

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

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Proposed Selwyn District Plan
AND
IN THE MATTER of Hearing 1: Strategic Directions

**LEGAL SUBMISSIONS ON BEHALF OF
CANTERBURY REGIONAL COUNCIL
30 July 2021**

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MAY IT PLEASE THE PANEL:

Introduction

- 1 These legal submissions are filed on behalf of the Canterbury Regional Council (**CRC** or **Regional Council**) on the Strategic Directions Chapter of the proposed Selwyn District Plan (**pSDP**).
- 2 The Regional Council lodged a submission seeking that certain objectives in the Strategic Directions Chapter be retained as notified or that the original intention of those objectives is preserved.
- 3 These legal submissions address:
 - (a) The Regional Council's interest in the pSDP and the Strategic Directions Chapter;
 - (b) The relevant statutory framework with a particular focus on the Canterbury Regional Policy Statement (**CRPS**) and the National Policy Statement on Urban Development 2020 (**NPSUD**); and
 - (c) The Regional Council's position in respect of the s42A officer recommendations.

The Regional Council's interest in the pSDP and Strategic Directions Chapter

- 4 The Regional Council is generally very supportive of the proposed Strategic Directions Chapter and the proposed Selwyn District Plan as a whole. This is largely a reflection of the collaborative approach that the Selwyn District Council has taken for the district plan review, involving the Regional Council early and often in the review process. The CRC submission contains 119 submission points in support of key provisions in the plan that give effect to the CRPS, including 9 submission points in support of the objectives in the Strategic Directions Chapter.
- 5 The focus of the Regional Council's submission points are to ensure that the CRPS is given effect to and to avoid any duplication or inconsistencies with the regional planning framework. This reflects the Regional Council's statutory responsibility regarding the implementation of the CRPS. Where necessary, the Regional Council has also made submission points in partial support of the proposed provisions, requesting amendments to achieve greater consistency or to give better effect to the CRPS.

Relevant statutory framework

- 6 The relevant statutory framework is set out in the Overview s42A report of Mr Love dated 9 July 2021. These submissions do not propose to address the relevant framework in its entirety. Rather, they focus on:
- (a) the requirement of the pSDP to give effect to the CRPS, including Change 1 which was made operative on 28 July 2021; and
 - (b) the relationship between the CRPS and the National Policy Statement for Urban Development (**NPSUD**) which is of relevance to the Strategic Directions on Urban Form and Development.

Canterbury Regional Policy Statement

- 7 The CRPS includes very clear direction which the SDP is required to give effect to. The requirement to “give effect to” is a strong one and requires positive implementation of the superior instrument.¹
- 8 The High Court confirmed in *Environmental Defence Society Inc v Otago Regional Council*² that specific and unqualified policies (with directive wording, such as “avoid”) prevail over the less directive provisions.³
- 9 The chapters of the CRPS relevant to each Strategic Directions objective are addressed later in these submissions. However, in relation to Urban Form and Development, Chapters 5 and 6 of the CRPS are particularly relevant and warrant further discussion.
- 10 Chapter 6 applies within Greater Christchurch, being the area shown on Map A. Objective 6.2.1 and its associated policies provide a very clear and strong direction as to where new urban activities should be and must not be located.
- 11 Objective 6.2.1 states:

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

¹ *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited* [2014] NZSC 38 at [77].

² This decision has been appealed to the Court of Appeal on the question of law of whether the High Court misapplied the Supreme Court’s decision in *King Salmon* – see *Port Otago Ltd v Environmental Defence Society Inc* [2020] NZCA 246.

³ *Environmental Defence Society Inc v Otago Regional Council* [2019] NZHC 2278 at [45].

1. identifies priority areas for urban development within Greater Christchurch;
2. identifies Key Activity Centres which provide a focus for high quality, and where appropriate, mixed-use development that incorporates the principles of good urban design;
3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;

...

- 12 Objective 6.2.1 provides certainty as to locations for development, enabling long-term planning and funding for strategic, network and social infrastructure and the protection of Greater Christchurch's natural and physical resources. The importance of integration with infrastructure is recognised in the Objective and the Objective goes on to identify the key elements of natural and physical resources that must be protected. Existing constraints in terms of natural and physical resources are recognised as a critical part of successful growth management.⁴ In relation to Clause (3), it is well established that avoid means 'not allow' or 'prevent the occurrence of.'⁵
- 13 Objective 6.2.2 deals with urban form and settlement pattern and seeks an urban form that achieves the consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas by, among other things:
 - (4) providing for the development of greenfield priority areas, and of land within Future Development Areas where the circumstances set out in Policy 6.3.12 are met, on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure.
- 14 This settlement pattern is also supported by Objective 6.2.6 in relation to business land development.

