

**REPORT TO THE MINISTER FOR THE ENVIRONMENT ON  
PROPOSED CHANGE 1 TO CHAPTER 6 OF THE CANTERBURY  
REGIONAL POLICY STATEMENT**

**MARCH 2021**



This recommendation to the Minister for the Environment is made on behalf of Environment Canterbury by Dr Stefanie Rixecker, Chief Executive – acting under delegated authority under section 34A of the Resource Management Act 1991.

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## Abbreviations

CRPS	Canterbury Regional Policy Statement
FDS	Future Development Strategy
FDA	Future Development Area
HBA	Housing and Business Development Capacity Assessment
LURP	Land Use Recovery Plan
NPS-HPL	Proposed National Policy Statement on Highly Productive Land
NPS-UD	National Policy Statement on Urban Development 2020
NPS-UDC	National Policy Statement on Urban Development Capacity 2016
NZCPS	New Zealand Coastal Policy Statement 2010
PIB	Projected Infrastructure Boundary
RMA	Resource Management Act 1991
SPP	Streamlined Planning Process
UDS	Greater Christchurch Urban Development Strategy

## Summary of Recommendation

1. This report recommends that the Minister for the Environment approves Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement with the recommended changes as shown in Appendix 1, for the reasons explained in the report and as further explained in the material appended to it.

## Introduction

2. This Recommendations Report is provided to the Minister for the Environment (**Minister**) in accordance with the Streamlined Planning Process (**SPP**) for Proposed Change 1 to Chapter 6 – Recovery and rebuilding of Greater Christchurch, of the Canterbury Regional Policy Statement (**CRPS**).
3. Proposed Change 1 to Chapter 6 of the CRPS (**the Proposed Change**) identifies Future Development Areas (**FDAs**) for urban housing in Rolleston, Rangiora and Kaiapoi. It adds associated policy provisions that will enable Selwyn and Waimakariri District Councils to consider the rezoning of land within these areas through their district planning processes, if required to meet shortfalls in housing capacity.
4. This is a targeted change to the CRPS, which seeks to implement an action in the *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga (Our Space 2018-2048)* and give effect to the requirement in the National Policy Statement on Urban Development 2020 (**NPS-UD**) 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.<sup>1</sup>
5. *Our Space 2018-2048*, which was undertaken to meet the requirements of the National Policy Statement on Urban Development Capacity 2016 (**NPS-UDC**) 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.
6. The Proposed Change is part of a broader suite of initiatives being undertaken by the Greater Christchurch Partnership<sup>2</sup> and partner councils<sup>3</sup> 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 NPS-UD and continue to provide development capacity to meet expected demand for housing and business land in a manner that supports

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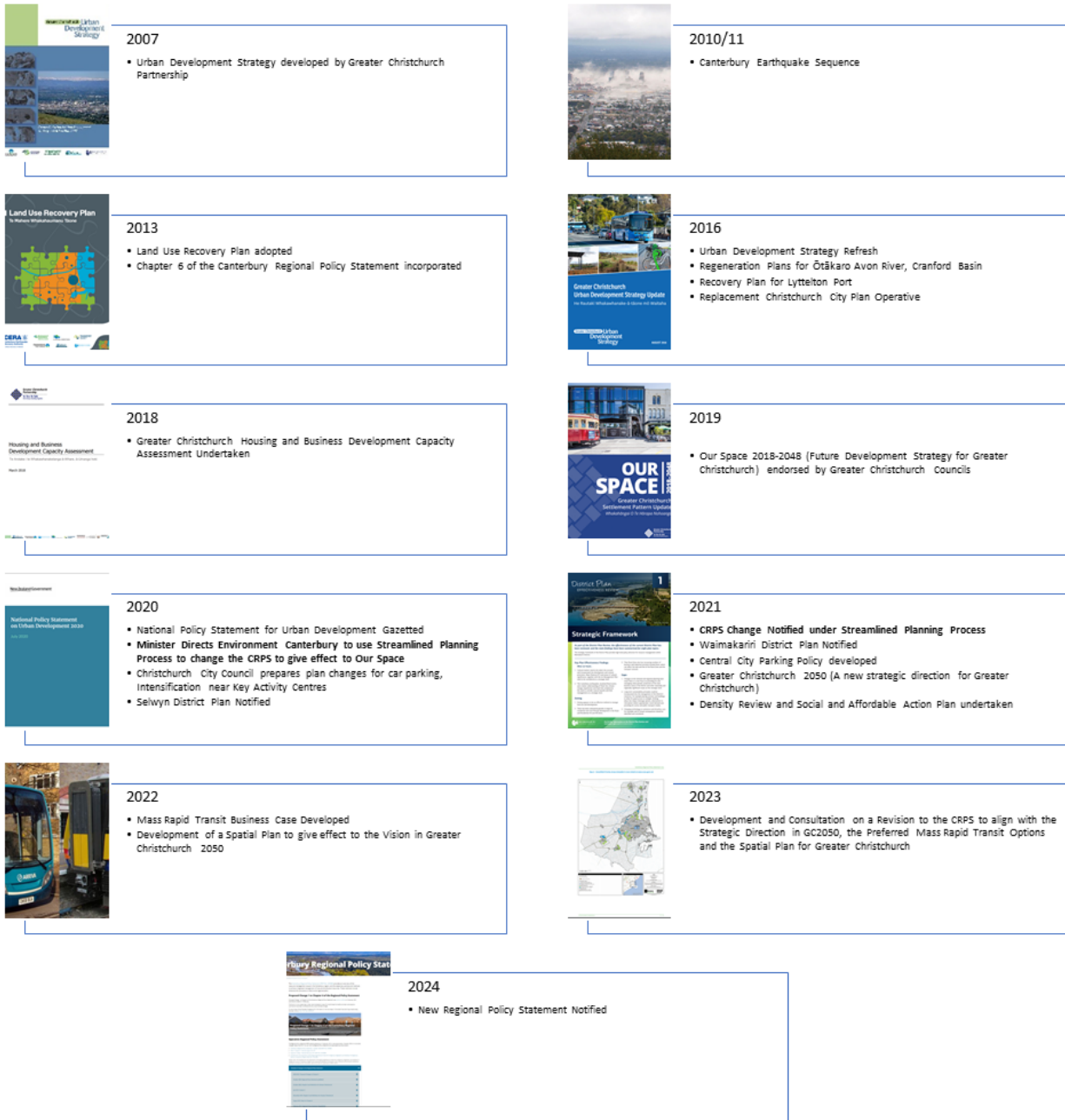
<sup>1</sup> National Policy Statement on Urban Development, July 2020, Policy 2 and Part 3, Sub-part 1, clause 3.7.

<sup>2</sup> 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.

<sup>3</sup> Environment Canterbury, Christchurch City Council, Selwyn District Council and Waimakariri District Council

infrastructure planning and funding decisions, particularly in relation to public transport infrastructure and future mass rapid transit investment.

7. The diagram below identifies related processes and specific actions.



8. If the Minister accepts the Council's recommendation, the changes to Chapter 6 of the CRPS will enable the Selwyn and Waimakariri District Councils to consider the rezoning of land within the identified FDAs in response to demonstrated demand, in an efficient and timely way, without requiring subsequent amendments to the CRPS. Detailed planning, sequencing, and staging of future growth areas, including through the preparation of outline development plans, technical assessments and engagement with landowners and communities, will occur through these subsequent district planning processes.

## **Purpose of Report**

9. This report is prepared under the provisions of clause 83(1) of the Resource Management Act 1991 (**RMA**) and Step 4 of the Direction to enter the SPP issued by the Minister on 23 April 2020 (and Amending Notice dated 6 August 2020).
10. In accordance with the Minister's Direction, Environment Canterbury is required to submit to the Minister a written recommendations report that:
  - i. shows how submissions have been considered and the changes (if any) recommended to the proposed change;
  - ii. includes the section 32 evaluation report and any additional report prepared under section 32AA (as may be relevant);
  - iii. includes a report summarising how the persons making the recommendation have had regard to the evaluation report; and
  - iv. provides the other written reports and documents required by clause 83(1) of Schedule 1 of the RMA for the Minister's consideration.
11. Under the SPP the Council was required to engage an appropriately skilled independent commissioner to undertake a technical peer review of the draft Recommendations Report. The Council appointed former High Court Judge Hon. Lester Chisholm, as the independent commissioner to undertake this role. In accordance with the Minister's Direction the commissioner produced a formal technical peer review report for the Council (Appendix 7). The commissioner's comments have been addressed or incorporated in this final Recommendations Report. Table 1 in Appendix 7 sets out our responses to specific suggestions or comments, including where these have resulted in changes to the draft Recommendations Report and/or summary of written submissions.
12. In accordance with the Minister's Direction and clause 83(1) of Schedule 1 of the RMA, this report provides:
  - a) the Proposed Change, incorporating the Council's recommendations (Appendix 1);
  - b) a summary report of the written submissions (Appendix 2);

- c) an issues and recommendations analysis showing how submissions have been considered and any modifications made to the Proposed Change in light of the submissions (paragraphs 58 to 98 - Procedural Matters, and paragraphs 99 to 205 - Submissions, of this report);
- d) the evaluation reports required by section 32 and section 32AA of the RMA (Appendices 3 and 5), with the ways in which the Council has had regard to the evaluation report (paragraphs 83 to 85 of this report);
- e) a summary document showing how the Council has had regard to the statement of expectations (Appendix 4); and
- f) a summary (Appendix 5) showing how the Proposed Change complies with the requirements of—
  - a. any relevant national direction; and
  - b. the RMA or regulations made under it.

### **Streamlined Planning Process**

13. In September 2019 the Council applied to the Minister to use the SPP provided for under sections 80B and 80C of the RMA for the Proposed Change. In April 2020, the Minister issued a Direction setting out the process steps and timeframes for the Proposed Change using the SPP. In August 2020, the Minister granted a six-month extension to publicly notify the Proposed Change, to enable the Council to consider the implications of the recently gazetted NPS-UD ahead of notification of the Proposed Change. The Gazette notices are attached as Appendix 6.
14. In accordance with clause 82 of Schedule 1 to the RMA the Council has complied with the terms of the Minister’s Direction given under clause 78.
15. The Proposed Change was publicly notified on 16 January 2021, following pre-notification consultation with Te Rūnanga o Ngāi Tahu (the iwi authority) and Ngāi Tūāhuriri (being a hapū of Ngāi Tahu), in accordance with clause 5 of Schedule 1 of the RMA. All information relating to the Proposed Change can be found on the Council’s website: <https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/canterbury-regional-policy-statement/change-chapter-6/>
16. As required by the Minister’s Direction a period of 20 working days was provided for written submissions. The submission period closed on 15 February 2021.
17. Fifty-three submissions were received within the submissions period. These submissions were all made available on the Council’s website within five working days of the close of submissions, in accordance with the Minister’s Direction. In addition, one late submission was received. Section 37 of the RMA provides local authorities the power to waive a time period



specified in the RMA or in regulations. Under the SPP, the timeframe for the submissions period was set in the Minister's Direction. Clause 81 of Schedule 1 confirms that, if a time limit is set in a direction, section 37 applies to permit a local authority to waive a failure of a person to comply with the time period for serving a document. In this case, and having taken into account the matters set out in section 37, the late submission was accepted on the basis no delay or prejudice to other parties would be caused.

