

**BEFORE INDEPENDENT HEARINGS COMMISSIONERS APPOINTED BY SELWYN  
DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991  
("the Act")

**AND**

**IN THE MATTER** of the Proposed Selwyn District Plan

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**EVIDENCE OF STEWART FLETCHER ON BEHALF OF WAKA KOTAHI  
NZ TRANSPORT AGENCY**

**21 July 2021**

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My name is **STEWART FLETCHER** of Christchurch and I work for Waka Kotahi NZ Transport Agency. I have been requested by Waka Kotahi to assist them in the provision of evidence regarding part of their submission on the Strategic Directions section of the District Plan (Hearing 01).

## **1 Qualifications**

- 1.1 I am employed by Waka Kotahi as a Principal Planner covering the South Island. I have been practicing as a Planner for 1 year in this role at Waka Kotahi and previously assisted Waka Kotahi as a consultant planner for approximately 10 years. I have over two decades of planning experience in both local government and consultancies.
- 1.2 I have a Bachelor of Resource Studies from Lincoln University and am a full member of the New Zealand Planning Institute.

## **2 Expert Witness Practice Note**

- 2.1 In accordance with the 'Minute and Directions of Hearings Commissioners on Procedures for Hearing of Submissions' dated 8 June 2021, I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's 2014 Practice Note. I have complied with the Practice Note when preparing this written statement of evidence and will do so when I give oral evidence before the Hearings Panel (Panel).

## **3 Scope of Evidence**

- 3.1 This evidence regards that part of the Waka Kotahi submission on the Strategic Directions section of the Proposed Selwyn District Plan (Hearing 01). This specifically includes the objectives for District Identity, Infrastructure and Urban Form. Comment is briefly provided on the submission made, reasons for the submission and feedback on the section 42A report.
- 3.2 This evidence is limited to those matters within my expertise and those matters within the scope of the submission lodged.

## **4 District Identity**

- 4.1 Waka Kotahi submitted in support of Objective SD-DI-O2 and made two further submissions.
- 4.2 The inclusion of the objective was supported based on the recognition of infrastructure and protection from incompatible activities. Waka Kotahi supports an integrated approach to the planning of land use and transport. There should be

considerations of the transport needs of future growth and its subsequent impact on the performance of the transport system. The considerations of subsequent impact should go beyond the implementation of infrastructure, but also the readiness and feasibility to provide good quality alternative travel choices, feasibility to manage its operations, and affordability to maintain the service at a reasonable level of performance.

4.3 The further submissions supported the inclusion of a reference to reverse sensitivity effects and opposed changes to the balance of provisions including changes to activity classifications.

4.4 I agree with the recommendations in the 42A report regarding the above. This includes that the objective does include language to ensure existing activities are protected from inappropriate activities. I note that Objective SD-IR-O1 (Infrastructure, Risk and Resilience – Community Needs) is similar in wording as follows:

*“The important infrastructure needs of the community are fulfilled, and their operation is protected.”*

4.5 This high-level language is appropriate for what I consider to be those ‘high level’ objectives at the start of the Proposed District Plan. The concepts from this objective do also flow down through the Proposed Plan including Policy EI-P6 which specifically addresses reverse sensitivity for infrastructure.

4.6 Therefore, I agree with the recommendation in the section 42A report that the Hearings Panel retain the provision as notified.

4.7 In addition to the above it is noted that Ellesmere Sustainable Agriculture Inc. submitted that an additional objective should be included within the District identity section. Suggested wording was as follows:

*“Thriving Rural Area*

*Selwyn’s rural productive activities are recognised and provided for so they continue to thrive, use resources efficiently and contribute positively to the district and national economy.”*

4.8 The inclusion of such a provision is not opposed but careful consideration would need to be given to the relationship of the suggested objective with other provisions and the implications of such an objective. For example, whether rural productive activities could be interpreted to include those activities associated with rural production, such as processing facilities or commercial rural suppliers. In my opinion the inclusion of such an objective is not unreasonable but further consideration should be given to the wording of any provision.

## 5 Infrastructure, Risk and Resilience

- 5.1 Waka Kotahi submitted in support of Objectives SD-IR-O1, SD-IR-O2 and submitted in partial support of Objective SD-IR-O3.
- 5.2 Waka Kotahi made four further submissions regarding SD-IR-O1, four further submissions regarding SD-IR-O2 and two further submissions regarding SD-IR-O3.
- 5.3 In the original submission the first two objectives were supported as is and a minor amendment to the wording of Objective 3 was sought. Regarding the further submissions, while opposition in part was specified for some, Waka Kotahi was not opposed to further consideration of the wording of the provision and instead wished to ensure the importance of state highway infrastructure is still recognised and the opportunity is made for all parties to consider alternative agreeable terminology. Regarding the submissions in support Waka Kotahi supported the inclusion of provisions to assist in the management of infrastructure and potential effects on it.
- 5.4 I have reviewed the section 42A report regarding the above and can confirm that I agree with the recommendations on the original submission points made by Waka Kotahi. However, further clarification is recommended to be provided in other chapters on the criteria to determine “no reasonable alternative”.
- 5.5 Regarding the further submissions, it is suggested additional consideration is required. The use of the term important infrastructure is different in the first objective when compared to the second and third. The first objective refers to ‘The important infrastructure needs of the community’, i.e. the purpose of the objective is the needs of the community, whereas the second and third objectives are specific to ‘important infrastructure’. The three objectives are shown below:

### SD-IR-Objectives

#### Community Needs

**SD-IR-O1** The important infrastructure needs of the community are fulfilled, and their operation is protected.

#### Effects of Important Infrastructure

**SD-IR-O2** The development, upgrade, maintenance, and operation of all important infrastructure is enabled in a way that minimises adverse effects, while having regard to the practical constraints and the logistical and technical practicalities associated with important infrastructure.