⁴ Objective 6.2.1, principal reasons and explanation.

⁵ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38.

- 15 Objective 6.2.4 prioritises the planning of transport infrastructure so that it maximises integration within the priority areas and new settlement patterns and Objective 6.2.5 supports and maintains the existing network of centres as focal points for commercial, community and service activities
- 16 Policy 6.3.1 of the CRPS requires that urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS. A new Policy 6.3.12 has been inserted into the CRPS by the newly operative Change 1 which expressly provides for development within Future Development Areas (**FDAs**) located within the Projected Infrastructure Boundary in certain circumstances. There are three FDAs identified on Map A in the CRPS which adjoin the existing town of Rolleston.
- 17 Policies 6.3.4 and 6.3.5 are also key policies in respect of transport effectiveness and the integration of land use and infrastructure.
- 18 In respect of urban growth in the part of Selwyn District located in Greater Christchurch, any urban activities outside of existing urban areas, greenfield priority areas or Future Development Areas are to be avoided. Outside of Greater Christchurch, Chapter 5 of the CRPS applies. Policy 5.3.1 requires that urban growth occurs in a form that concentrates, or is attached to, existing urban areas and promotes a co-ordinated pattern of development.

Change 1 to Chapter 6 of the CRPS

- 19 Change 1 to Chapter 6 of the CRPS was made operative on 28 July 2021. The change now forms part of the operative CRPS. In summary, Change 1 includes the following amendments:
 - (a) Amendments to Map A in Chapter 6 to identify Future Development Areas (**FDAs**) within the existing Projected Infrastructure Boundary in Rolleston, Rangiora and Kaiapoi.
 - (b) The insertion of a new policy (Policy 6.3.12), to enable land within these FDAs to be rezoned by the Selwyn and Waimakariri District Councils if required to meet their medium-term housing needs.
 - (c) Various consequential changes to objectives, policies, and text within Chapter 6 and the Definitions for Greater Christchurch.

- 20 The existing objectives and policies, including those related to transport effectiveness, land use and transport integration, outline development plans, and natural hazards, similarly apply to urban development in FDAs.
- 21 The targeted change to the CRPS was progressed under the Streamlined Planning Process and sought to implement an action in Our Space 2018-2048: Greater Christchurch Settlement Pattern Updated Whakahāngāi O Te Hōrapa Nohoanga (**Our Space 2018-2048**) and give effect to the requirement in the NPSUD for local authorities to provide at least sufficient development capacity to meet expected demand for housing and business land over the short, medium, and long term.⁶
- 22 Our Space 2018-2048, which was undertaken to meet the requirements of the former National Policy Statement on Urban Development Capacity (**NPSUDC**) to prepare a future development strategy, identified that housing development capacity in Selwyn and Waimakariri is potentially not sufficient to meet demand over the medium and long term (10 to 30 years). This targeted change to the CRPS was identified as part of the proposed planning response to increase development capacity for housing and respond to an identified potential shortfall.
- 23 Change 1 is part of a broader suite of initiatives being undertaken by the Greater Christchurch Partnership⁷ and partner councils⁸ to strategically manage growth and development in Greater Christchurch. It is one of a number of actions the Partnership is undertaking to give effect to the NPSUD and continue to provide development capacity to meet expected demand for housing and business land in a manner that supports infrastructure planning and funding decisions, particularly in relation to public transport infrastructure and future mass rapid transit investment. These actions include the spatial planning exercise recently initiated by the Greater Christchurch Partnership in conjunction with delivery of the Greater Christchurch 2050 Strategic Framework and the establishment

⁶ NPSUD, Policy 2 and Part 3, Sub-part 1, cl 3.7.

⁷ The Greater Christchurch Partnership comprises Environment Canterbury, Christchurch City Council, Selwyn District Council, Waimakariri District Council, Canterbury District Health Board, Te Rūnanga o Ngāi Tahu, Waka Kotahi New Zealand Transport Agency, and the Department of the Prime Minister and Cabinet.

⁸ Environment Canterbury, Christchurch City Council, Selwyn District Council and Waimakariri District Council.

of an Urban Growth Partnership with the Crown, together with a review of the CRPS in 2024.