18. The names of the submitters, the issues raised, and the changes sought in the submissions are set out in the summary of submissions report provided as Appendix 2 to this report.
19. The SPP directed by the Minister did not require the Council to notify a summary of submissions or call for further submissions, nor did it require a hearing process.
20. In undertaking the SPP the Council has ensured it has complied with the Minister's expectations. A summary of the actions undertaken by the Council in compliance with the steps and timeframes for the SPP and the Minister's Statement of Expectations, is set out in Appendix 4.

### **About Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement**

21. The background and rationale for the Proposed Change is set out in detail in the section 32 evaluation report.<sup>4</sup>
22. In summary, the purpose of the Proposed Change is to:
  - a. Give effect to Policy 2 and clause 3.7 of the NPS-UD and enable sufficient land in Greater Christchurch to be rezoned for the medium term (10 years) and identified for the long term (30 years) to meet the needs of existing and future communities, by identifying and enabling additional development capacity for housing in greenfield growth areas within the Projected Infrastructure Boundary shown on Map A in Chapter 6 of the CRPS, in Rolleston, Rangiora and Kaiapoi; and
  - b. Provide flexibility for Selwyn and Waimakariri District Councils to consider rezoning land within the Projected Infrastructure Boundary to meet medium term housing demands as part of their district planning processes, where a sufficiency shortfall is identified through a housing development capacity assessment.
23. The Proposed Change implements the outcomes of *Our Space 2018-2048*, the future development strategy for Greater Christchurch collaboratively prepared by the Greater Christchurch Partnership with widespread public consultation and adopted in 2019. It aligns with the comprehensive planning framework that has already been developed for Greater Christchurch to support long term growth, and provides a planning framework for the medium to long term, that will enable the relevant territorial authorities to respond to changes in the sufficiency of development capacity.

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<sup>4</sup> Environment Canterbury 2021, Evaluation under section 32 of the Resource Management Act, including, Section 1.2.1 Scope of the Proposed Change, and Section 3 Background to the development of the Proposed Change.

## **Summary of the Issue**

24. A key role of Chapter 6 of the CRPS is to set out a framework for accommodating expected future population and household growth in Greater Christchurch. In doing so, it provides a land use and infrastructure framework that enables urban development within identified spatial areas.
25. A review of the settlement pattern initiated by the Greater Christchurch Partnership in 2017, which included the preparation of a Housing and Business Development Capacity Assessment and future development strategy (*Our Space 2018-2048*) to meet the requirements of the NPS-UDC, indicated that this framework does not currently enable sufficient development capacity to meet housing demands over the medium and long term, to 2048. The overall amount of feasible housing development capacity in Greater Christchurch was demonstrated to be sufficient to meet demand over the medium term. However, there is insufficient development capacity in certain locations within Greater Christchurch in the medium term and overall for the long term. At the territorial authority level, given the range of reported feasibility, capacity in Selwyn and Waimakariri may not be sufficient to meet demand over the medium term, with a shortage of 1,600 dwellings in the Waimakariri District over the period to 2028. A potential shortfall of 5,475 dwellings in Selwyn District and 7,675 dwellings in Waimakariri District over the long term was projected.<sup>5</sup>
26. *Our Space 2018-2048* sets out a proposed approach to meet the projected shortfalls, which includes:
  - redevelopment of existing urban areas in Christchurch City;
  - existing greenfield areas in Christchurch City, Selwyn and Waimakariri Districts; and
  - new greenfield and redevelopment areas in Selwyn and Waimakariri Districts.
27. Through *Our Space 2018-2048*, new greenfield areas for urban housing (termed Future Development Areas) were identified in Rolleston, Rangiora and Kaiapoi.
28. The settlement pattern set out in *Our Space 2018-2048* cannot be implemented without a change to the CRPS. The existing policy framework of Chapter 6 inhibits the district councils from rezoning land within the greenfield growth areas that have been identified in *Our Space 2018-2048*. In this regard, the CRPS is currently constraining the ability for the district councils to ensure sufficient capacity is enabled and give effect to the NPS-UD.
29. A need to amend Map A and Chapter 6 of the CRPS was identified in the Schedule of Future Work in *Our Space 2018-2048*:

*Action 9a. Prepare a Proposed Change to Chapter 6 of the CRPS at the earliest opportunity to:*

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<sup>5</sup> Greater Christchurch Partnership, *Our Space 2018-2048 Greater Christchurch Settlement Pattern Update*, Table 3 Sufficiency of housing development capacity in Greater Christchurch against Housing Targets, 2018 - 2048, page 15.

- *modify Map A to identify the Future Urban Development Areas shown in Figure 15, and include a policy in Chapter 6 of the CRPS that enables land within the Future Development Areas to be rezoned in District Plans for urban development if there is a projected shortfall in housing development capacity in Table 3 of Our Space, or if the capacity assessment referred to in Action 6 (or subsequent periodic capacity assessments) identifies a projected shortfall in feasible development capacity.*
  - *enable territorial authorities to respond to changes in the sufficiency of development capacity over the medium term on a rolling basis as a result of periodic capacity assessments.*<sup>6</sup>
30. Map A, in Chapter 6 of the CRPS, identifies Existing Urban Areas and Greenfield Priority Areas for housing and business development in Greater Christchurch. These areas were identified as required to provide sufficient land zoned for urban purposes to enable recovery and rebuilding through to 2028, following the 2010 and 2011 Canterbury earthquake sequence. The Greater Christchurch Partnership had previously considered the longer term growth needs of the sub-region through to 2041,<sup>7</sup> with the extent of planned greenfield areas around Christchurch City and the main towns in Selwyn and Waimakariri to support future housing growth delineated by the Projected Infrastructure Boundary (**PIB**) on Map A.<sup>8</sup>
31. The FDAs identified through *Our Space 2018-2048*, and the subject of this Proposed Change, are located within the existing PIB and are consistent with the objectives and policies of the CRPS and the long-term growth strategy set out in the Greater Christchurch Urban Development Strategy 2007 (**UDS**) and 2016 update. By directing future housing growth to development capacity already signalled by the PIB the Proposed Change builds on the work and extensive community input undertaken in developing the UDS and recovery processes that led to Chapter 6 of the CRPS, as well as subsequent growth and infrastructure planning undertaken by the district councils.

### **Summary of the Proposed Change**

32. In summary, the following amendments to the operative CRPS are proposed:
- Amendments to Map A in Chapter 6 to identify Future Development Areas within the existing Projected Infrastructure Boundary in Rolleston, Rangiora and Kaiapoi.

<sup>6</sup> Greater Christchurch Partnership, *Our Space 2018-2048 Greater Christchurch Settlement Pattern Update*, Section 6.2, Schedule of further work, page 41.

<sup>7</sup> As part of the Greater Christchurch Urban Development Strategy 2007 and Proposed Change 1 to the CRPS 1998. The UDS identifies Rolleston, Rangiora and Kaiapoi as indicative growth areas. The land now proposed to be identified as FDAs was included within the 'Urban Limits' identified in PC1 to the CRPS, notified in 2007 and subject to appeals in the Environment Court at the time of the February 2011 earthquake, following which the Land Use Recovery Plan was prepared.

<sup>8</sup> The Land Use Recovery Plan identified greenfield priority areas for new residential subdivisions to meet anticipated demand through to 2028. This map was inserted as Map A in Chapter 6 of the CRPS.

- The insertion of a new policy (Policy 6.3.12), to enable land within these Future Development Areas to be rezoned by the Selwyn and Waimakariri District Councils if required to meet their medium-term housing needs.
  - Various consequential changes to objectives, policies, and text within Chapter 6 and the Definitions for Greater Christchurch.
33. The new provisions would sit within the existing objective and policy framework of the CRPS. For clarity, the existing (operative) objectives and policies, including those related to transport effectiveness, land use and transport integration, outline development plans, and natural hazards, would similarly apply to urban development in the Future Development Areas.

## **Procedural Matters**

### ***Legal and Statutory Context***

34. This section of the Recommendations Report sets out a detailed analysis of jurisdictional and specific legal issues raised by submissions on the Proposed Change, with cross references to this analysis in the relevant planning discussion.
35. A summary document showing how the Proposed Change complies with the requirements of any relevant national direction, and the RMA or regulations made under it, is set out at Appendix 5.

### ***Executive Summary - Legal Issues***

36. A number of scope issues have been raised. A common issue is submitters seeking to include additional land for urban development or specifically as an FDA. The issue is whether such submissions are “on” the Proposed Change. Another common issue is submitters seeking changes to text/provisions in the CRPS that are unrelated to the changes sought to be made by the Proposed Change (the “Blue box” issue). Submissions of these types are subject to a high level of risk that affected parties may not have received fair and adequate notice of the nature of changes proposed. This risk is greater given the Proposed Change is being progressed under the SPP rather than the standard Schedule 1 process. The process steps contained in the Direction do not provide for further submissions or a hearing process. This means that affected persons are not able to comment on any changes that are sought in submissions.
37. Further legal analysis covers matters including criticisms of the section 32 analysis in respect of the Proposed Change.

### ***Jurisdictional Issues***

38. The submissions on the Proposed Change raise the following jurisdictional issues:

- a. Potentially invalid submissions because they are either not in the prescribed form or they are not “on” the Proposed Change;
  - b. Submissions which do not request specific relief; and
  - c. Submissions which request relief outside the jurisdiction of a regional council in relation to a regional policy statement.
39. For any particular change recommended to the Proposed Change, we have considered whether a submission provides scope to recommend the change.

