

**Before the Hearings Panels
At Waimakariri District Council**

Under the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

**Joint Witness Statement –
Urban Environment (Planning)
Day 1**

Date: 26 March 2024

INTRODUCTION:

- 1 This Joint Witness Statement ('**JWS**') relates to expert conferencing on the definition of the 'urban environment' in respect of the submissions for rezoning.
- 2 This JWS has resulted from views exchanged via correspondence from 15 to 22 March 2024 and a meeting held on 25 and 26 March 2024.
- 3 The following participants were involved in this conferencing and authored this JWS:
 - (a) Peter Wilson for Waimakariri District Council,
 - (b) Jessica Manhire for Waimakariri District Council,
 - (c) Shelley Milosavljevic for Waimakariri District Council,
 - (d) Mark Buckley for Waimakariri District Council,
 - (e) Rachel McClung for Waimakariri District Council – noting that Ms McClung did not attend the meeting on Monday 25 March,
 - (f) Andrew Willis for Waimakariri District Council,
 - (g) Joanne Mitten for the Canterbury Regional Council (Submitter 316),
 - (h) Fiona Aston for Survus (Submitter 250),
 - (i) Ivan Thomson for R & G Spark (Submitter 183 Proposed District Plan, Submitter 61 Variation 1), Woodwater Limited (Submitter 215 Proposed District Plan, Submitter 48 Variation 1), and Macalister (Submitter 8 Proposed District Plan),
 - (j) Michelle Ruske-Anderson for Bellgrove Rangiora Limited (Submitter 408),
 - (k) Mark Allan for Momentum Land Limited (Submitter 173) and Mark and Melissa Prosser (Submitter 224),

- (l) Dean Chrystal for Daniel Smith (Submitter 10) – noting that Mr Chrystal did not attend the meeting,
- (m) Melissa Pearson for DEXIN Investments Limited (Submitter 377),
- (n) Georgia Brown for Crichton Development Group (Submitter 299),
- (o) Bryan McGillan for Rachel Claire Hobson and Bernard Whimp (Submitter 179),
- (p) Tim Walsh for Rolleston Industrial Developments Limited (Submitter 160) and Carter Group Property Limited (Submitter 237),
- (q) Jeremy Phillips for Rolleston Industrial Developments Limited (Submitter 160) and Carter Group Property Limited (Submitter 237),
- (r) Victoria Edmonds for S & U Hack / 110 Parsonage Rd, Woodend (Submitter 201),
- (s) Sam Kealey for Andrew Carr (Submitter 158)

4 In preparing this statement, the experts have read and understand, and abide by, the Code of Conduct for Expert Witnesses as included in the Environment Court of New Zealand Practice Note 2023¹.

PURPOSE AND SCOPE OF CONFERENCING:

5 The conferencing was focused on matters relevant to rezoning submissions, including as identified in Minute 22 from the Hearing Panel for the Proposed Waimakariri District Plan (**‘Proposed Plan’**) which agreed to the inclusion of a question regarding the definition of the ‘urban environment’ in addition of other urban growth and development related questions in Minute 20.

¹ <https://www.environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

6 This statement records the views of the planners on the topic of the 'urban environment' where relevant to the National Policy Statement on Urban Development 2020 ('NPS-UD').

7 Correspondence relevant to this topic occurred between 15-22 March 2024 before a meeting on 25 and 26 of March. The purpose of the conferencing was to identify agreement and disagreement on the definition and application of the term 'urban environment'. Mr Phillips initiated discussion on the topic with an email he sent on 15 March 2024 where he asked for views on the following position statement which is derived from his statement of evidence for hearing stream 12:

- *The relevant 'urban environment' for the purposes of the NPS-UD is that part of the Waimakariri District within the Greater Christchurch Tier 1 urban environment as shown on Map A of the Canterbury Regional Policy Statement ('CRPS') (and as referred to in the explanation for Policy 6.2.1a of the CRPS).*

8 The extent of the 'urban environment' is relevant in determining the applicability of the NPS-UD in respect of rezoning submissions. How the urban environment is defined has implications for the housing capacity assessment. A wider definition of the 'urban environment' is likely to capture more housing demand compared to a narrower definition. In the absence of an agreed definition, economists can model various scenarios depending on differing interpretations. A well-functioning urban environment and the capacity it provides is a subsequent test. Both tests are required. Considered together, the process can be summarised as "work out how much housing is required over the short, medium and long term, then where to locate it".

