 local authority that is required to plan for, and manage, urban growth, it is submitted that the PDP should articulate how this issue is to be addressed in a manner than is front and centre within the Strategic Directions. More importantly, the CRPS regime is submitted to be pivotal to ensuring that there is strategic alignment between infrastructure and urban growth. There should be no issue with expressly acknowledging the CRPS requirements in the Strategic Directions provisions, indeed it is arguably the key strategic issue for Selwyn District that warrants express policy direction.

5.7 As addressed in Mr Falconer's evidence, CCC considers that the Strategic Directions should provide clarity and direction in a way that is consistent with the CRPS, rather than provide that direction through a lower order policy which leaves a potential lack of clarity between two chapters in the PDP.

6. THE EVIDENCE FOR CCC

6.1 CCC and CDHB are relying on the planning evidence of Mr Falconer.

6.2 Mr Falconer has identified a number of key issues which we discuss below in light of the legal framework outlined above.

Issue 1: The Strategic Directions do not provide strong enough direction on urban growth

6.3 Mr Falconer notes in his evidence in chief that the avoidance aspect of the CRPS framework is only referenced in the urban growth provisions of the PDP, and not in the Strategic Directions section.¹⁷ Mr Falconer's primary concern with this is that the Strategic Directions lack any objective that recognises the directive framework provided by the CRPS.

6.4 Mr Falconer's view is that it is important that the Strategic Directions provide accurate, and complete, guidance on key

¹⁷ Evidence in Chief of Mr David Falconer, 23 July 2021, at [5.9].

strategic issues. This is particularly so for a high growth district like Selwyn, where there is mandatory, directive higher order policy direction involved. Mr Falconer's view is that it would be inefficient and inappropriate for there to be any potential ambiguity when it comes to implementing this CRPS framework.¹⁸

- 6.5** It is submitted that this view is entirely appropriate given that the CRPS framework has been intentionally developed to address the matter of urban growth in a strategic way for the entire Greater Christchurch urban environment.
- 6.6** In the case of the PDP, the Strategic Directions contain three separate urban growth objectives. SD-UFD-O1 is discussed further below, but is not considered to provide direction in a manner that gives effect to the CRPS regime (as described above). The other objectives, SD-UFD-02 and SD-UFD-03, do not engage with the avoidance framework outlined above at all. Instead they provide more general direction on matters associated with urban growth, which are recognised in the NPS-UD and the CRPS.
- 6.7** It is submitted that the lack of any reference to the avoidance framework that applies to the Greater Christchurch urban environment amounts to a significant gap in the PDP strategic framework. If the genuine intent is for the Strategic Directions to provide "overarching direction", then this should be achieved in a manner that reflects the requirements of the higher order planning documents.
- 6.8** Within the PDP, Part 1 – Introduction and General Provisions / Statutory Context acknowledges that the CRPS must be given effect to, and Part 2 – General District Wide Matters includes two policies which direct "residential growth" or the "zoning" of land to establish any new urban area to within certain locations (UG-P3, UG-P13(3)).

18 At [5.10].

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- 6.9** While these implementing policies are considered appropriate, the need for this level of restriction on urban development does not clearly derive from objectives UG-01 to 03, or the Strategic Directions section of the PDP, which is a matter that should be addressed. It is submitted that this is necessary to achieve alignment between the strategic objectives, and lower order provisions in the PDP.

Issue 2: The Strategic Directions must properly guide planning and decision making for the District's urban areas and smaller townships

- 6.10** It is submitted that consistency within the PDP should be a key focus for the Panel, so that uniform direction is provided in relation to urban growth in order to give effect to the CRPS framework. The reason this is submitted to be important, is to ensure that the Strategic Directions serve their intended role for decision-making.
- 6.11** CCC's understanding from the s42A report is that the Strategic Directions are intended to provide overarching direction for other plan chapters, and to have primacy over the objectives and policies. While CCC acknowledges that the Strategic Directions are intended to provide high-level guidance, and that they will not apply to all resource consent applications,¹⁹ the overarching direction provided must be articulated in a manner that gives effect to higher order policy. Any ambiguity, or uncertainty, could prove problematic for plan implementation.
- 6.12** A district plan is implemented through the top down and horizontal consideration of its objectives and policies.²⁰ This is intended to avoid confirmation bias, which may arise should the inquiry become one of how do the policies implement a highly prescriptive rule,²¹ or in this case, how does a Strategic Objective implement a prescriptive lower order policy. Clear guidance must come from the top down.