*Invalid submissions and submissions not “on” the Proposed Change*

40. This section will address:
- a. The “Blue box” issue;
  - b. Submissions not on the Proposed Change, for example submissions seeking to include additional land for urban development or specifically as an FDA;
  - c. Submissions outside scope of Council’s functions in relation to a regional policy statement; and
  - d. The use of clause 16(2) of Schedule 1 to the RMA.
41. Before recommending any amendments to the Proposed Change, we must consider whether there is scope to make such amendments. In doing so, we have considered whether:
- a. Submissions received are “on” the Proposed Change; and
  - b. Any amendments are within the scope of a submission such that we have jurisdiction to recommend the amendments.
42. Step 3 of the Minister’s Direction provides that the Council must provide an opportunity for written submissions in relation to the Proposed Change, in accordance with clause 6 of Schedule 1 of the RMA.
43. Clause 6(1) of Schedule 1 to the RMA provides that when the Proposed Change is publicly notified under clause 5 of Schedule 1, the Council and any person may make a submission “on” the Proposed Change.
44. Submissions on the Proposed Change must be in the prescribed form. The form requires a submitter to give details of the specific provisions of the Proposed Change that the submission relates to, and to give precise details of the decision which the submitter seeks from the local authority.<sup>9</sup>

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<sup>9</sup> Resource Management Act 1991, Schedule 1, clause 6(5). See Form 5 in the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

45. Submissions must be “on” the Proposed Change,<sup>10</sup> and if a submission is not “on” the Proposed Change, then the decision-maker does not have jurisdiction to consider it.
46. The Courts have endorsed a bipartite approach when considering whether a submission is “on” a proposed change to a planning document. First, the submission must reasonably fall within the ambit of the proposed change by addressing a change to the status quo advanced by the proposed change. Secondly, the decision-maker should consider whether there is a real risk that persons potentially affected by the changes sought in a submission have been denied an effective opportunity to participate in the plan making process.<sup>11</sup> This is particularly important in the context of the SPP, as the process steps contained in the Direction do not provide for further submissions or a hearing process. This means that potentially affected persons are not able to respond to any changes that are sought in submissions.
47. If a management regime in a planning document for a particular resource is unaltered by the proposed change, a submission seeking a new or different management regime for that resource is unlikely to be “on” the proposed change (unless the change is incidental or consequential, as discussed below).
48. If the effect of regarding a submission as being “on” a proposed change would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, that will be a “powerful consideration” against finding that the submission was truly “on” the proposed change.<sup>12</sup>
49. Further, when considering whether to recommend any amendments to the Proposed Change the decision-maker must be satisfied that any such amendments are within the scope of submissions.
50. Case law has established that for an amendment to be considered within the scope of a submission, the amendment must be fairly and reasonably within the general scope of:<sup>13</sup>
  - a. An original submission; or
  - b. The proposed change as notified; or
  - c. Somewhere in between.
51. The question of whether an amendment goes beyond what is reasonably and fairly raised in submissions will usually be a question of degree, to be judged by the terms of the proposed change and the content of submissions. This should be approached in a realistic workable

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<sup>10</sup> Resource Management Act 1991, Schedule 1, clause 6(1).

<sup>11</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290 at [90], endorsing the approach of William Young J in *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003. See also *Mackenzie v Tasman District Council* [2018] NZHC 2304 for a more recent application of the test.

<sup>12</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003 at [66].

<sup>13</sup> *Re Vivid Holdings Ltd* (1999) 5 ELRNZ 264 at [19].

fashion rather than from the perspective of legal nicety, with consideration of the whole relief package detailed in submissions.<sup>14</sup>

52. Further, the Courts have recognised that councils need scope to deal with the realities of the situation and a legalistic interpretation that a council can only accept or reject relief sought in any given submission is unreal.<sup>15</sup> Approaching such amendments in a precautionary manner, to ensure that people are not denied an opportunity to effectively respond to additional changes in the Schedule 1 process, has also been endorsed by the Courts.<sup>16</sup>
53. Changes that are incidental to, consequential upon, or directly connected to the proposed change are also considered to be within scope.<sup>17</sup>
54. An amendment can be anywhere on the line between the proposed change and a submission. Consequential changes can flow downwards from whatever point on the first line is chosen, as a submission may only be on an objective or policy, but there may be methods which are then incompatible with the new objective or policy in the proposed change as revised.<sup>18</sup> Consequential changes may also flow 'upwards' as a result of accepting a submission point (e.g. changes to the policies may be required as a result of amending a method).<sup>19</sup>
55. Further, amendments required for clarity and refinement of detail are allowed on the basis that such amendments are considered to be minor and un-prejudicial.<sup>20</sup>

#### *“Blue box” issue*

56. The way in which the Proposed Change has been collated has also raised some issues in terms of the scope of some submissions. A blue box has been created around provisions in which the text has changed. As soon as a change is made to a provision, no matter how minor, a blue box is placed around the entire provision.
57. As is set out in the Proposed Change:

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<sup>14</sup> *General Distributors Ltd v Waipā District Council* (2008) 15 ELRNZ 59 at [58]-[60].

<sup>15</sup> *Albany North Landowners v Auckland Council* [2016] NZHC 138 at [107], citing *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145 (HC) at 170.

<sup>16</sup> *General Distributors Ltd v Waipā District Council* (2008) 15 ELRNZ 59 at [58]-[60]; *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290 at [82].

<sup>17</sup> *Well Smart Holding (NZQN) Limited v Queenstown Lakes District Council* [2015] NZEnvC 214 at [16].

<sup>18</sup> *Campbell v Christchurch City Council* [2002] NZRMA 332 (EnvC) at [20].


<sup>19</sup> *Church of Jesus Christ of Latter Day Saints Trust Board v Hamilton City Council* [2015] NZEnvC 166 at [40]-[48]; *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [96], [113]-[118] and [135].

<sup>20</sup> *Oyster Bay Developments Limited v Marlborough District Council* EnvC C081/2009, 22 September 2009 at [42].

## Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement

### How amendments to Chapter 6 are shown

The proposed amendments to Chapter 6 of the Canterbury Regional Policy Statement are shown as follows:

- Content proposed to be changed is located within a blue dashed box 
- Proposed insertions are underlined
- Proposed deletions in ~~striketrough~~

The proposed amendments to Map A can also be viewed in higher resolution on a separate map titled 'Proposed Amendment to Map A: Identification of Future Development Areas' available at [haveyoursay.ecan.govt.nz/chapter6CRPS](http://haveyoursay.ecan.govt.nz/chapter6CRPS).

58. There are a number of submissions which have sought changes to text that is surrounded by the blue box. By way of example, some submissions seek to:
- amend Policy 6.3.3 to remove the reference to outline development plans for rural residential areas in Policy 6.3.3(1.c).<sup>21</sup>
  - amend Policy 6.3.7 to provide guidance on densities of residential rural development.<sup>22</sup>
  - amend Policy 6.3.9 to include additional defence facilities in Policy 6.3.9(5),<sup>23</sup> introduce a new clause (1),<sup>24</sup> and modify or delete clause (6).<sup>25</sup>
  - remove Objective 6.2.1(3), as well as additional amendments to the Proposed Change to enable consideration of private plan change requests and resource consent applications outside existing urban areas, priority greenfield areas or FDAs.<sup>26</sup>
  - amend Map A to:
    - identify the Airport as a “Key Employment and Transport Node”;<sup>27</sup> and
    - extend the Projected Infrastructure Boundary and Existing Urban Area in the CRPS to incorporate reclaimed land at Lyttelton Port;<sup>28</sup> and

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<sup>21</sup> Chen X.

<sup>22</sup> Chen X.

<sup>23</sup> New Zealand Defence Force.

<sup>24</sup> Eliot Sinclair.

<sup>25</sup> Chen X.

<sup>26</sup> Trices Road Rezoning Group.

<sup>27</sup> Christchurch International Airport Ltd.

<sup>28</sup> Lyttelton Port Company Limited.



- iii. show where Greenfield Priority Areas have been developed, the existence of Special Housing Areas,<sup>29</sup> and make (perceived) technical corrections; and
  - iv. show areas that are in the West Melton Observatory Zone<sup>30</sup>.
59. These changes sought do not relate to the proposed changes that form part of the Proposed Change. The submissions appear to suggest that because some of the text of that provision has been changed, or changes are proposed to be made to Map A, other unrelated changes to the relevant provision or map may also be able to be sought.
60. Where amendments are sought to parts of provisions that the Proposed Change is not seeking to amend, this relief does not represent a change to the status quo advanced by the Proposed Change. There also remains a real risk that others would not have submitted on those requested changes, as changes to those parts of the provision were not signalled in the notified version of the Proposed Change. It is not the existence of a blue box around a provision that determines the scope of the Proposed Change; that is determined by the actual amendments notified.
61. For those reasons, it is considered that these submissions are not “on” the Proposed Change, and the relief requested is outside the scope of the Proposed Change. These matters may be considered as part of the upcoming full review of the CRPS.

*Submissions seeking the inclusion of additional land for urban development or as an FDA*

62. A number of submissions have sought to include additional land for urban development or specifically as an FDA. By way of example, some submissions seek to include additional land for residential development in Rolleston,<sup>31</sup> Lincoln,<sup>32</sup> Templeton,<sup>33</sup> Prebbleton,<sup>34</sup> Kaiapoi,<sup>35</sup> and broader areas of the Waimakariri and Selwyn Districts.<sup>36</sup> Another submission seeks to include additional land within the FDA area for commercial/business activities.<sup>37</sup>
63. Incidental or consequential spatial changes to those proposed in a planning document are permissible, provided that no substantial further section 32 analysis is required to inform affected persons of the comparative merits of that change.<sup>38</sup> However, this is also subject to the test of whether there is a real risk that persons directly or potentially affected by the

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<sup>29</sup> Markham Trust.

<sup>30</sup> Anderson E.

<sup>31</sup> Carter Group Limited, Smith A, Boyd D and Blanchard J.

<sup>32</sup> Carter Group Limited.

<sup>33</sup> Williams K and B.

<sup>34</sup> Trices Road Rezoning Group.

<sup>35</sup> Madeley D.

<sup>36</sup> Marama te Wai Limited, Crofts V.

<sup>37</sup> Carter Group Limited.