9 A position paper prepared by various s42A officers for Waimakariri District Council was circulated for discussion on 21 March 2024 and is provided in **Annexure A**. In general, the views expressed in the position paper support a narrower interpretation of the 'urban environment' compared to that expressed in Mr Phillips' first position statement. Please note that the position paper is provided for the purposes of

conferencing alone, and does not represent, or pre-empt any recommendation that a s42A officer may make in their upcoming reports.

MATTERS THAT THE EXPERTS AGREE AND DISAGREE ON

- 10 During the meeting, discussion mostly focused on the extent of the Christchurch Tier 1 urban environment as referenced in Table 1 of the Appendix of the NPS-UD. Some experts expressed a view that the Greater Christchurch sub-region² defines the extent of the Christchurch Tier 1 urban environment.
- 11 Mr Buckley, Ms Manhire, Mr Wilson consider that the NPS-UD only defines the urban environment for Christchurch City. These experts considered that there may be other 'urban environments' separate to the Christchurch tier 1 urban environment that meet the NPS-UD definition within the district. Mr Wilson, Mr Buckley, Ms Manhire consider that Rangiora has commuter behaviour from beyond the dashed line in Map A.
- 12 All experts agreed that if Table 1 of the NPS-UD more explicitly defined the spatial extent of the Tier 1 urban environments (plural) (e.g. with a map or agreed local government planning arrangements), or subsequently Map A, CRPS included a legend item that identifies the boundaries of the urban environments (that meets the NPS-UD urban environment definition) for the four local authorities it is unlikely there would be any disagreement on this subject.
- 13 Expert opinion on the definition of urban environment can be summarised as follows:
 - (a) Experts who consider that the definition of the urban environment for Greater Christchurch is complete and implemented through the dashed line on Map A.

² Please note that all references to Greater Christchurch are to the extent of the sub-region as indicated by a dashed line on Map A of the CRPS.

- (b) Experts who consider that Map A defines the urban areas of Greater Christchurch but that there is ambiguity in how Map A defines the urban environment for Greater Christchurch.
- (c) Experts who consider there may be other urban environments beyond the dashed line in Map A/Greater Christchurch based on the two limb tests of the NPS-UD definition.

Consideration of the NPS-UD definition of 'urban environment'

- 14 Experts have considered the definition of 'urban environment' in the NPS-UD as follows:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

(a) is, or is intended to be, predominantly urban in character; and

(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

- 15 In respect of the first limb of the definition (subclause a), three possibilities were discussed as follows:

(a) Land contained within the existing urban areas, greenfield priority areas, future development areas and other areas contained within the projected infrastructure boundary are (or are intended to be) predominantly urban in character.

- 16 All experts agree with this statement.

(a) Additional areas within Greater Christchurch beyond the areas described in (a) above may also be, or intended to be, predominantly urban in character but would be subject to a case-by-case assessment of urban character.

- 17 All experts agree with this statement.

(a) All of Greater Christchurch is, or is intended to be, predominantly urban in character.

- 18 Mr Willis, Mr Wilson, Mr Buckley, Mr Allan, Ms Ruske-Anderson, Mr McGillan, Ms Manhire, Ms Milosavljevic do not consider that all of the Greater Christchurch area is predominantly urban in character, nor is it intended to be.
- 19 Mr Thomson, Mr Phillips, Ms Kealey, Ms Brown, Ms Aston, Mr Walsh, Ms Pearson, Ms Edmonds, Ms McClung, Ms Mitten consider that all of the Greater Christchurch area is predominantly urban in character or intended to be.
- 20 While Ms Mitten generally agrees, she considers the application to any particular area of land within Greater Christchurch requires contextual analysis.
- 21 All experts agree that the term 'predominantly' is important to this assessment in the overall context of Greater Christchurch. The difference in expert opinion is primarily related to the degree to which 'predominantly' includes rural areas. There are also differing interpretations of what constitutes 'character'. It can be viewed through different lenses such as landscape, function, use (including existing use), traffic volumes, and economic and social fabric.
- 22 All experts agree that there are areas outside of Greater Christchurch that are urban in character. These areas could be outside of the Christchurch Tier 1 urban environment.
- 23 In respect of the second limb of the definition (subclause b) relating to the housing and labour market, four possibilities were discussed as follows:
- (a) The existing urban areas, greenfield priority areas, future development areas and other areas contained within the projected infrastructure boundary.**
- 24 All experts agree that these areas are part of the Christchurch labour and housing market.