NPSUD

- 24 In addition to the CRPS, the pSDP is also required to give effect to the NPSUD which came into force on 20 August 2020. The NPSUD applies to all local authorities that have all or part of an urban environment within their district or region (identified as Tier 1, 2 and 3 local authorities), and to planning decisions (including resource consent decisions) by any local authority that affect an urban environment.
- 25 For the purpose of the NPSUD, Christchurch is identified as a Tier 1 urban environment and Environment Canterbury, Christchurch City Council, Waimakariri District Council and Selwyn District Council are Tier 1 local authorities.
- 26 Part 4 of the NPSUD includes timeframes for implementation. As Tier 1 local authorities the Regional Council and Selwyn District Council must amend its regional policy statement and district plan respectively to give effect to the provisions of the NPSUD as soon as practicable.⁹
- 27 In addition, local authorities are required to comply with specific policies of the NPSUD in accordance with the table set out in Clause 4.1. This includes making a Future Development Strategy (**FDS**) publicly available after the commencement of the NPSUD in time to inform the 2024 long-term plan, a Housing and Business Capacity Assessment (**HBA**) so far as it relates to housing by 31 July 2021 and a HBA relating to both housing and business land in time to inform the 2024 long-term plan.¹⁰ The spatial planning exercise recently initiated by the Greater Christchurch Partnership is intended to fulfil the FDS requirements of the NPSUD.
- 28 The NPSUD contains 8 objectives and 11 policies. No objectives or policies are expressed as having priority over another. Although, as with the interpretation of any planning document, careful attention must be paid to the language used and how the provisions are framed.

⁹ NPSUD, CI 4.1(1).

¹⁰ NPSUD, CI 4.1(2). Local authorities must also comply with policies 3 and 4 in respect of intensification no later than 2 years after commencement date of the NPSUD and Policy 11(a) in respect of car parking not later than 18 months after commencement date.

- 29 The NPSUD retains many of the obligations of the previous NPSUDC, including a requirement that Tier 1, 2 and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. This requirement is reflected in objective SD-UFD-O2 of the Strategic Directions chapter, subject to some amendments recommended by the s42A officer. The reference to 'at least' creates a minimum requirement to provide sufficient feasible development capacity. It does not require 'ample' or 'plentiful' capacity as sought by some submitters on the pSDP. Our Space, together with the inclusion of Change 1 in the CRPS, shows that there is sufficient housing capacity within Greater Christchurch to meet the expected demands over the next 30 years.
- 30 Central to the NPSUD is a new, broader focus, on the achievement of well-functioning urban environments.¹¹ The objectives and policies also include specific references to climate change (Objective 8, and Policies 1 and 6) and Te Tiriti o Waitangi (Objective 5 and Policy 9).
- 31 The NPSUD requires local authorities to provide for intensification, particularly in areas close to urban centres, places that are well-served by public transport, and other areas with high demand for housing and business space (Objective 3 and Policies 3, 4 and 5).
- 32 In addition, Objective 6 of the NPSUD requires that:
- Local authority decisions on urban development that affect urban environments are:
- (i) Integrated with infrastructure planning and funding decisions; and
 - (ii) Strategic over the medium term and long term; and
 - (iii) Responsive, particularly in relation to proposals that would supply significant development capacity.
- 33 Policy 8 requires that local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

¹¹ NPSUD, Objective 1 and Policy 1.

- (a) Unanticipated by RMA planning documents; or
 - (b) Out-of-sequence with planned land release.
- 34 Regional Councils are required to include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.¹²
- 35 If a plan change provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release, the local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
- (a) Would contribute to a well-functioning urban environment; and
 - (b) Is well-connected along transport corridors; and
 - (c) Meets the criteria set by the regional council in its regional policy statement.
- 36 There are several aspects to note about the implementation of Policy 8. The significance criteria is to be developed by the regional council and included in its regional policy statement, not in a district plan. The Regional Council is working with relevant territorial authorities to formulate this criteria.
- 37 The significance criteria is for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity. This criteria is to be given particular regard when considering a plan change, together with whether the development capacity provided by the plan change would contribute to a well-functioning urban environment and is well-connected along transport corridors. 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.
- 38 This is consistent with the outcomes sought by Objective 6 where decisions that affect urban environments are also integrated with

¹² NPSUD, CI 3.8(3).

infrastructure planning and funding decisions and are strategic over the medium (3-10 years) and long term (10-30 years).