¹⁹ *Fright v Christchurch City Council* [2018] NZEnvC 112 at [49].

²⁰ *Fright v Christchurch City Council* at [47].

²¹ *Fright v Christchurch City Council*, at [47].

6.13 For these reasons, it is submitted that the Strategic Directions must shape the lower order policies in the PDP.²² As currently expressed, SD-UFD-O1 does not inform the more restrictive approach taken by UG-P3 or UG-P13(3), and so if interpretation issues do arise, the flaw is that the Strategic Directions will not assist to inform or guide the interpretation in a manner that accords with the CRPS framework. It is submitted that the way to resolve this matter is to backfill the Strategic Directions chapter, in the manner recommended by Mr Falconer.

Issue 3: The potential for misinterpretation of SD-UFD-O1

6.14 Further to the above, SD-UFD-O1 directs that urban growth be located 'in or around' existing townships. This objective leaves room for interpretation, including whether the objective intends on providing for urban growth in or around all townships, including outside the CRPS infrastructure boundary.

6.15 The key issues here are that this objective is more liberal in its approach to managing urban growth than UG-P3 or UG-P13(3), which leaves the potential to confuse the overarching policy direction for urban growth.

6.16 CCC acknowledges that outside of the Greater Christchurch area (ie. within the wider Canterbury region), the CRPS requires that urban growth be concentrated within, or "attached" to, existing urban areas.²³ The former part of this direction is to be achieved by providing higher density living environments, and a greater range of housing types within urban areas. While these policy directions are reflected in SD-UFD-01 (ie. reference to "attached"), the framing of SD-UFD-01 does not articulate the avoidance regime that is provided by Objective 6.2.1 – for land within Greater Christchurch (ie. land within the GPAs, brownfield sites and (as a result of the recently approved

²² Resource Management Act 1991, section 75(1).

²³ Canterbury Regional Policy Statement, Policy 5.3.1.

Change 1)²⁴, within Future Development Areas (**FDAs**, which can be developed subject to satisfying certain criteria).

- 6.17** If this objective is left in its current form, there is the potential for interpretation disagreements through consent applications. An example of this occurred in *Rogers v Christchurch City Council* decision, where the applicant for consent argued that a lower order policy could not properly be reconciled with the relevant strategic objective.²⁵ In that case, the Court did not accept the argument as the issue could be resolved by reading the strategic directions alongside each other.²⁶ In this context, a decision-maker may have difficulty reaching the same position, as the Strategic Objectives for urban growth do not assist to inform the interpretation of the lower order UG policies.

7. RECOMMENDED AMENDMENTS TO PDP PROVISIONS

- 7.1** Mr Falconer has recommended modifications to the Strategic Directions provisions to address the issues identified above. It is submitted that these modifications would achieve greater alignment between the Strategic Directions and the lower order Urban Growth chapter, so that there is a consistent direction flowing through the PDP.

- 7.2** Mr Falconer's recommended amendments would result in objectives that place clear limits on urban growth at the strategic level, rather than providing a much looser direction which does not align with the CRPS. For reference, Objective 3.3.7 of the Christchurch District Plan provides the comparable objective for the Christchurch district on this matter, and provides:

3.3.7 Objective - Urban growth, form and design

- (a) A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:

...

²⁴ Operative as at 28 July 2021.

²⁵ At [73].

²⁶ At [73].

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- (iii) Provides for [urban activities](#) only:
- A. within the existing urban areas unless they are otherwise expressly provided for in the CRPS; and
 - B. on [greenfield](#) land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the [Canterbury Regional Policy Statement Chapter 6, Map A](#); and

...

7.3 Mr Falconer will be available at the hearing to discuss his recommended amendments, and to provide comment on other evidence filed by submitters on the Strategic Directions.