<sup>38</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290 at [81].

additional changes have been denied an effective response to those additional changes in the plan change process.<sup>39</sup>

64. Whether the inclusion of additional land for urban development or specifically as an FDA is an “incidental” or “consequential” change will depend on the particular circumstances of the submission. In determining whether a submission is “on” the Proposed Change, it is appropriate to consider:<sup>40</sup>
  - a. the policy behind the Proposed Change;
  - b. the purpose of the Proposed Change;
  - c. whether a finding that the submission is “on” the Proposed Change would deprive interested parties of the opportunity for participation.
65. The Proposed Change is a targeted change that seeks to implement the approach set out in *Our Space 2018-2048*. *Our Space* identified additional greenfield areas for housing within the PIB shown on Map A of the CRPS in Rolleston, Rangiora and Kaiapoi to help address projected housing capacity shortfalls for Selwyn and Waimakariri Districts over the medium term. The FDAs identified through *Our Space 2018-2048*, and the subject of this Proposed Change, are located within the existing PIB and are consistent with the objectives and policies of the CRPS and the long-term growth strategy set out in the UDS. By including the additional identified land as FDAs, the Proposed Change aims to provide flexibility for the Selwyn and Waimakariri District Councils to consider rezoning these greenfield areas as part of their district planning processes.
66. When the Proposed Change is considered in its context, the inclusion of additional land identified by submitters is not considered to be a “consequential” or “incidental” change. The purpose of the Proposed Change is not to consider additional areas appropriate for future residential zoning, or to respond to longer-term housing capacity in Greater Christchurch. As stated in the section 32 report, a comprehensive review of Chapter 6 is due to commence later in 2021 as part of the full review of the CRPS.<sup>41</sup> It is more appropriate to consider the inclusion of additional land as further / new FDAs as part of the full CRPS review.
67. Given the targeted scope of the Proposed Change and the focus on the provision of housing capacity, the inclusion of additional land for business/commercial activities is also outside of the scope of the Proposed Change.
68. There is a real risk that relief of this sort would not be contemplated by other members of the public, and there would be other groups or persons that would seek to submit if they had been aware that those provisions may have been up for amendment. Further changes to the

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<sup>39</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290 at [82], relying on the second limb of the test in *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

<sup>40</sup> *Option 5 Inc v Marlborough District Council* HC Blenheim CIV 2009-406-144, 28 September 2009 at [41].

<sup>41</sup> In accordance with s 79 of the RMA.

spatial extent of FDAs are more appropriately considered as part of the full review of the CRPS.

69. There is no hardship to submitters in approaching the matter in this way. By considering whether to include additional land as FDAs in the context of a full review of the CRPS, the community will have the benefit of proper analysis, consultation and notification.

*Submissions outside scope of Council's functions in relation to a regional policy statement*

70. Several submissions seek changes to the zoning of land under the Selwyn and Waimakariri District Plans.<sup>42</sup>
71. This relief is not within the scope of the Proposed Change and the regional council's functions in relation to a regional policy statement. Where the relief sought goes beyond a regional council's functions (set out in section 30 of the RMA), the requested relief is outside the jurisdiction of the Council to be able to provide, and it is not possible for us to recommend an amendment to the Proposed Change to accommodate those submissions.

*Use of Clause 16(2), Schedule 1 to the RMA*

72. For completeness, it is noted that the Council has the ability to make amendments to the Proposed Change in accordance with clause 16(2) of Schedule 1 to the RMA. Clause 16(2) provides for alterations that are of minor effect, or to correct any minor errors.
73. The scope of any such amendments is limited to those which would be neutral, and therefore do not affect the rights of members of the public.<sup>43</sup>
74. Further, the power to correct minor errors is limited to changes that would not alter the meaning of the document (such as typographical or cross-referencing errors).<sup>44</sup>
75. Clause 16(2) of Schedule 1 to the RMA has been relied on to make alterations of minor effect, or to correct any minor errors, in this report. Where this occurs, clause 16(2) of Schedule 1 to the RMA is generally referenced.

***Criticisms of the section 32 analysis in respect of the Proposed Change***

76. Section 32 of the RMA applies to the Proposed Change as an amending proposal to a policy statement. A discussion of the requirements of Section 32 are set out at Appendix 5.

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<sup>42</sup> Including, *Madeley D, Crofts V*.

<sup>43</sup> *Re an Application by Christchurch City Council* (1996) 2 ELRNZ 431 (EnvC) at 10.

<sup>44</sup> *Re an Application by Christchurch City Council* (1996) 2 ELRNZ 431 (EnvC) at 11.

77. Five submitters<sup>45</sup> raise perceived issues with the section 32 report prepared for the Proposed Change. These concerns include that the section 32 assessment did not assess the identified options against the objectives and policies of the NPS-UD 2020, and that it considers ‘advancement of greenfield areas in other locations’ but does not define such locations and is dismissed without further consideration. The submitters perceive the section 32 assessment to be inadequate and incomplete.
78. Section 32A provides that a challenge to an objective, policy, rule or other method on the grounds that the section 32 report has not been prepared or regarded, or the requirements of section 32 have not been complied with, may only be made in a submission (rather than, for example, judicial review proceedings). It is considered that a challenge to any particular provisions on the basis of an inadequate section 32 report can be considered "on" the Proposed Change.
79. A section 32 report has been prepared for the Proposed Change and was available at the time of public notification. The section 32 report meets the requirements of section 32, set out in Appendix 5, and developed in case law. We consider that the Council has discharged its responsibilities under section 32 with an assessment that has an appropriate level of detail.

#### *Section 32AA*

80. A further evaluation in accordance with section 32AA of the RMA is necessary for any further changes recommended. This evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.
81. Section 32AA states (as relevant to the Proposed Change):

#### *32AA Requirements for undertaking and publishing further evaluations*

*(1) A further evaluation required under this Act -*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes)*

*(d) must –*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

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<sup>45</sup> Doncaster Developments Ltd, K and S Williams, Pinedale and Kintyre Enterprises, Gould Developments Ltd and Four Stars Development, and Trices Road Rezoning Group.

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

82. Only minor changes are recommended to the provisions as originally notified and supported by the section 32 evaluation.
83. Particular regard has been had to the evaluation report prepared under section 32, in relation to the notified version.
84. An evaluation under section 32AA has also been undertaken and had particular regard to in making the recommendations on the Proposed Change that are contained in this report. The section 32AA evaluation is set out in Appendix 5.
85. The requirement to have particular regard to both the section 32 evaluation report and the section 32AA evaluation report imposes an obligation on a decision-maker to give those reports genuine attention and thought. Giving those evaluation reports genuine attention and thought has ultimately informed any recommended changes to the Proposed Change. The requirement to have particular regard to both the section 32 evaluation report and the section 32AA evaluation report is interwoven throughout this Recommendations Report.

### ***Planning Framework***

86. The statutory planning framework relevant to the Proposed Change is set out in Appendix 5.
87. The Proposed Change must give effect to any applicable national policy statements, the New Zealand Coastal Policy Statement, and National Planning Standards.
88. The National Policy Statements relevant to the Proposed Change are the:
  - (a) National Policy Statement on Urban Development 2020 (NPS-UD)
  - (b) National Policy Statement for Freshwater Management 2020 (NPS-FM)

### ***Submissions on the extent to which the Proposed Change addresses requirements under the RMA and other national direction***

89. A number of submissions raise issues related to whether and how the Proposed Change addresses requirements under the RMA, the NPS-UD<sup>46</sup>, the NPS-FM<sup>47</sup> and the New Zealand Coastal Policy Statement<sup>48</sup>.
90. The extent to which the Proposed Change gives effect to the NPS-UD is addressed in paragraphs 122 to 133 of this report and further in Appendix 5.

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<sup>46</sup> Including, Fisher J, Trices Road Rezoning Group, Goulds Development and Four Star Developments Ltd, Pinedale Enterprises and Kintyre Pacific Holdings Ltd, Williams K and B, Doncaster Developments Ltd, Hughes Developments Limited, Kainga Ora, Eliot Sinclair, Carter Group.

<sup>47</sup> Grigg J.

<sup>48</sup> Long A.

91. Environment Canterbury must give effect to (i.e. implement) both the NPS-UD (which came into force in July 2020) and the NPS-FM (which came into force on 7 September 2020).
92. The NPS-UD *"directs local authorities to provide sufficient development capacity to accommodate demand in the short, medium and long term."* Development capacity is defined as the zoning, objectives, policies, rules, and overlays that apply in RMA planning documents to support housing along with adequate development infrastructure. A key outcome is to enable more people to live in "well-functioning" urban environments. The NPS-UD identifies Greater Christchurch<sup>49</sup> as a Tier 1 urban environment, and Environment Canterbury, Waimakariri District Council, Selwyn District Council and the Christchurch City Council are Tier 1 local authorities.
93. The NPS-UD directs local authorities to provide sufficient development capacity to accommodate projected demand in the short, medium and long term. The urban development enabled by the Proposed Change will assist the local authorities in giving effect to the NPS-UD by appropriately responding to the urban growth and housing capacity issues faced by Greater Christchurch.
94. There is considered to be clear justification for the Proposed Change and its alignment with the NPS-UD. In particular, the Proposed Change will:
- (a) support the concept of well-functioning urban environments (Objective 1 and Policy 1) including by:
    - (i) enabling a variety of homes to meet the needs of different households; and
    - (ii) have good accessibility for all people between housing, jobs, community services, including by way of public or active transport.
  - (b) assist the Greater Christchurch councils in providing at least sufficient development capacity to meet expected demand for housing and business land over the short term, medium term, and long term (Policy 2).
95. In relation to the NPS-FM, Grigg notes that Te Mana o te Wai prioritises the health and wellbeing of water. 60-70% of land is covered by hard surface which means 60-70% of rainfall will not be able to reach the earth in its natural state. To meet Te Mana o te Wai all the run-off water would need to be decontaminated and returned to the ground in the same area. Concern is also raised regarding microplastic beads.
96. The NPS-FM came into force on 7 September 2020. It introduces the 'fundamental concept' of Te Mana o te Wai which:
- "...refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. It protects the*

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<sup>49</sup> The NPS-UD identifies Christchurch as a Tier 1 urban environment, and Canterbury Regional Council, Christchurch City Council, Selwyn District Council and Waimakariri District Council as Tier 1 local authorities.

*mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community".<sup>50</sup>*

97. Policy 6.3.12 contains directions to enable the alignment of development with the provision of infrastructure to manage the effects of diffuse discharges which could occur as a result of housing development. More detailed planning to ensure the provision of appropriate infrastructure to manage any adverse effects of housing developments on the wellbeing of water will take place through district planning processes. The effects of discharges are adequately managed through the other provisions of the CRPS and the Canterbury Land and Water Regional Plan. It is possible for the more general directives in the NPS-UD to be given effect to in a way that still allows for the more specific environmental protection directives in the NPS-FM to be given effect to. The Proposed Change enables appropriate urban development, within limits. Accordingly, it is considered that the Proposed Change gives effect to the NPS-FM, to the extent that it is relevant to the Proposed Change
98. Long submits that "enabling additional vehicle trips for dormitory towns" is contrary to Policy 25 of the NZ Coastal Policy Statement (Subdivision, use, and development in areas of coastal hazard risk) due to additional vehicle trips resulting in increased emissions, leading to an exacerbation of climate change and sea level rise. The submission refers to direction within that policy to: avoid increasing the risk from coastal hazards and; avoid change in land use that would increase the risk of coastal hazards. We do not agree with the submitter that the Proposed Change is inconsistent with Policy 25 of the NZ Coastal Policy Statement. Policy 25 contains a series of directions regarding areas potentially affected by coastal hazards over at least the next 100 years. Policy 25 is focussed on avoiding the risks of coastal hazards on developments, rather than reducing the effects of activities on climate change.