(a) Additional areas within Greater Christchurch beyond the areas described in (a) above (and inclusive of the areas in (a) above).

25 All experts agree that these areas are part of the Christchurch labour and housing market.

(a) All of Greater Christchurch.

26 All experts agree that this area is part of the Christchurch labour and housing market.

(a) Areas beyond Greater Christchurch within the district boundaries.

27 The experts agree that areas beyond Greater Christchurch may be part of the Christchurch labour and housing market, but the connection becomes more tenuous with distance from the city, for example, Oxford, but not Lees Valley.

28 Mr Thomson considers that a different boundary other than the dashed line in Map A would create cross-boundary issues with implications for Christchurch and Selwyn Districts.

29 Ms Manhire, Mr Wilson, Mr Buckley consider that it is the prerogative of the relevant local authority to determine what an urban environment is for the purposes of applying the NPS-UD in planning decisions. Ms Manhire, Mr Wilson, Mr Buckley consider that the outer dashed line on Map A of the CRPS corresponds to the Greater Christchurch 'study area' rather than the 'urban environment'.

30 Mr Cleese, Mr Chrystal expressed an initial view but were not party to discussions.

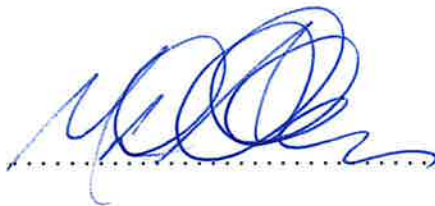
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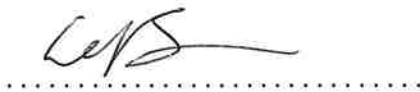
JOANNE MITTEN



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MARK ALLAN



GEORGIA BROWN



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Date: 26 March 2024

Signatories



PETER WILSON



SHELLEY MILOSAVLJEVIC



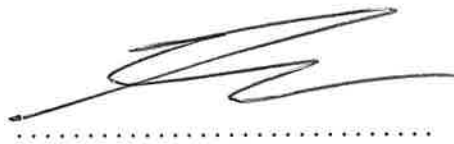
JESSICA MANHIRE



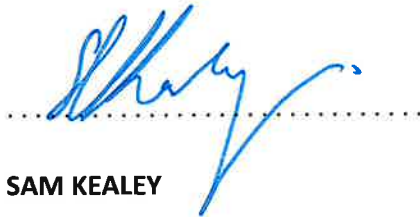
MARK BUCKLEY



ANDREW WILLIS



TIM WALSH



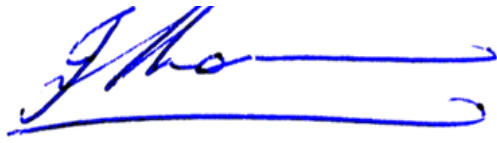
SAM KEALEY

Melissa Pearson
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MELISSA PEARSON

Rachel McClung

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RACHEL McCLUNG



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IVAN THOMSON

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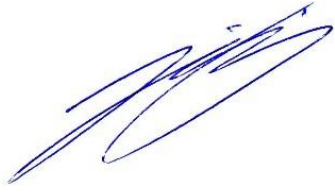
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FIONA ASTON

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VICTORIA EDMONDS



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JEREMY PHILLIPS

**ANNEXURE A – Ms JESSICA MANHIRE, Ms SHELLEY MILOSAVLJEVIC, MR ANDREW WILLIS, MR
MARK BUCKLEY, MR PETER WILSON (s42A OFFICERS) POSITION PAPER**

**Proposed Waimakariri District Plan
Day 1 Planner Conferencing**

Position Paper from s42A reporting officers Ms Jessica Manhire, Ms Shelley Milosavljevic, Mr Andrew Willis, Mr Mark Buckley, Mr Peter Wilson

Please note that this does not anticipate or pre-empt any recommendation the respective s42A authors may make in their upcoming reports. This paper has prepared for the purposes of assisting conferencing, and any positions within it would be superseded by any joint witness statement.