DATED this 30th day of July 2021



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SCHEDULE 1

CASE EXTRACT *COLONIAL VINEYARD* MANDATORY REQUIREMENTS FOR DISTRICT PLANS WITH UPDATES TO CAPTURE AMENDMENTS MADE BY THE RESOURCE MANAGEMENT AMENDMENT ACT 2013

GENERAL REQUIREMENTS	ADDITIONAL COMMENT
1. A district plan (change) should be designed to accord with – and assist the territorial authority to carry out – its functions so as to achieve the purpose of the Act.	Requirements 1 and 2 need to be read subject to section 74(1) of the RMA which states: A territorial authority must prepare and change its District Plan in accordance with –
2. The district plan (change) must also be prepared in accordance with any regulation (there are none at present) and any direction given by the Minister for the Environment (again, there are none).	<ul style="list-style-type: none">a. Its functions under section 31²⁷;b. The provisions of Part 2;c. A direction given under section 25A(2);d. Its obligation (if any) to prepare an evaluation report in accordance with section 32;e. Its obligation to have particular regard to an evaluation report prepared in accordance with section 32; andf. Any regulations

²⁷ Which now includes, at section 31(1)(aa), a function to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.

GENERAL REQUIREMENTS	ADDITIONAL COMMENT
<p>3. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.</p>	<p>The national policy statements currently in place include:</p> <ul style="list-style-type: none"> • National Policy Statement on Urban Development 2020; • National Policy Statement for Freshwater Management; • National Policy Statement for Renewable Electricity Generation; • National Policy Statement on Electricity Transmission; and • New Zealand Coastal Policy Statement. <p>Of particular relevance to the matters raised by the CCC submissions is the NPS-UD.</p>
<p>4. When preparing its district plan (change) the territorial authority shall:</p> <ol style="list-style-type: none"> a. Have regard to any proposed regional policy statement; b. Give effect to any operative regional policy statement. 	<p>The PDP must give effect to the Canterbury Regional Policy Statement, including Change 1 to Chapter 6 which became operative on 28 July 2021</p>
<p>5. In relation to regional plans:</p> <ol style="list-style-type: none"> a. The district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation order; and b. Must have regard to any proposed regional plan on any matter of regional significance, etc. 	
<p>6. When preparing its district plan (change) the territorial authority must also:</p> <ul style="list-style-type: none"> • Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations to the extent that their context has a bearing on resource 	

GENERAL REQUIREMENTS	ADDITIONAL COMMENT
<p>management issues of the district; and to consistency with plans and proposed plans of adjacent territorial authorities;</p> <ul style="list-style-type: none"> • Take into account any relevant planning document recognised by an iwi authority; and • Not have regard to trade competition or the effects of trade competition. 	
<p>7. The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.</p>	
Objectives [the section 32 test for objectives]	
<p>8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.</p>	<p>The section 32 requirements, relevant to all of requirements 8, 9 and 10, are as follows:</p> <p>(1) An evaluation report required under this Act must - ...</p> <p>a. Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –</p> <p>i. Identifying other reasonably practicable options for achieving the objectives; and</p> <p>ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</p> <p>iii. Summarising the reasons for deciding on the provisions; and</p> <p>...</p> <p>(2) An assessment under subsection (1)(b)(ii) must –</p>

GENERAL REQUIREMENTS	ADDITIONAL COMMENT
	<ul style="list-style-type: none"> a. identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for – <ul style="list-style-type: none"> i. Economic growth that are anticipated to be provided or reduced; and ii. Employment that are anticipated to be provided or reduced; and b. If practicable, quantify the benefits and costs referred to in paragraph (a); and c. Assess the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions. <p>...</p> <p>(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified the circumstances of each region or district in which the prohibition or restriction would have effect.</p>

GENERAL REQUIREMENTS	ADDITIONAL COMMENT
Policies and methods (including rules) [the section 32 test for policies and rules]	
9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;	As above.
10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account: <ul style="list-style-type: none"> i. The benefits and costs of the proposed policies and methods (including rules); and ii. The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and iii. If a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances. 	
Relevant considerations in relation to district rules	
11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.	Not relevant for Hearing Topic 1 – Strategic Directions.
12. Rules have the force of regulations.	Not relevant for Hearing Topic 1 – Strategic Directions.
13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive than those under the Building Act 2004.	Not relevant for Hearing Topic 1 – Strategic Directions.

GENERAL REQUIREMENTS	ADDITIONAL COMMENT
14. There are special provisions for rules about contaminated land.	Not relevant for Hearing Topic 1 – Strategic Directions.
15. There must be no blanket rules about felling of trees in any urban environment.	Not relevant for Hearing Topic 1 – Strategic Directions.
Other statutes	
16. Finally territorial authorities may be required to comply with other statutes.	No other statutes have been identified as being of direct relevant to Hearing Topic 1 – Strategic Directions.