## **Submissions – Overview**

99. A total of 54 submissions, including one late submission, were received. At least nine submissions generally support the Proposed Change.<sup>51</sup> Approximately 16 submissions indicate general support for the Proposed Change subject to amendments to the provisions or Map A.<sup>52</sup>
100. Twelve submissions indicate general opposition to the Proposed Change in its entirety.<sup>53</sup> Approximately 14 submissions express general opposition and seek amendments to the Proposed Change.<sup>54</sup>

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<sup>50</sup> National Policy Statement for Freshwater Management 2020, Part 1: Preliminary provisions, Section 1.3 (1).

<sup>51</sup> Waka Kotahi NZ Transport Agency, Waimakariri District Council, Community Housing Aotearoa, Transpower, Taylor C and P, Bathurst L, McLachlan C, Woods H, Sanders E and A.

<sup>52</sup> For example, Kainga Ora, Lyttleton Port Company, Christchurch International Airport Limited, PCCH6-53, Bellgrove Rangiora Limited, Madeley D.

<sup>53</sup> Singh M, Marama Te Wai Limited, Doncaster Developments, Stewart, Townsend and Fraser, Trices Road Rezoning Group, Goulds Development Limited and Four Stars Development, Pinedale Enterprises and Kintyre Pacific Holdings Limited, Williams K and B, BA Freeman Family Trust, Grigg J, Babe D, Urban Estates.

<sup>54</sup> For example, Fisher J, Long A, Hughes Developments Limited, Eliot Sinclair, Smith, Boyd and Blanchard.

## Submissions – Principal Issues Raised

101. This section of the report is intended to build a picture of, and respond to, the issues raised in submissions. Appendix 2 provides further detail in this regard, setting out a summary of the submission points and our recommended responses to each of the individual submissions lodged.
102. In making these recommendations we have read and considered the content of all submissions in full, the Proposed Change, and the section 32 evaluation. Not all individual comments are discussed in detail in this section of the report; submission points and comments have been grouped according to the issues raised. In some cases, individual comments are referred to where this assists in explaining the reasoning and recommendations.
103. Principal issues raised in relation to legal and statutory matters are addressed in the previous section of this report. For completeness, these include:
- submissions raising matters that are ‘out of scope’ / not ‘on’ the Proposed Change
  - criticism of the section 32 evaluation
  - alignment with national direction
104. Aside from these legal and statutory matters, the following key themes are addressed below:
1. Urban form and the approach to accommodating growth
  2. Sufficiency and flexibilities with the Proposed Change
  3. Effects on greenhouse gas emissions and climate change
  4. Impacts on strategic infrastructure
  5. New Policy 6.3.12 Future Development Areas
  6. Changes sought to other Chapter 6 provisions, definitions and Map A
  7. Other matters raised

### **1. *Urban form and the approach to accommodating growth***

#### *Introduction*

105. As explained in the preceding sections of this report, the Proposed Change seeks to respond to identified housing capacity shortfalls, by enabling urban development in locations identified in long-term growth strategies since 2007 and signalled by the Projected Infrastructure Boundary on Map A.
106. A significant amount of housing development capacity is already enabled by the CRPS. *Our Space 2018-2048* indicates there is existing capacity for nearly 74,000 dwellings in Greater Christchurch, against a housing target of 86,600 (including the additional margins that were required by the NPS-UDC) between 2018 to 2048.



107. *Our Space 2018-2048* sought to encourage a balance between new housing enabled through redevelopment opportunities within existing urban areas (i.e. intensification), and development capacity in greenfield locations. The approximate breakdown between these different locations for the period 2018 to 2048 is shown in Figure 12 of *Our Space 2018-2048* as follows:
- Redevelopment of existing urban areas in Christchurch City (45 per cent)
  - Existing greenfield areas in Christchurch City, Selwyn and Waimakariri (36 per cent)
  - New greenfield and redevelopment areas in Selwyn and Waimakariri (19 per cent)<sup>55</sup>
108. As shown, new subdivisions in greenfield locations across all three council areas are anticipated to account for around 55 per cent of the identified housing capacity required over the next 30 years. Intensification is expected to provide for the remaining 45 per cent, primarily in Christchurch City, but not exclusively. The Christchurch District Plan provides substantial opportunities to redevelop and intensify existing urban areas to meet both housing and business needs, and the City Council is developing programmes to support investment and housing redevelopment, with the initial focus on the Central City. Through the reviews of their respective District Plans, Selwyn and Waimakariri District Councils are also exploring approaches to enable additional capacity through redevelopment in existing urban areas and close to town centres.
109. In summary, the targeted ‘opening up’ of additional greenfield areas in Rolleston, Rangiora and Kaiapoi is one element of the wider strategy for meeting projected medium to long-term development capacity shortfalls. Population and household growth in Greater Christchurch to 2048 will be met through provision for Central City and suburban centre living, while providing for township growth in Selwyn and Waimakariri Districts.
110. The settlement pattern established through the Land Use Recovery Plan 2013, and incorporated into the CRPS as Chapter 6 after the 2010-2011 earthquake sequence, has largely been implemented. *Our Space 2018-2048* looks to the future, setting out strategic planning directions to 2048, guided by the vision, goals and principles in the UDS. The Greater Christchurch Partnership is now working on the development of longer-term future strategic direction for Greater Christchurch, through development of the Greater Christchurch 2050 strategic framework. This work is occurring in parallel with the development of the mass rapid transit business case and comprehensive review of the settlement pattern (Greater Christchurch Spatial Plan), and a full review of the CRPS being undertaken over the next three

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<sup>55</sup> Density scenarios indicate that, at a minimum density of at least 12 households per hectare, the FDAs could collectively provide for over 10,000 homes. (Greater Christchurch Partnership, *Our Space 2018-2048: Greater Christchurch Settlement Pattern Update*, Table 5, page 28). Actual housing capacity numbers will be determined once district structure planning and / or outline development plan processes are complete.

years. Environment Canterbury has committed funds in the Long Term Plan to support the partnership in this work, and to review the regional policy statement.

### *Submissions and analysis*

111. A number of submitters express general support for increasing the availability of land to accommodate future growth.<sup>56</sup> Some refer to growing housing demand<sup>57</sup> or the existence of a 'housing shortage'<sup>58</sup>, and note that the Proposed Change will assist in meeting this need.
112. Support is expressed by some submitters for the planned and coordinated approach taken to release sufficient land to meet the needs of urban development within identified locations through the Proposed Change.<sup>59</sup>
113. Several submissions were received from owners of land within the proposed FDAs.<sup>60</sup> All support the identification of their land within the FDAs on Map A. Some of these submitters oppose, or seek additional changes to, the proposed provisions<sup>61</sup> – these points are addressed in the relevant sections of this report.
114. Specific support is expressed by some submitters in relation to the identification of the Rangiora FDA.<sup>62</sup>
115. One submitter explicitly supports retention of the Christchurch City boundary unchanged.<sup>63</sup>
116. The Proposed Change was opposed by one submitter on the basis that higher densities could be supported in Central Christchurch to accommodate a significant portion of the expected population growth.<sup>64</sup> The submission states that resettlement post-earthquake has all but finished, and that demand for new housing areas for the people affected by the earthquakes will be minimal and can be absorbed into the normal market activity in the area. The submitter considers that further housing should be provided in areas where people are more likely to use active transport for their journey to work and be discouraged in areas where there are few alternatives to the private car. The relief sought by the submitter is 'to make it more attractive for housing development in Christchurch than the surrounding settlements'.
117. We agree that the Central City provides the opportunity, and has available capacity, to make a significant contribution to accommodating projected population and household growth, and this is being encouraged and pursued by the Greater Christchurch Partnership and

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<sup>56</sup> Including, Herrick, Urban Estates.

<sup>57</sup> Eliot Sinclair.

<sup>58</sup> Including, Dalkeith Holdings, Hughes Developments Limited, Carter Group.

<sup>59</sup> Including, Taylor C and P, McLachlan C.

<sup>60</sup> Including Bellgrove Rangiora Ltd, Yoursection Ltd, Dalkeith Holdings Ltd, Hughes Developments Limited, Markham Trust.

<sup>61</sup> Including Hughes Developments Limited, Bellgrove Rangiora Ltd, Markham Trust.

<sup>62</sup> Taylor C and P, Dalkeith Holdings Ltd.

<sup>63</sup> Hawke D.

<sup>64</sup> Babe D.

Christchurch City Council. Through the housing targets in Objective 6.2.1a, 65 per cent of Greater Christchurch's housing growth through to 2048 should be supported in Christchurch City, with the remaining 20 per cent in Selwyn and 15 per cent in Waimakariri. As noted above, redevelopment / intensification of existing urban areas in Christchurch City is expected to provide 45 per cent of the required housing capacity. However, *Our Space 2018-2048* 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). The targeted change to the CRPS was identified as part of the proposed planning response and seeks to strike a balance between new housing enabled through redevelopment opportunities within existing urban areas and development capacity in greenfield locations.

118. Related to urban form, some submitters raise concern regarding increased emissions and associated effects on climate change arising from enabling development within the FDAs. These submission points are addressed under Theme 3: Effects on greenhouse gas emissions and climate change.
119. In addition, a number of submitters indicate support in part for the Proposed Change, but seek amendments to Map A to identify additional land to meet the demand for housing or business land.<sup>65</sup> A number of others also seek greater flexibility within the regional policy framework to enable development outside the preferred locations for growth identified in Chapter 6 and Map A.<sup>66</sup> These points are addressed in Theme 2 below.
120. As noted above, as part of Greater Christchurch 2050 the Greater Christchurch Partnership is undertaking a comprehensive review of the settlement pattern and developing a Spatial Plan. This process, and the full review of the CRPS, will provide an opportunity to appropriately consider where and how future housing and business needs should be met at a sub-regional scale, through long-term strategic growth planning.

### *Recommendations*

121. No changes are recommended to the Proposed Change in response to submissions on this key theme.

## **2. *Sufficiency and flexibilities with the Proposed Change***

### *Introduction*

122. As outlined in the Section 32 Report the purpose of the Proposed Change is to give effect to Policy 2 and Clause 3.7 of the NPS-UD and provide some flexibility for Selwyn and Waimakariri District Councils to rezone land through district planning processes to ensure sufficient development capacity is enabled to meet housing demands. Some submissions question whether the Proposed Change goes far enough in this regard.

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<sup>65</sup> Including, GW Wilfield, PCCH6-53, Carter Group, Herrick M, Crofts V.