Suggested questions for discussion to assist in answering panel questions:

Ms Jessica Manhire, Ms Shelley Milosavljevic, Mr Andrew Willis, Mr Mark Buckley, Mr Peter Wilson have provided the following questions and answers from our perspective as s42A report authors.

Does the NPS-UD only apply to urban environments as per the NPS-UD definition of urban environments?

Yes, current and intended urban environments, noting that NPS-UD Clause 1.3 states that it can be all or part of a district or region.

What is the definition of an urban environment? Is it as defined in the NPS-UD?

Yes, at a high-level, but there is a Canterbury and Waimakariri District ' context as discussed below.

Is it defined in the CRPS?

There is no definition of 'urban environment' in the CRPS. There is a definition of 'urban activities' as follows:

means activities of a size, function, intensity or character typical of those in urban areas and includes:

- *Residential units (except rural residential activities) at a density of*

more than one household unit per 4 ha of site area;

- *Business activities, except those that fall within the definition of rural activities;*
- *Sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location);*
- *Any other land use that is to be located within the existing urban area or new Greenfield Priority Area.*

The CRPS also defines 'urban' as:

A concentration of residential, commercial and/or industrial activities, having the nature of town or village which is predominantly non-agricultural or non-rural in nature.

The CRPS states “*The Greater Christchurch Tier 1 urban environment is that shown on Map A*” (pg 72, CRPS). It is not clear which part of Map A it is referring to.

This was inserted by the s55 RMA update to the CRPS in 2022, under Clause 3.6(4) NPS-UD which required the bottom lines to be inserted into the CRPS (and District Plans).

Table 1 NPS-UD defines Christchurch as the Tier 1 urban environment, not “Greater Christchurch” and also defines the Tier 1 local authorities as the CRC, SDC, CCC, WDC.

The NPS-UD leaves it to districts to determine what the urban environment is in any particular application as the NPS-UD applies to planning decisions by local authorities (Clause 1.3). The NPS-UD does not map the urban environment.

Map A does not have a legend entry for the Greater Christchurch Tier 1 urban environment. It has an outer dashed line that corresponds to the Greater Christchurch urban study area.

Map A shows grey (existing urban areas), green (greenfield priority areas), orange (future development areas) all within a projected infrastructure boundary (black); all of these layers are shown on the map legend.

Is it defined by something else (PDP)?

As notified, the PDP defined 'urban environment' as follows:

“means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

is, or is intended to be, predominantly urban in character; and

is, or is intended to be, part of a housing and labour market of at least 10,000 people.

~~For Waimakariri District, the urban environment described in (a) and (b) comprises the towns of Rangiora, Kaiapoi, Woodend (including Ravenswood), Pegasus, Oxford, Waikuku, Waikuku Beach, The Pines Beach, Kairaki, Woodend Beach, the small towns of Ashley, Sefton, Cust, Ohoka, Mandeville, and all Large Lot Residential Zone areas and Special Purpose Zone (Kāinga Nohoanga).”~~

Mr Buckley UFD s42A (pg 28) recommended the above strikethrough, and the following addition of a defined term for 'urban centres':

Urban centres - “The areas encompassing the towns of Rangiora, Kaiapoi, Woodend, Ravenswood and Pegasus

There is no reference to Greater Christchurch or similar in the PDP definitions.

How is an 'urban environment' determined?

NPS-UD definition has two limbs with a conjunctive “and”:

The first limb –

Is, or intended to be, predominantly urban in character

This requires active local government planning decisions and evidence to determine whether areas are, or are intended to be, urban in character. Clause 1.3 NPS-UD puts this responsibility on local authorities, which in turn requires local authorities to determine which areas then become urban environments.

The second limb -

Is, or intended to be, part of a housing and labour market of at least 10,000 people

- i. Is this based on a contiguous area or isolated pockets?
- ii. Is an urban environment the source of the labour force or the recipient of the labour force (point of reference)?