#### Natural Hazards

**SD-IR-O3** The risk from natural hazards, including the effects of climate change, to people, property, and important infrastructure is not increased, other than where necessary to provide for important infrastructure that has no reasonable alternative.

- 5.6 It is suggested that Objective 1 is confusing as to its purpose. Is it to ensure the needs of the community are fulfilled or is it to protect the operation of important infrastructure? Further consideration of this issue is recommended.

## **6 Urban Form and Development**

### *Original Submission*

- 6.1 Waka Kotahi submitted in partial support of Objective SD-UFD-O1 and in support of Objective SD-UFD-O3.
- 6.2 Reasons for the partial support of Objective 1 were that Waka Kotahi supported compact and sustainable township networks as it promotes growth to occur where appropriate infrastructure has been established and in a sustainable manner. It was recommended that further consideration be given to whether this objective should also include support for a higher density of residential developments at locations where active and public transport mode choice is established to enhance viability of these services. Integrated urban development should also be encouraged to provide local commercial and employment opportunities to maximise self-sufficiency of local communities. Urban growth should consider the overall impact it has on the wider transport network. Development priority should be given to those locations of which opportunities to make better use of existing infrastructure can be created and safeguarded.
- 6.3 Reasons for the support of Objective 3 included support for compact and sustainable township networks as it promotes growth to occur where appropriate infrastructure has been established and in a sustainable manner.
- 6.4 Four submissions were received in support of the Waka Kotahi submission on SD-UFD-O1. Waka Kotahi also made fourteen further submissions regarding SD-UFD-O2 (all in opposition) and three further submissions regarding SD-UFD-O3 (all in support).
- 6.5 Those matters raised through the submission process are discussed as follows:

### Higher Density Living

- 6.6 As the Selwyn District develops, different types of residential living will evolve. This might range from larger family sized sections through to apartments. Over time this could see existing residential areas being redeveloped with higher density living.

- 6.7 The redevelopment of such areas is considered positive as there is likely to be infrastructural advantages, such as close proximity to shopping areas and bus stops.
- 6.8 The question raised through the submission of Waka Kotahi was whether the objectives for Urban Form and Development needed to be more encouraging or explicit in the promoting of higher density living within existing established residential areas.
- 6.9 The section 42A report suggests Objective 1 does provide for this. I agree there is some language within the Objective which could be interpreted as aligning with this opinion such as the wording *“that aligns with its anticipated role in the Township Network”* as included in Objective 1. That said, I do not consider that the objective and consequent objectives and policies elsewhere in the plan could be considered to be encouraging of higher density living in appropriate locations. Council needs to determine whether such provisions should be included while also recognising the benefits this may have for the provision of infrastructure, including efficiencies.

#### Sufficiency of Development Capacity

- 6.10 Whilst Waka Kotahi supports allowances to make room for growth, it is equally important to ensure quality built environments and strategic integrated planning is achieved, as stated in the Urban Growth Agenda.
- 6.11 Waka Kotahi has made several further submissions regarding those submissions which seek to amend objective SD-UFD-O2 generally including the amendment of wording to remove the term ‘sufficient’ and replace it with ‘ample’ or similar wording.
- 6.12 In my experience subtle changes in wording can be interpreted to result in different outcomes. Accordingly, sufficient versus ample could also result in different outcomes. This becomes more important on the basis of SD-UFD-O2 being a high-level objective which trickles or flows down to other provisions, such as objective UG-O3. Subtle changes in wording can have significant effects and, in my opinion, ‘ample’ introduces a term with different connotations or expectations compared to ‘sufficient’. This could include providing for the development of land in excess of what is considered to be required.
- 6.13 Ample is not a term used in the NPS-UD whereas sufficient is. Sufficient is a term used on multiple occasions within the NPS-UD including Policy 2:

***Policy 2:*** 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.

- 6.14 In my opinion it is more appropriate that the proposed District Plan includes language consistent with higher tier documents, particularly including the NPS-UD. To amend the wording could introduce different outcomes but also could start conflicting with other provisions in the NPS-UD. For example, Objective 6 of the NPS-UD specifies that Local authority decisions on urban development that affect urban environments are:
- integrated with infrastructure planning and funding decisions;
  - and strategic over the medium term and long term;
  - and responsive, particularly in relation to proposals that would supply significant development capacity.
- 6.15 Overall, it is considered appropriate that the wording of objective SD-UFD-O2 is not amended to refer to ample rather than sufficient, which is also consistent with the recommendation of the section 42A report.
- 6.16 Reasons for the support of Objective 3 is that Waka Kotahi considers “urban growth and development is well integrated with the efficient provision of infrastructure” includes the provision of good quality urban design, transport options and travel choices.
- 6.17 Waka Kotahi also considers “urban growth and development has the ability to manage or respond to the effects of climate change” includes reduction of urban greenhouse emissions and contribution to the pathway of decarbonising the transportation system.

## **7 Summary**

- 7.1 Overall, the strategic directions section of the Proposed Selwyn District Plan is considered to be generally appropriate including suitable recognition of State highway infrastructure. It is recommended that the Hearings Panel give further consideration to:
- Suitable wording if it is considered appropriate to include an objective for Thriving Rural Areas;
  - Amending objective SD-IR-O1 to eliminate inconsistencies with other provisions and avoiding the potential for confusion; and

- Whether greater provision should be made for higher density living in suitable existing residential areas.

**Stewart Fletcher**

**22 July 2021**