<sup>66</sup> Including, Urban Estates, Eliot Sinclair, Doncaster Developments Ltd, Trices Road Rezoning Group.

### *Submissions and analysis*

123. In relation to sufficiency, a number of submitters consider the FDAs provided for through the Proposed Change do not enable enough developable land to become available and are not sufficient to satisfy market demand.<sup>67</sup> No new evidence is provided in the submissions to substantiate these submission points. Other submissions cite the wording of Policy 2 of the NPS-UD which requires local authorities to provide “at least” sufficient development capacity to meet expected demand. These submitters consider more land should be released for development due to uncertainties of demand over time and reported inaccuracies in the capacity assessment undertaken to support *Our Space 2018-2048*.<sup>68</sup>
124. In undertaking the Proposed Change Environment Canterbury has reviewed and accepted the findings of the capacity assessment that informed *Our Space 2018-2048*. The capacity assessment methodology and draft report were independently peer reviewed by relevant experts and withstood challenge through the *Our Space 2018-2048* hearings process. This assessment of future demand for housing and business land incorporated a range of conservative assumptions to ensure demand was not underestimated. Periodic review is also necessary to incorporate any new data and remain up-to-date. The next capacity assessment under the NPS-UD is scheduled to be completed later in 2021 and can consider changes in population and employment projections, any further post-earthquake trends and importantly the impacts of the COVID-19 pandemic on anticipated housing and business land demand. This plan-monitor-manage cycle is recognised good practice evidenced-based decision-making and can inform any future changes to be incorporated within the full review of the CRPS. In the absence of evidence to the contrary we are satisfied that the current capacity assessment is sufficiently robust to guide the planning response and quantum of additional development capacity promoted through this Proposed Change.
125. When considering submissions seeking more generous provision of FDAs, with reference to the “at least” wording in the NPS-UD, we are cognisant of the functions of regional councils under section 30 of the RMA. In particular, these include Section 30(ba) being the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region; and (gb) the strategic integration of infrastructure with land use through objectives, policies and methods.
126. These functions necessitate a policy approach that strikes a balance between the need to enable development capacity to meet demand and support choice and competitiveness in housing and business land markets and the need to ensure development is appropriately integrated with the efficient and effective provision of infrastructure. Calls in submissions to “open up a plentiful supply of future development land” or ensure there is “ample feasible development capacity” are considered inappropriate and less likely to achieve the wider NPS-

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<sup>67</sup> Including, Urban Estates Limited, Carter Group Limited, Eliot Sinclair, Fisher J, Herrick M.

<sup>68</sup> Including, Doncaster Developments, Goulds Development and Four Star Developments Limited.

UD objective to establish a well-functioning urban environment, nor the overarching purpose of the RMA to promote the sustainable management of natural and physical resources.

127. A number of submitters also seek greater flexibility within the Chapter 6 policy framework.
128. Urban Estates' submission seeks to enable a 'merits based' assessment of applications for rezoning outside of the areas identified on Map A.
129. Eliot Sinclair similarly seeks more flexibility, including for the provision of rural residential development, noting that opportunities for this type of development could be impacted if areas identified in rural residential development strategies are developed under the more urban zonings currently being promoted through private plan changes. The submission further notes that areas of land identified as GPAs and FDAs, particularly around Rangiora and Kaiapoi, have significant hazard constraints, and the density these areas are expected to provide may not be readily achievable.
130. Related relief is sought by other submitters who oppose what they perceive as a "fixed non contestable rural/urban boundary" on Map A.<sup>69</sup> These submitters view this constraint as contrary to the NPS-UD 'responsive planning approach'.
131. Chapter 6 provides important planning certainty to landowners, developers and the wider community regarding future urban growth in Greater Christchurch. We consider this remains a key aspect of strategic planning in the sub-region and enables infrastructure providers to efficiently and effectively plan and programme infrastructure investment. We consider that the merits of land outside of the FDAs promoted through the Proposed Change are best considered as part of a comprehensive strategic planning exercise rather than individual and ad-hoc assessments. Environment Canterbury is currently collaborating with the territorial authorities and other organisations comprising the Greater Christchurch Partnership to scope and programme such a strategic planning exercise.
132. We are familiar with the responsive planning policies of the NPS-UD referenced by submitters. NPS-UD Policy 8 and Part 3, subpart 2, clause 3.8 requires local authorities to have particular regard to unanticipated or out-of-sequence development proposals that would add significantly to development capacity. Environment Canterbury is currently formulating criteria in response to clause 3.8(3) to determine what plan changes are considered significant in a Greater Christchurch and Canterbury context, to be advanced through a separate RMA process. The Greater Christchurch Partnership is considering the significance criteria in the first half of the 2021 calendar year.
133. When notified and subsequently adopted in the CRPS these provisions will clarify how NPS-UD Policy 8 will be interpreted at a regional level and determine what changes might be required to existing policy provisions, including those in Chapter 6. In the meantime, we recognise that

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<sup>69</sup> Including, Doncaster Developments Ltd; Williams K and B; Stewart, Townsend and Fraser; Trices Road Rezoning Group; Goulds Development and Four Star Developments Ltd; Marama Te Wai Ltd; Singh M; Pinedale Enterprises Ltd and Kintyre Pacific Holdings Ltd.

the NPS-UD is a higher order document under the RMA and decision makers assessing plan changes will need to consider the implications of such national direction alongside the policies contained in Chapter 6. Environment Canterbury has prioritised implementation of the Proposed Change to promote FDAs that have been signalled for urban growth for some time and align with the investment programmes of councils and other infrastructure providers as this is considered the most appropriate mechanism to address any potential shortfall in development capacity. We do not consider that any amendments are required in response to submissions that consider there to be insufficient flexibility and a fixed and non-contestable rural/urban boundary, as work is underway to progressively implement the new national direction set out through the NPS-UD. This includes changes to the district plans, the completion of a new capacity assessment and future development strategy, and the CRPS review.

### *Recommendations*

134. No changes are recommended to the Proposed Change in response to submissions on this key theme.

### **3. *Effects on greenhouse gas emissions and climate change***

#### *Introduction*

135. One of the central principles of a more sustainable urban form, and one that can achieve a reduction in emissions, is achieving integrated land use and transport planning, meaning more people can live in areas that have good access to a wide range of transport modes, and are therefore less dependent on private motor vehicles. Strategic growth planning in Greater Christchurch seeks to achieve this goal by consolidating development in and around Christchurch City and the larger towns in Selwyn and Waimakariri, and ensuring land use decisions are properly aligned with the proposals of separate transport plans, especially those in the Canterbury Regional Public Transport Plan.

#### *Submissions and analysis*

136. The majority of submissions raising issues related to effects on greenhouse gas emissions and climate change refer specifically to increased transport emissions. Submitters raise concern that the Proposed Change will result in dependency on private motor vehicles, attributed to the locations of the proposed FDAs.<sup>70</sup> Concern is also raised regarding a lack of provision for 'carbon neutral transport', or active or public transport.<sup>71</sup> One submitter<sup>72</sup> states that climate change and sea level rise are hazards that the Proposed Change should address and are likely to be exacerbated by the additional vehicle trips.

137. Related to the above, three submissions seek changes to provisions, to the effect that:

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<sup>70</sup> Babe D, McDonald Y, Hawke D, Long A.

<sup>71</sup> Hawke D, McDonald Y.

<sup>72</sup> Long A.

- there would be no net change in total private vehicle use in Rolleston, Rangiora and Kaiapoi;<sup>73</sup>
  - there would be no additional development before carbon neutral transport is available;<sup>74</sup>
  - development that contributes to emissions, climate change and sea level rise or result in significant private car dependency would be avoided.<sup>75</sup>
138. Further concern is raised by one submitter in relation to the conversion of ‘carbon sequestering’ pasture with ‘heat reflecting’ roads, roofs and driveways.<sup>76</sup>
139. One submission attributes population growth (as a contributor to increased carbon emissions) to the provision of more houses.<sup>77</sup>
140. Several of the submissions on this topic raise issues in the context of the Climate Emergency declared both nationally by Government, and regionally by Environment Canterbury.<sup>78</sup>
141. We agree that potential effects on greenhouse gas emissions and climate change (including sea level rise) are essential considerations in urban form, land use, and transport planning decisions. However, this must also be balanced with other considerations, including the need to provide sufficient development capacity to meet future demand for housing and business uses. It is not, in our view, practicable or appropriate to require no net change in private vehicle use, prohibit development ahead of the availability of carbon neutral transport, limit housing development as a means to stall population growth, or avoid development that contributes to emissions. It is recommended that the decisions requested in this regard are rejected.
142. The Proposed Change seeks to consolidate urban development and integrate land use and transport planning to support increased uptake of active and public transport and opportunities for modal choice. As noted above, a large proportion of future population and household growth is to be met through redevelopment and intensification in existing urban areas. Additional capacity has been directed to the larger townships of Rolleston, Rangiora and Kaiapoi, in support of recent and planned public transport and mass rapid transit investment in these locations.
143. The submission from Waka Kotahi NZ Transport Agency supports the Proposed Change, and notes that the areas identified for future urban growth are adjacent to existing urban areas that are serviced by public transport (bus services), thus reducing the need for longer trips, and that there are multi-modal transport options available.

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<sup>73</sup> Hawke D.

<sup>74</sup> McDonald Y.

<sup>75</sup> Long A.

<sup>76</sup> Babe D.

<sup>77</sup> Grigg J.

<sup>78</sup> Grigg J, Babe D, McDonald Y.

144. We consider that the settlement pattern promoted through the Proposed Change will support reductions in greenhouse gas emissions, including through promoting a compact urban form and appropriate densities to support increased uptake of public transport opportunities and reduced trip distances that enable active modes of transport.

#### *Recommendations*

145. No changes are recommended to the Proposed Change in response to submissions on this key theme.

#### **4. Impacts on strategic infrastructure**

##### *Introduction*

146. Strategic infrastructure represents an important regional and sometimes national asset that should not be compromised by urban growth and intensification. In line with the operative policies of the CRPS, the Proposed Change was developed to ensure that existing strategic infrastructure can continue to operate efficiently and effectively as the locational requirements and existing investment in strategic infrastructure means that it is extremely inefficient for them to relocate.