At best, the Greater Christchurch “study area” forms part of the housing and labour market catchment for ‘Christchurch’, noting it dates to the 2007 Urban Development Strategy³, and does not capture all commuter behaviour, especially in the at least 16 years since it was defined, and it is noted that many considerable changes that have occurred since then, in particular the impacts of the Canterbury earthquakes on living and working locations, along with upgrades to motorways, and increases in remote working following the pandemic.

It also may not capture commuter behaviour for the smaller centres (in comparison to Christchurch City), particularly Rangiora.

Who determines what is urban character and what is intended to be a housing and labour market?

Local authorities decide, based on higher order RMA documents, such as the CRPS and NPS-UD which they must implement in the context of their own District Plans. Those higher order documents and District Plans can be informed by non-RMA documents such as FDSs but only in the s74

3

<https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch/UDSActionPlan2007.pdf>

RMA context of 'have regard to'. There is also local context in the District Plans themselves.

What is the purpose of the Greater Christchurch Area?

- To support coordination and growth management (primarily transport).

How relevant is the Greater Christchurch Area to an urban environment assessment?

The Greater Christchurch area is not clearly defined in any statutory RMA document. It may be a dashed line on Map A CRPS, but this dashed line has no legend item.

This could confuse the application of the NPS-UD and the CRPS.

The Greater Christchurch study area boundary was (noting its 2007 origins) and could still be seen as a proxy for a housing and labour market of Christchurch, but is not particularly relevant as an 'urban environment' boundary for the particular growth considerations for Rangiora, Woodend and Kaiapoi (shaded urban areas within Map A) because of the particular direction in Chapter 6 CRPS for urban growth to only occur in the shaded areas of Map A within the Projected Infrastructure Boundary and to avoid development outside of these specific areas.

Outside of Map A, the CPRS Chapter 5 objectives and policies apply, which includes some urban centres listed in Mr Buckley's 'urban centres' definition. There is a distinctive difference between the Chapter 6 direction (urban) and Chapter 5 direction (non-urban), but even within that distinction, Chapter 6 requires urban development to be avoided outside of existing urban areas, or greenfield priority areas, unless expressly provided for (as Map A).

What scale do you do the assessment at? and do you do it for each proposal?

At a town by town basis and surrounds in accordance with Map A and the greenfield areas⁴.

Unanticipated proposals can be considered under Policy 8 NPS-UD stepping outside of the CRPS and Map A, but this requires the dual tests of development capacity and well-functioning urban environments to be met.

If there is a shortfall of development capacity and the proposal would be a well-functioning urban environment then an application could succeed under Policy 8 NPS-UD. Because 'urban environments' includes any current or future urban environment this proposal could be anywhere in the District.

MfE guidance⁵ recommends the following in respect of growth and capacity:

- Identifying 'unreasonable thresholds' that undermine competitive land markets.
- Is the size of the housing development significant to make a difference in achieving the housing bottom lines.

If there is no shortfall of housing based on existing or future zoned land in the Waimakariri District then proposals under NPS-UD Policy 8 would not be considered as "significant development capacity" and would not pass through the NPS-UD Policy 8 gateway, even if they were well-functioning urban environments.

The CRPS objectives and policies may still apply in determining if the proposal is a well-functioning urban environment (Policy 1 NPS-UD) and the housing bottom lines in the CRPS and PDP and a relevant capacity and growth model apply in determining if there is a shortfall.

For the purposes of an economic assessment, this is required by the NPS-UD to be done at a regional or district scale.

⁴ "Greenfields" is used as the collective term for greenfield priority areas and FDA

⁵ MfE Guidance "Understanding and Implementing Responsive Planning Policies", <https://environment.govt.nz/assets/Publications/Files/Understanding-and-implementing-responsive-planning-policies.pdf>

Overall assessment

Report authors consider that there is a substantial discrepancy between the development of the Greater Christchurch study area boundary, particularly through non-RMA FDSs such as Our Space and the Greater Christchurch Spatial Plan, its latter application as the “Greater Christchurch urban environment”, and the statutory CRPS which does not reproduce this understanding, particularly through Map A. In short, the words, largely in non-statutory documents, do not match the maps (in both the statutory and non-statutory documents).