- 39 The responsive planning obligations on local authorities in the NPSUD are intended to complement the obligations that decisions are integrated with infrastructure planning and funding decisions and strategic over the medium and long term and that NZ has well-functioning urban environments that support the reduction in greenhouse gas emissions and are resilient to the current and future effects of climate change. The requirement to be responsive does not override or take precedence over these obligations which fundamentally underpin the growth strategies of local authorities, including the spatial planning exercise being undertaken by the Greater Christchurch Partnership and the existing CRPS Chapter 6 framework to accommodate expected growth and enable urban development within identified spatial areas.
- 40 It is submitted that there is no tension or conflict between the NPSUD and CRPS. Chapter 6 of the CRPS requires that development is located and designed in a way that achieves consolidated and coordinated urban growth that is integrated with the provision of infrastructure. It directs the location of growth and development within Greater Christchurch. Within the Selwyn District it encourages the sustainable and self-sufficient growth of Lincoln, Rolleston and Prebbleton but within defined locations supported by planned infrastructure. The certainty provided by the CRPS as to locations for development, enabling long term planning and funding for infrastructure and the protection of Greater Christchurch's natural and physical resources is consistent with the outcomes sought by the NPSUD.

The Regional Council's position on the recommendations in the s42A Report

- 41 Since lodging its submission, the Regional Council has reviewed the s42A Report of Mr Love and the evidence lodged by other submitters, including the evidence of Mr Falconer for Christchurch City Council (**CCC**). The Regional Council generally agrees with the recommendations of Mr Love on the objectives listed above, subject to some matters which are further addressed below. Where Mr Love has recommended amendments to the objectives, the Regional Council considers that these amendments better articulate the intent of the objective and better give effect to the CRPS.

District Identity

SD-DI-O2: District Wellbeing and Prosperity

- 42 The Regional Council sought that Objective SD-DI-O2 be retained as notified or that the original intent is preserved. The Regional Council supports the recommendations of Mr Love and evidence of Mr Falconer for CCC that the Objective be retained as notified. As set out in the Regional Council's submission, ensuring that existing activities are protected from incompatible activities is consistent with the objectives and policies in the CRPS that seek to manage reverse sensitivity effects.¹³

SD-DI-O3: Integration and Land Use, Ecosystems, and Water - Ki Uta Ki Tai

- 43 The Regional Council sought that Objective SD-DI-O3 be retained as notified or that the original intent is preserved. The Regional Council is strongly supportive of the inclusion of Ki Uta Ki Tai in the Selwyn District Plan, especially with regards to integration with the regional planning framework. It is an important principle that guides the Canterbury Water Management Strategy planning framework and is recognised in the CRPS and freshwater regional plans, including in Objective 7.2.4 of the CRPS.
- 44 Mr Love recommends that Objective DS-DI-O3 be amended to state:
- Land and water resources are managed through an integrated approach, which recognises both the importance of ki uta ki tai to Ngāi Tahu and communities, and the inter-relationship between ecosystems and natural processes.
- 45 The reasoning provided for the recommended amendment is the principle of ki uta ki tai is valued wider than just to Ngāi Tahu but to all of Selwyn's communities and the addition of "communities" would provide greater recognition that this concept is important to all people.
- 46 The Regional Council supports this proposed amendment to this objective which is consistent the Environment Court decision of *Aratiatia v Southland Regional Council* where the Court stated that:¹⁴

¹³ The relevant objectives and policies include 5.3.1, 5.3.2, 5.3.8, 5.3.9, 5.3.10, 5.3.12, 6.3.5, 6.3.6, 6.3.8, 6.3.9, 8.3.5, 14.3.5, 16.3.4 and 16.3.5.

¹⁴ *Aratiatia Livestock Limited v Southland Regional Council* [2020] NZEnvC 93 At [6].

Te Mana o te Wai [and indeed ki uta ki tai] while expressed in the NPS-FM in te reo Māori, benefits all New Zealanders. Te Mana o te Wai is not “Maori centric” but a “water centric” approach.

SD-DI-O4: Our Environment

47 The Regional Council sought that Objective SD-DI-O4 be retained as notified or that the original intent is preserved. The protection of places, landscapes, features, and sites of cultural significance and the safeguarding of their values for our mokopuna are all objectives of the CRPS, including in Chapters 2 (Issues of Resource Management Significant to Ngāi Tahu, 4 (Provision for Ngāi Tahu and their Relationship with Resources), 9 (Ecosystems and Indigenous Biodiversity), 12 (Landscape) and 13 (Historic Heritage).