##### *Submissions and analysis*

147. A number of submitters commented on matters relating to the provision and protection of strategic infrastructure.
148. In general, Orion New Zealand Limited, Christchurch International Airport Limited (CIAL) and Lyttelton Port Company (LPC) support the Proposed Change, subject to minor amendments to Policy 6.3.7 and Policy 6.3.12. CIAL also seeks amendments to identify the Airport as a 'Key Employment and Transport Node'. LPC seeks amendment to Map A to include reclaimed land at the port within the PIB and existing urban area. Requested amendments to Policy 6.3.12 are addressed in the section below specific to that policy.
149. As explained in the section above, these latter specific points are considered out of scope as they relate to relief sought on provisions not subject to the Proposed Change other than through consequential amendments.
150. CIAL, LPC and Orion seek an amendment to Policy 6.3.7(1) to include a cross-reference to Policy 6.3.5. We note that Chapter 6 must be read as a whole and Policy 6.3.5 will apply regardless. Nevertheless, the effective integration of land use and infrastructure is a critical element to residential greenfield development and so the relief seeking a reference to Policy 6.3.5 in clause 1 of Policy 6.3.7 is supported.
151. CIAL is however opposed to the identification of FDAs within the 50dB Ldn Air Noise Contour in Kaiapoi. CIAL cites Policy 6.3.5(4) relating to the avoidance of noise sensitive activities within the 50dB Ldn Air Noise Contour and highlights that no exemption exists for FDAs in this regard. The relief sought by CIAL is that the FDAs proposed on land falling within the 50dB Ldn



Air Noise Contour will be limited to development for non-sensitive activities only, or alternatively, that the land falling within the 50dB Ldn Air Noise Contour is not identified as an FDA.

152. We agree with CIAL that there is no exemption for noise sensitive activities in FDAs and any development would therefore need to comply with Policy 6.3.5. It is understood that CIAL is undertaking remodelling of the airport noise contours and this work would in turn inform the evidence base for the CRPS review and any future rezoning decisions within the Kaiapoi FDAs over the longer term. The FDAs are however areas identified for urban growth within Waimakariri District Council strategic planning and infrastructure strategy documents and are supported by the Proposed Change, albeit subject to such development constraints.
153. This matter is also raised in the submission from Goulds Development and Four Star Developments Ltd for proposed development in Rolleston and, while the substantive relief sought by this submitter is addressed elsewhere in this report, we note that this area differs in that it is not supported by Selwyn District Council's planning and infrastructure programmes.
154. Transpower New Zealand Limited supports the Proposed Change, noting that no National Grid assets are located in the identified FDAs and Transpower does not have any immediate plans to development new infrastructure in those areas.
155. Waka Kotahi NZ Transport Agency also supports the Proposed Change. The submission comments that, as the FDAs are located within the Projected Infrastructure Boundary, the transport effects are similar to those previously modelled and anticipated (albeit at a faster rate of growth), and that existing transport networks (state highway, and public transport, cycle and pedestrian facilities) have adequate capacity to support additional growth at the proposed locations. Waka Kotahi considers the strong policy recognition of strategic infrastructure<sup>79</sup> will suitably manage future urban development so that land use and transport infrastructure are successfully integrated, and the potential transport effects appropriately considered.
156. The New Zealand Defence Force supports the Proposed Change and the retention of the policy provisions that protect strategic infrastructure, which includes Defence facilities, from the reverse sensitivity effects of residential development.
157. Relief sought to include additional defence facilities in Policy 6.3.9 (5)(e) is considered out of scope as it relates to a policy provision not subject to the Proposed Change. We note that this point can instead be addressed as part of the CRPS review.

### *Recommendations*

158. The following changes to the Proposed Change are recommended in response to submissions by CIAL, LPC and Orion:

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<sup>79</sup> Policy 6.3.12 and Objective 6.24 referenced.

**Policy 6.3.7 (1) is amended to read: “Subject to Policy 5.3.4, Policy 6.3.5, and Policy 6.3.12, residential greenfield development shall occur in accordance with Map A.”**

**Policy 6.3.12 (3) is amended to read: “The timing and sequencing of development is appropriately aligned with the provision and protection of infrastructure...”**

159. This is addressed further in Theme 5 below, with reference to submissions on Policy 6.3.12.

160. No other changes are recommended in response to submissions on this key theme.

## **5. *New Policy 6.3.12 – Future Development Areas***

### *Introduction*

161. Together with the identification of FDAs on Map A, Policy 6.3.12 represents the substantive component to the Proposed Change. It provides the policy provisions to enable land within the FDAs to be rezoned by Selwyn and Waimakariri District Councils if required to meet their medium-term housing needs. Where possible, the discussion below on submission points is sequential to each of the policy clauses.

### *Submissions and analysis*

162. Many submitters support the new Policy 6.3.12 in part or in its entirety.<sup>80</sup>

163. A few submitters state particular support for aspects of the Policy. For example, while supporting the Proposed Change as a whole, Community Housing Aotearoa strongly supports 6.3.12 (2)(a) but also notes that “land supply on its own will not automatically lead to affordability for all households”.

164. A similar number of submitters oppose aspects of the Policy, or the Policy in its entirety. Common themes for opposing the Policy are addressed in the topics above e.g. alignment with the NPS-UD, transport, emissions and climate change impacts.

165. Hughes Developments Limited (HDL) seeks deletion of 6.3.12 (1). HDL is concerned that the proposed Policy drafting will not enable the timely release of the identified FDAs for housing and that it treats targets as limits rather than as the bottom lines or minimums as required under the NPS-UD. HDL also questions the rationale for a collaborative approach to the preparation of capacity assessments.

166. Markham Trust outlines similar concerns to HDL but seeks that 6.3.12 (1) is transferred to become a Method to implement the Policy.

167. As outlined in the above theme on sufficiency and flexibility, and in light of the submissions, we consider Policy 6.3.12(1) to remain appropriate. Method 2 already requires local authorities to undertake regular monitoring of housing and business development capacity

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<sup>80</sup> Including, McLachlan C, Orion NZ Limited, Waka Kotahi NZ Transport Agency, Community Housing Aotearoa, Taylor C and P, NZ Defence Force.

and this provides the evidence base to inform an assessment under 6.3.12(1). Clause 6.3.12(1) is an important trigger that would initiate an appropriate planning response in alignment with the rest of Policy 6.3.12. It is therefore not a method itself but the result of the existing Method 2.

168. A few submitters seek the deletion of wording regarding the monitoring of business development capacity from 6.3.12(1).<sup>81</sup> We accept that this policy is specific to enabling additional housing capacity but consider this can be informed by changes in business development capacity and the desire to increase the self-sufficiency of the larger towns in Greater Christchurch as outlined in Objective 6.2.2. As such we recommend retaining the proposed wording without change.
169. Kainga Ora seeks an amendment to 6.3.12 (1) to add “or relevant local authority” to the body that carries out a capacity assessment, and a further amendment to 6.3.12 (2)(b) from “supporting” to “enabling” the efficient provision and use of network infrastructure. Related to this, Herrick, M considers a council (in this case Selwyn District Council) should be able to identify and rezone additional land for itself.
170. We see merit in this first amendment proposed by Kainga Ora as it clearly identifies the statutory body referred to in the NPS-UD in addition to the Greater Christchurch Partnership. The NPS-UD identifies Canterbury Regional Council as well as Christchurch City Council, Selwyn District Council Waimakariri District Council as Tier 1 local authorities comprising the Christchurch urban area. The NPS-UD, Subpart 5, section 3.19(3) states “If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing an HBA [Housing and Business Development Capacity Assessment] as required by this subpart”. This clearly conveys that monitoring is a collaborative endeavour and so “or relevant local authorities” is more appropriate wording in relation to this point. It also confirms our view that any submission points suggesting that each territorial authority undertake this work or implement the NPS-UD in isolation are not supported.
171. Kainga Ora also requests removal in 6.3.12 (2) of cross references to Objectives 6.2.1 and 6.2.2 and deletion of clauses 6.3.12(3)-(6) as they relate to other policies, reasoning that Chapter 6 is to be read as a whole and these objectives and policies will apply regardless.
172. Orion, CIAL and LPC seek amendment to 6.3.12 (3) such that “The timing and sequencing of development is appropriately aligned with the provision and protection of infrastructure,...”. CIAL and LPC also seeks addition of “and is appropriately aligned with the provision and protection of the strategic transport network” to this clause.
173. Long, A seeks to add subclauses to 6.3.12 (6) detailing a number of activities or circumstances pertaining to the avoidance or mitigation of natural hazards (particularly in relation to emissions, climate change and sea level rise).

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<sup>81</sup> Pinedale Enterprises Limited and Kintyre Pacific Holdings Limited, Williams K and B.

174. We understand the rationale provided by Kainga Ora in relation to this requested amendment but consider the references helpful to assist practitioners and draw specific attention to key related policies in the CRPS. It is also consistent with the cross-referencing used in the rest of Chapter 6. This matter can however be reconsidered as part of the review of the CRPS.
175. In retaining clauses 6.3.12(3)-(6) consideration of the amendments to 6.3.12(3) and 6.3.12(6) is required. We foresee circumstances where inappropriate timing and sequencing of development could place unnecessary pressure on existing infrastructure. In that regard, and in support of Policies 6.3.4 and 6.3.5, insertion of wording to 6.3.12(3) to read “the provision and protection of infrastructure” is supported. Additional wording requested by CIAL and LPC referring to the strategic transport network is considered duplicatory and, given the existing references in 6.3.12(3) to both Policies 6.3.4 and 6.3.5, is not supported.
176. The broad issues raised by Long, A are addressed in the topic above and as a result the requested additional subclauses to 6.3.12 (6) are not supported. Such clauses would arguably be unable to be met by any development and do not therefore appropriately balance the respective functions of the Regional Council nor its responsibilities under the NPS-UD.
177. Bellgrove Rangiora Limited considers the direction to local authorities in Method 3 (i.e. 'should') to be watered-down from the wording in NPS-UD. The submitter states “NPS-UD (Part 3: Implementation) requires that local authorities 'must' provide sufficient development capacity (3.2(1)) that 'must' be 'infrastructure-ready'. Consistency with the NPS-UD requires that local authorities 'will' co-ordinate the sequencing, provision and funding of infrastructure to enable the orderly and efficient development of Future Development Areas.” It is not appropriate for the CRPS to require actions be undertaken in instruments and strategies made in accordance with other statutes, such as those made in accordance with the Local Government Act 2002 (LGA). We recognise the importance of enabling the co-ordination of infrastructure planning under the RMA and LGA, and consider that Method 3 is an appropriate method of achieving Policy 6.3.12.
178. We concur with the submitter’s summary of aspects of the NPS-UD, and local authorities will need to give effect to such national direction, but note that Method 3 pertains to the “orderly and efficient development” of FDAs.