We note that the change in definition of ‘urban environment’ from the NPS-UDC 2016 definition⁶ to the NPS-UD 2020 definition⁷ may be the cause of the confusion, as the NPS-UDC urban environment definition is different to the NPS-UD definition, and in that context, applying the GC study area boundary to the NPS-UDC urban environment definition may have been appropriate.

However, the CRPS has never contained a statutory ‘urban environment’ definition despite multiple reviews and changes during this time period.

However, as the NPS-UD definition is different, particularly the first limb (‘urban in character’), the GC boundary may not apply (and Map A does not apply it, defining urban areas as the towns and some greenfield areas on the edge of them). Either way, a consideration under the NPS-UDC cannot automatically become a consideration under the NPS-UD.

Comments from individual s42A authors:

1. Ms Milosavljevic considers that:

⁶ NPS-UDC 2016 definition “**Urban environment** means an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries.”

⁷ NPS-UD 2020 definition “**urban environment** means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.”

- a. Where 'Our Space' states on page 6 that "*Accordingly, the Partnership has determined that the **Greater Christchurch area shown in Figure 1** should be the geographic area of focus for the Update **and the relevant urban environment for the purposes of the NPS-UDC requirements.***" (bold emphasis added) that this is referring to the Greater Christchurch area on Figure 1, not the 'urban area including identified growth areas' shown on Figure 1, which indicates that 'Our Space' considered the Greater Christchurch area to be the urban environment, and this was as per the NPS-UDC 2016 definition that was in force at the time (and predates the NPS-UD 2020 definition).
- b. The CRPS repeated this in its change in September 2022 where it added the statement on pg. 72: "*The Greater Christchurch Tier 1 urban environment is the area shown on Map A*". She considers that potentially this was an error as the updated definition of 'urban environment' in the NPS-UD 2020 may not have been taken into consideration. She also notes that as the CRPS reference to '*the area shown on Map A*' is to a singular area, not plural ('areas'), thus further indicates it is referring to the Greater Christchurch **area**, not the various urban **areas** within projected infrastructure boundaries.
- c. However, she does not consider that Greater Christchurch constitutes an urban environment under the NPS-UD 2020 definition as it contains rural land that is not urban in character (or intended to be).

Mr Wilson notes Ms Milosavljevic's comments but also states the following:

- Map A, with the outer dashed line for the transport/commuting boundary (that corresponds to the 2007 UDC) existed prior to Our Space, having been in the original CRPS.
- Figure 1 of Our Space maps the Greater Christchurch study area (light green), but then maps the urban areas as dark green, continuing the pattern of Map A. Most of the light green area is rural land not intended to become urban as show in the map itself.
- At no point in its various incarnations has Map A ever explicitly defined the Greater Christchurch study area as the urban environment, having never been defined with a legend item.
- Instead, Map A, including its changes and updates following the NPS-UDC and NPS-UD has continued with mapping urban areas (shaded) and has never defined what the outer dashed line is.
- If there was intent within the CRPS to have the Greater Christchurch study boundary as the urban environment boundary, it would have come in through change 1 or prior to that, but that never occurred.
- The only CRPS reference to the urban environment came in the s55 changes following the NPSUD in 2022, not as a definition or as a change to Map A, and in itself, is still unclear as to what the "area in Map A" is. This insertion has not resolved the issue.

- If the CRPS was to contain an urban environment definition, it would either be as a legend item on Map A, or a definition, or both, but it does not contain these. This would also have to occur via a Schedule 1 RMA process.
- Instead, the projected infrastructure boundary defines the urban environment for the purposes of Map A.

Mr Wilson does not think that the Greater Christchurch urban environment has been defined for the purposes of the RMA other than the shaded (grey, green, orange) areas within Map A and potentially also the areas that are not shaded but are still within the infrastructure boundary. The evolution of the projected infrastructure boundary and shaded areas of Map A provide the history of how the urban environment definition and boundary has progressed in Greater Christchurch, in the absence of a clear definition.

The CRPS and Map A can be stepped outside of, in the context of Policy 8 NPSUD and a development capacity shortfall, but in defining what a well-functioning urban environment is for the purposes of Policy 8, using the Policy 1 criteria which has the “at a minimum” requirement would in turn result in a re-reference to the CRPS provisions for determining the well-functioning environment.