48 Mr Love recommends that Objective DS-DI-O4 be amended to state:

Places, landscapes, ~~and~~ features, and indigenous biodiversity which are significant to Selwyn's character, cultural heritage, or are of spiritual importance to Ngāi Tahu, are identified, recognised for their values, and protected for future generations

49 This is to provide better clarity that significant biodiversity is a relevant aspect that needs to be considered.

50 The Regional Council supports this proposed amendment to this Objective and the reasons set out at paragraphs 10.4.1 and 10.4.2 of the s42A Report. It is also submitted that the change will give better effect to the CRPS.

SD-DI-O5: Vibrant and Viable Centres

51 The Regional Council sought that Objective SD-DI-O5 be retained as notified or that the original intent is preserved. The hierarchy of activity centres is consistent with the direction for the location of Key Activity Centres in Chapter 6 of the CRPS (Objective 6.2.1, 6.2.2, 6.2.5 and Policy 6.3.1, 6.3.6).

52 Mr Love recommends that the provision be retained as notified. Foster Commercial has requested that the proposed objective be amended by removing the ‘hierarchy’ and ‘activity centre network’ components. It is submitted that the removal of these components would be inconsistent with the direction in the CRPS regarding the centres hierarchy. The

Regional Council supports the evidence of Mr Falconer for CCC at paragraph 7.7 in respect of this issue.

Infrastructure, Risk and Resilience

SD-IR-O2: Effects of Important Infrastructure

- 53 The Regional Council sought that Objective SD-IR-O2 be retained as notified or that the original intent is preserved.
- 54 The Regional Council supports Mr Love's recommendation that the provision be retained as notified.
- 55 The CRPS uses the terms 'critical infrastructure' in Chapter 11 (Natural Hazards), 'regionally significant infrastructure' in the Chapter 5 (Land-Use and Infrastructure), Chapter 8 (The Coastal Environment) and both 'critical infrastructure' and 'regionally significant infrastructure' in chapter 10 (Beds of Rivers and Lakes and their Riparian Zones). The term 'strategic infrastructure' is used in Chapter 6 (Recovery and Rebuilding of Greater Christchurch).
- 56 The definition of Important Infrastructure in the pSDP is consistent with and encapsulates the use of these different terms in the CRPS.

SD-IR-O3: Natural Hazards

- 57 The Regional Council sought that Objective SD-IR-O3 be retained as notified or that the original intent is preserved. The Regional Council strongly supports including the effects of climate change and it is submitted that the objective gives effect to the relevant objectives in Chapter 11 of the CRPS, in particular Objective 11.2.1 which seeks to avoid new subdivision, use and development of land that increases risks associated with natural hazards, Policy 11.3.1 and Policy 11.3.4 which provides that new critical infrastructure will be located outside high hazard areas unless there is no reasonable alternative.
- 58 The Regional Council supports Mr Love's recommendation that the provision be retained as notified.

Mana whenua values

SD-MWV-01: Partnership with Ngāi Tahu

- 59 The Regional Council sought that Objective SD-MWV-O1 be retained as notified or that the original intent is preserved. The Regional Council strongly supports the provision of meaningful engagement for mana

whenua and supports Mr Love's recommendation that the provision be retained as notified.

Urban Form and Development

SD-UFD-O1: Compact and Sustainable Township Network

- 60 The Regional Council sought that Objective SD-UFD-O1 be retained as notified or that the original intent is preserved.
- 61 Mr Love recommends that Objective SD-UFD-O1 be amended to state:
- Urban growth is located only in or ~~around~~ adjoining existing townships and in a compact and sustainable form that aligns with its anticipated role in the Township Network, while ~~responding~~ considering ~~to~~ the community's needs, natural landforms, cultural values, highly productive land, and physical features.
- 62 The Regional Council supports the recommended changes.
- 63 The Regional Council supports the replacement of "around" with "adjoining". It supports the reasoning in the section 42A report in response to the CCC's submission that the term "adjoining" makes it clearer that urban growth is only intended to occur in areas adjoining the existing urban area, which will better implement the CRPS including:
- (a) Policy 5.3.1 of the CRPS which requires that urban growth occurs in a form that concentrates, or is attached to, existing urban areas and promotes a co-ordinated pattern of development; and
 - (b) Objective 6.3.1 which seeks to avoid urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS; and
 - (c) Objective 6.2.2 which seeks that the urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by (among other things):
 - (i) providing for the development of greenfield priority areas and of land with Future Development Areas where the circumstances set out in Policy 6.3.12 are met, on the

periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure.