#### *Recommendations*

179. The following changes to the Proposed Change are recommended in response to the submission by Kainga Ora:

**Policy 6.3.12(1) is amended as follows: “It is demonstrated, through monitoring of housing and business development capacity and sufficiency carried out collaboratively by the Greater Christchurch Partnership or relevant local authorities, that...”**

**Policy 6.3.12(2)(b) is amended as follows: “~~Supporting~~ Enabling the efficient provision and use of network infrastructure; and”**

180. The following change to the Proposed Change is recommended in response to submissions by CIAL, LPC and Orion:

**Policy 6.3.12 (3) is amended as follows: “The timing and sequencing of development is appropriately aligned with the provision and protection of infrastructure...”**

181. No other changes are recommended in response to submissions on this key theme.

## **6. Changes sought to other provisions, definitions, and Map A**

### *Introduction*

182. This section of the report addresses submission points which relate to other provisions and definitions in Chapter 6, and changes to Map A, that are not addressed elsewhere in the report.

### *Submissions and analysis*

183. Bellgrove Rangiora Limited seeks an amendment to Policy 6.3.11 (5), to the effect that any alteration to the FDAs would only commence in the circumstances set out in sub-clauses (a) to (h): “Any change resulting from a review of the extent, and location of land for development, any alteration to the Greenfield Priority Areas, Future Development Areas, or provision of...”. Kainga Ora also sought the addition of a reference to Future Development Areas in Policy 6.3.11(5).

184. We recommend this change is accepted as this is consistent with other consequential amendments in the Proposed Change and Policy 6.3.11 is intended to apply to both the recovery period and the longer term timeframes set out in the NPS-UD. We also propose further consequential amendments to the Principal reasons and explanation to Policy 6.3.11 on this basis, set out under Recommendations below.

185. Bellgrove Rangiora Limited also seeks a change to the title of Map A, to read ‘Map A – Greenfield Priority Areas and Future Development Areas’. We support this suggested amendment, for reasons of clarity and consistency with the associated policies.

186. Eliot Sinclair seeks specific changes to Policies 6.3.7 and 6.3.9 to enable the flexibilities sought by a number of submitters as outlined in Theme 2 above. These changes are not supported through this Proposed Change but can be considered as part of future planning processes, including the full review of the CRPS.

187. Submissions from Carolina Homes Ltd, Allan Downs Ltd, and 199 Johns Road Ltd seek clarification regarding the correct locations of the PIB, FDA, and Greenfield Priority Area in the vicinity of the Southbrook Stream, South West Rangiora. The submissions seek that if the only change to Map A is to add the new FDA, that its corresponding boundary adjacent to the Southbrook Stream also take account of hazard constraints when being considered to be extended to the PIB.

188. No changes are proposed to the existing Projected Infrastructure Boundary or the Greenfield Priority Area shown on Map A. The only change to Map A promulgated through the Proposed Change is the identification of the Future Development Areas. The correct Greenfield Priority Area boundary is as shown on the layer published on Canterbury Maps alongside the Proposed Change.
189. Whilst the proposed change to Map A would identify the FDAs to the full extent of the Projected Infrastructure Boundary in Rangiora, Rolleston and Kaiapoi, there are flood risk constraints (including areas that have been identified as ‘high hazard’) in a number of locations that will impact on the actual developable area within the FDAs. Chapter 11 of the CRPS requires that new subdivision, use and development in areas at risk of natural hazards are avoided or mitigated. District plans are the most appropriate mechanism to manage the effects of natural hazards on a site specific basis. These constraints will necessarily be considered through the development of detailed structure plans and at the time of rezoning and subdivision, and in accordance with operative CRPS and district plan provisions which seek to avoid or mitigate development in locations at risk of flooding.

*Recommendations*

190. The following changes to the Proposed Change are recommended in response to the submissions by Kainga Ora and Bellgrove Rangiora Limited:

**Policy 6.3.11 (5) is amended as follows: “Any change resulting from a review of the extent, and location of land for development, any alteration to the Greenfield Priority Areas, Future Development Areas, or provision of...”.**

**Further consequential amendments to the Principal reasons and explanation wording of Policy 6.3.11, as follows:**

**“Policy 6.3.11 is intended to ensure enough land is available and in the right locations to facilitate recovery through to 2028 and ensure sufficient development capacity is identified.**

**Anticipating the number of ~~relocated or~~ new households and the business activity to be accommodated, as well as the form that these are likely to take, indicates the land areas required for successful recovery and longer term urban growth.**

**Policy 6.3.11 also provides that the circumstances for altering the areas identified for urban development on Map A ~~priority area provisions of this chapter~~ are:**

- a. There is determined to be insufficient land within the Priority Areas and Future Development Areas to meet anticipated demand over the recovery period;”**

**Retain Map A as notified, with the exception that the title is amended to read ‘Map A – Greenfield Priority Areas and Future Development Areas’.**

191. No other changes are recommended in response to submissions on this key theme.

## **7. Other Matters Raised**

192. This section addresses submissions made in relation to topics or matters that are not covered by the general themes above.

### **(a) Submission from Waimakariri District Council**

193. Waimakariri District Council supports the Proposed Change and seeks to further elaborate on the work being undertaken by the Council in regard to the Minister's statement of expectations and, in doing so, outline related investigations to show the Council's commitment to the FDA areas as part of its District Planning processes. Information appended to the submission addresses matters of:

1. Housing density, typology, and spatial distribution
2. Transport planning, particularly in regard to traffic flows to and from Christchurch District

#### *Submission and analysis*

194. The submission notes that the Council has collaboratively reviewed densities and endorsed a position of achieving higher densities. It sets out that density changes are under consideration within the District Plan Review, including a new Medium Density Zone with a greater spatial extent.

195. The submission also highlights the results of transportation analysis commissioned by Waimakariri District Council to consider traffic flow implications of recent and projected land use change, including growth within the FDAs. It states that the results show that traffic flows can be accommodated within the network and that these are lower than those previously forecast in the Christchurch Transport Model.

196. We appreciate the provision of information by Waimakariri District Council in this regard.

#### *Recommendations*

197. The submission supports the Proposed Change and does not seek amendments to its proposed provisions.

### **(b) Density**

#### *Submissions and analysis*

198. Three submitters<sup>82</sup> comment that the Proposed Change does not increase the minimum net density from 10 houses to 12 houses per hectare, which was recommended as part of the Settlement Pattern Update. The submitters previously supported the change from 10 to 12

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<sup>82</sup> 199 Johns Road Ltd, Carolina Homes Ltd, Allan Downs Ltd.

houses per hectare for the Waimakariri District and consider the increased minimum density continues to be appropriate. Given the density proposed is a minimum, these submitters support Policy 6.3.7 on the basis that Waimakariri District Council may require 12 houses per hectare through the District Plan Review.

199. The proposed provisions do not specify a minimum density requirement for the FDAs. The inclusion of a minimum density requirement was considered during development of the draft provisions and further in response to pre-notification consultation feedback and in the light of the Minister's expectation. However, this was ruled out as not being reasonably practicable primarily because the evidence base is not yet sufficiently advanced. The Greater Christchurch Partnership is working collaboratively to review the appropriateness of existing minimum densities specified in the CRPS to inform district planning and the review of the CRPS. A method to this effect has been included in the proposed provisions. A minimum density of 12 households per hectare within FDAs has been agreed to by the Greater Christchurch Partnership councils in adopting Our Space and will be given effect to through subsequent district planning processes.

#### *Recommendations*

200. No specific decision was requested by the submitters.

#### **(c) Affordable housing**

##### *Submissions and analysis*

201. A number of submitters directly or indirectly raise issues related to affordable housing, or more generally the affordability of housing.
202. Community Housing Aotearoa supports the Proposed Change. It submits that the proposed amendments are consistent with the recommendations made in the Social and Affordable Housing Action Plan Report to the Greater Christchurch Partnership in September 2020 and supports the proposed amendments as important components of the regional effort to ensure warm safe, dry and affordable homes for all residents
203. Woods, H notes the need for affordable housing options and expresses support for the establishment of transportable home parks to ease poverty and provide affordable accommodation, particularly for older people. The submission 'supports and endorses' the use of existing rural-residential areas as suitable locations for this type of accommodation.
204. Clause 2(a) of proposed Policy 6.3.12 broadly addresses the provision of affordable housing, through seeking that development within the FDAs will provide 'opportunities for higher density living environments, including appropriate mixed use development, and housing choices that meet the needs of people and communities for a range of dwelling types'. District Councils are best placed to determine the specific types of accommodation to meet housing needs in their areas; specific provision for transportable home parks goes beyond the scope of regional council functions.



## *Recommendations*

205. No changes are recommended to the Proposed Change in response to the submissions referred to above.

### **Recommendation**

206. For the reasons explained in this report, it is recommended that the Minister for the Environment approves Proposed Change 1 to Chapter 6 of the CRPS, subject to the modifications as set out in the report.

207. Submissions on the Proposed Change are recommended to be accepted and rejected as indicated in this report and the summary of submissions provided at Appendix 2.

208. In summary, the reasons for the recommendation are that the Proposed Change, together with the recommended amendments, is the most appropriate way to:

- Implement Policy 2 and clause 3.7 in the NPS-UD to ensure at least sufficient development capacity to meet expected demand for housing and for business land over the short (three years), medium (10 years) and long term (30 years) is enabled.
- Implement the settlement pattern and outcomes of *Our Space 2018-2048*, being the future development strategy for Environment Canterbury, Christchurch City Council, Selwyn District Council and Waimakariri District Council.
- Respond to existing direction in the CRPS to ensure an available supply of residential and business land over the short and long term to meet the objectives and policies of the CRPS, Chapter 6.

209. The Proposed Change, together with recommended amendments, meets the relevant statutory tests and the Minister's expectations, as set out in Appendix 4 and 5.

210. As set out above, the Proposed Change is part of a broader strategic programme of work being undertaken by the Greater Christchurch Partnership and partner councils to manage long-term growth and development in the sub-region, in a manner that aligns with infrastructure planning and funding decisions. It will ensure sufficient development capacity is enabled to meet future demand for housing land, and is the first of a series of measures to progressively implement policy direction in the NPS-UD.

211. The Proposed Change to the CRPS, including the additional amendments we have recommended in response to submissions, are set out in Appendix 1.

## **Appendices**

The following appendices to the Recommendations Report are provided in a separate volume:

Appendix 1 – Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement, incorporating the Council’s recommendations

Appendix 2 – Summary report of written submissions

Appendix 3 – Section 32 evaluation report

Appendix 4 – Summary of the actions undertaken by the Council in accordance with the streamlined planning process and the Minister’s Statement of Expectations

Appendix 5 – Legal and statutory framework – compliance with the requirements of relevant national direction and the RMA (or regulations made under it) (including section 32AA evaluation report)

Appendix 6 – Minister’s Directions

Appendix 7 – Technical peer review report prepared by Hon. Lester Chisholm for Environment Canterbury