

Before an Independent Hearings Panel  
Appointed by Waimakariri District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions on the Proposed  
Waimakariri District Plan

*and:* Hearing Stream 10A: Future Development Areas

*and:* **Carter Group Property Limited**  
(Submitter 237)

*and:* **Rolleston Industrial Developments Limited**  
(Submitter 160)

Summary of evidence of Jeremy Phillips (Planning) on behalf of  
Carter Group Limited and Rolleston Industrial Developments  
Limited

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Dated: 21 February 2024

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Reference: J M Appleyard (jo.appleyard@chapmantripp.com)  
LMN Forrester (lucy.forrester@chapmantripp.com)

chapmantripp.com  
T +64 3 353 4130  
F +64 4 472 7111

PO Box 2510  
Christchurch 8140  
New Zealand

Auckland  
Wellington  
Christchurch



## **SUMMARY OF EVIDENCE OF JEREMY PHILLIPS ON BEHALF OF CARTER GROUP LIMITED AND ROLLESTON INDUSTRIAL DEVELOPMENTS LIMITED**

### **INTRODUCTION**

- 1 My full name is Jeremy Goodson Phillips. I am a senior planner and Director practising with Novo Group Limited in Christchurch. My qualification and expertise are set out in full in my statement of evidence dated 2 February 2024.

### **SUMMARY**

- 2 My evidence focuses on the appropriateness and rigour of the proposed certification process as an alternative to the conventional Schedule 1 requirements for rezoning. In summary:
  - 2.1 The proposed DEV provisions provide for the urbanisation of development areas ('DA') without the detail or scrutiny of a Schedule 1 process that determines whether land is in fact appropriate for urban zoning and development. The provisions fail to address the relevant statutory considerations that would otherwise apply to the urban rezoning of Rural Lifestyle zoned land. In particular, the restricted discretionary status implies that all matters other than those to which discretion is confined have been assessed and are acceptable. Otherwise, the matters of discretion are open to interpretation, provide little certainty and fail to ensure urban development is appropriate and supports a well-functioning urban environment.
  - 2.2 The proposed DEV provisions do not adequately address the range, complexity or significance of relevant issues and effects for urban development of the Kaiapoi DA. For example, high flood hazard risks and airport noise contours are issues of high significance and risk in the event that urbanisation and residential development is enabled, and such fundamental matters require more considered evaluation through a normal Schedule 1 process.
  - 2.3 The enablement of development within the DA provided for by the DEV provisions will result in inconsistency with, and does not give effect to, the CRPS.
  - 2.4 In the form proposed, the DEV provisions and certification approach cannot be relied on to achieve NPSUD requirements for short- or medium-term 'plan-enabled' and 'infrastructure ready' capacity. The land subject to these provisions is not 'zoned for housing or business use' and to the extent that urban development is subject to a restricted discretionary consent pathway, the corresponding DEV provisions offer little certainty as to the enablement and delivery of housing. This

issue is particularly acute for the Kaiapoi DA given the significant or fundamental issues associated with high flood hazards and airport noise contours.

- 2.5 The DEV provisions conflict with NPSUD Objective 1 and the purpose of the Act in section 5, insofar that these seek the wellbeing and health and safety of people and communities.
  - 2.6 The DEV provisions are not the most appropriate way to achieve the purpose of this Act, nor do they represent good resource management practice.
- 3 Having reviewed the legal submissions and evidence filed on behalf of other parties for Hearing 10A, I also note the following matters:
- 3.1 The legal submissions and planning evidence filed on behalf of the Canterbury Regional Council shares many of my concerns with the certification process, and also concludes that the Kaiapoi area is inappropriate for this process and should instead be subject to a Schedule 1 process that allows for full evaluation of significant flooding and air noise contour issues.
  - 3.2 The planning evidence of Mr Ivan Thomson<sup>1</sup> also shares similar concerns generally with certification, and describes other potential problems or concerns with the process which I agree with. I also agree with his conclusion that the most appropriate method to deliver development capacity is for land to be rezoned for urban purposes and that certification should not be a blanket substitute for rezoning the FDA.
  - 3.3 The legal submissions and planning evidence for Momentum Land Limited and Mike Greer Homes NZ Limited does not refer to or consider the flood hazard risks for the Kaiapoi DA, nor the RPS 'avoid' policy relating to high hazard areas, despite these being fundamental matters to resolve. The Officer has not considered or referred to these either. As set out above, a Schedule 1 process would allow for full consideration of these issues.
- 4 In regards the officer's response to questions posed by the panel<sup>2</sup>, I note the following:
- 4.1 Option B in Appendix 1 of the officer's response appears essentially unchanged from that proposed in the s42a report in regards DEV-O1, DEV-P2 and the substance of DEV-P2. The new section 'How the Rules Work' helpfully provides a link between the different areas on an ODP with the corresponding zone rules in the Plan. The changes to DEV-R1

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<sup>1</sup> For Miranda Hales; and for Richard and Geoff Spark.

<sup>2</sup> [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

also now makes clear that the activity requiring consent is land development (rather than certification), but refers to only '*Residential and commercial land development and subdivision...*' which does not account for the non-residential and non-commercial land development also enabled by the rule (as described in paragraph 15.1 of my evidence). The references in DEV-R1 to subdivision standards (SUB-S1 to SUB-S18) and matters of control or discretion (SUB-MCD1 to SUB-MCD13) are also helpful, insofar that this provides greater direction as to the requirements for subdivision and the matters to be considered. Whilst these amendments appear to improve the 'mechanics' of the certification approach, I remain concerned that this approach is not sufficiently comprehensive and robust enough to determine and enable urbanisation of land (relative to a Schedule 1 rezoning process). In the time available, I have not had the opportunity to review the revised provisions in detail, but by way of example, DEV-R1 requires compliance with SUB-R4 which concerns subdivision within flood hazard areas. This would require subdivision consent for a non-complying activity in the Kaiapoi DA, with highly uncertain prospects given the corresponding avoid policies in the CRPS.

- 4.2 I understand that Option C is drafted as an alternative way of achieving the same as Option B (enabling urban development as a restricted discretionary activity). Accordingly, this option raises the same fundamental concerns set out in my evidence and does not alter my conclusions.
- 4.3 On page 4, the officer explains the notified certification provisions and states "*I considered that as the new development areas anticipate and prioritise development (by way of CRPS objectives and policies), are relatively confined and defined in area, and for the most part, have ODPs, that the matters that need to be considered to intensify housing in these areas are less than for general rezoning applications under Schedule 1.*" For the reasons set out in paragraphs 37-41 of my evidence (which refers to the evidence of Ms Mitten for CRC and Mr Buckley for Council in reply), I disagree.
- 4.4 At page 12, the officer responds to the question as to why Council does not simply proceed with a rezoning process for the identified areas, stating that "*at the time of formation of the PDP zoning framework the requisite level of technical information required to evaluate rezoning outcomes beyond existing zonings was not available to the authors of the s32 assessment process*". However, if Council did / do not have sufficient evidence to justify urbanisation through rezoning, I fail to see how urbanisation through certification is any more appropriate.

5 Accounting for the above, the conclusions set out in my evidence remain unchanged.

Dated: 21 February 2024

Jeremy Phillips