- (d) Policy 6.3.1 which seeks to ensure that new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS such as in Future Development Areas as provided for in new Policy 6.3.12.

64 Mr Falconer for the CCC has expressed concern about the way in which SD-UFD-O1 could be interpreted alongside other provisions of the PDP, and the CRPS.¹⁵ Having reflected on the relationship between the Strategic Directions chapter and the Urban Growth Chapter of the SDP the Regional Council acknowledges this concern.

65 The Overview of the Strategic Directions chapter states that:

For the purposes of preparing, changing, interpreting, and implementing the District Plan, 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.

66 There is a potential inconsistency between SD-UFD-O1 and UG-P3. UG-P3 states:

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.

67 UG-P3, which CRC also supported in its submission, implements the strongly directive framework in Chapter 6 of the CRPS which seeks to avoid urban development outside of areas identified within the Projected Infrastructure Boundary on Map A.

68 However, as set out in the evidence of Mr Falconer, SD-UFD-O1 could be interpreted as providing for growth outside of areas identified on Map A in Chapter 6 (i.e. adjoining an existing township, regardless of whether

¹⁵ David Falconer, CCC Evidence in Chief, 23 July 2021 at [7.11].

it is within a greenfield priority area of a Future Development Area). This outcome would not implement Chapter 6 of the CRPS.

- 69 The Regional Council agrees with Mr Falconer's view that given that "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", this ambiguity warrants review.¹⁶ This resulting ambiguity poses a risk that the directive policy of UG-P3 is given colour by SD-UFD-O1 such that it may be read down in a way that allows for growth outside of identified areas, an outcome which would not implement the CRPS.
- 70 Mr Falconer has set out two potential options to resolve this ambiguity. The Regional Council's position is that either option would better give effect to Chapter 6 of the CRPS. However, from a drafting perspective the first potential option where UD-P3 is included as a standalone objective within the Strategic Directions chapter is preferred.
- 71 The Regional Council made a further submission in support of Federated Farmers submission seeking the inclusion of the potential loss of highly productive soils and the creation of incompatible activities.
- 72 The introduction of 'highly productive land' is consistent with Policy 5.3.2 of the CRPS which seeks to enable development which ensures that adverse effects are avoided, remedied or mitigated, included where these would compromise or foreclose the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production and Policy 5.3.12 which seeks to maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production.

SD-UFD-O3: Integration of Land Use and Infrastructure

- 73 The Regional Council sought that Objective SD-UFD-O3 be retained as notified or that the original intent is preserved. Integration of urban growth and development with infrastructure is a key aspect of Chapters

¹⁶ David Falconer, CCC Evidence in Chief, 23 July 2021 at [7.24].

5 and 6 of the CRPS and the Regional Council strongly supports the inclusion of managing and responding to the effects of climate change.

- 74 The Regional Council supports Mr Love's recommendation that the provision be retained as notified.

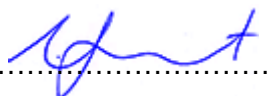
Proposed New Rurally Based Strategic Objectives

- 75 The Regional Council made a further submission supporting HortNZ's submission to insert the following objective:

Primary production and rural industry activities are able to operate efficiently and effectively and the contribution that they make to the economic and social wellbeing of the district is recognised. Productive and versatile land is retained for primary production to enable production of food. Development is located and designed which enables primary production activities to occur in rural areas and not be constrained by location of incompatible activities adjacent to rural production activities.

- 76 Mr Love has recommended that submissions seeking that specific provisions dealing with rural activities and the rural area be inserted into the Strategic Directions Chapter be rejected. This is on the basis that the elements brought up in the suggested provisions are already captured either specifically in the General Rural Zone provisions, or in the existing proposed strategic objectives largely through SD-DI-O1 – SD-DI-O4, and SD-UFD-O1.¹⁷ Mr Love has however, recommended an amendment to SD-UFD-O1 to include "highly productive land" as a consideration. The Regional Council supports this recommendation.

Dated this 30th day of July 2021



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¹⁷ Section 42A Report, Strategic Directions, Robert Love, 9 July 2021 at [19.3].