

**BEFORE THE WAIMAKARIRI DISTRICT COUNCIL
HEARINGS PANEL**

IN THE MATTER OF Submissions and Further
submissions by Richard and
Geoff Spark on the Proposed
Waimakariri District Plan.

AND

IN THE MATTER OF the Strategic Directions Chapter.

**STATEMENT OF EVIDENCE OF IVAN THOMSON ON BEHALF OF
RICHARD AND GEOFF SPARK (ID183)**

28 April 2023

INTRODUCTION

1. My full name is Ivan Thomson and I hold the position of Senior Planner with Aston Consultants.
2. I have a Master's Degree in Urban and Regional Planning (M.Phil) from Reading University in England. I have 40 years' post graduate experience in urban and regional planning, and I am a Fellow Member of the New Zealand Planning Institute.
3. My experience includes 30 years at the Christchurch City Council including 12 years' involvement with preparation, hearings and appeals for the former Christchurch City Plan, four years leading an Area Plans program, with the remainder of my time there being in a leadership/management role, including the Christchurch Replacement District Plan.
4. I confirm that I have read the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023, and I have complied with that Code when preparing this written evidence and agree to comply with it when providing oral evidence. I also confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

SUMMARY

5. Richard and Geoff Spark ('the submitter') have lodged submissions on both the Proposed Waimakariri District Plan (PWDP) and Variation 1 to that Plan (V1) requesting the rezoning of approx. 57.5 hectares of land in South east Rangiora for urban residential purposes. The area sought for rezoning is shown in Figure 1 below. Part of the Site (25.7 ha) is north of Boys Road and within the South East Rangiora Development Area outlined in red on Figure 1 Block A) and part (approx. 30ha) is south of Boys Road and is proposed to be zoned Rural Lifestyle in the PWDP (Block B). The hearings on the merits of the proposed rezoning are tentatively scheduled for February and May 2024.

6. This evidence primarily concerns Block B which is outside of the Projected Infrastructure Boundary on Map A of the Canterbury Regional Policy Statement (CRPS) and is not identified as either a Greenfield Priority Area or a Future Urban Development Area on Map A of that document. The rezoning of Block B for urban residential purposes, either General Residential or Medium Density Residential, is enabled by proposed Policy UFD P2 (2) which provides for the zoning of new Residential Development Areas outside of the areas identified for urban development on Map A subject to meeting certain criteria. Both the Canterbury Regional Council (CRC ID 316) and Christchurch City Council (CCC, ID 360) have sought, through submissions on the PWDP, the removal of UFD-P2(2) on the basis that it does not give effect to the CRPS. The submitter lodged further submissions in opposition to these submissions (FS 37).
7. The rezoning submission is accompanied and supported by submissions on the Strategic Directions Chapter seeking what I consider small but important amendments to the policy framework for urban development (refer to Appendix 1). The amendments sought have generally been recommended for acceptance in the Section 42A Report, which I agree with, and I do not propose to discuss those further.
8. The submitter supports the notified Policy (UFD-P2) as it gives effect to the National Policy Statement on Urban Development 2020 (NPS-UD), which is a superior document in statutory terms to the CRPS. My evidence supports this view for three main reasons:
 - a. The restrictive policy framework contained in the CRPS is not aligned to the more responsive approach to urban rezoning promoted through the NPS-UD;
 - b. In my opinion the restrictive planning policies of the CRPS have been shown to produce perverse outcomes whereby development proposals that have resource management merit have had to be declined on the basis they would not be giving effect to the CRPS;
 - c. The CRPS is well overdue for review. It was prepared around 2006-7 and has ~~and has~~ remained largely unchanged since then.¹

¹ The main chapter affecting this submission is Chapter 6, Recovery and Rebuild of Greater Christchurch, which was inserted into the CRPS through special legislation following the Canterbury Earthquakes.

9. While I agree with the CRC that Policy UFD P2 (2) provides a gateway for the decision makers to approve development proposals that are outside of the areas denoted on Map A, it still promotes the key policy direction of the CRPS, which is urban consolidation, while at the same time giving effect to the NPS-UD. The Policy is aligned with the criteria-based approach that regional councils are expected to apply to private plan changes and, in my opinion, development proposals promulgated through submissions on a plan review. I agree with the CRC that the reference to a Future Development Strategy is not the primary document that needs to be considered, but the alternative of referencing Map A also raises issues in terms of giving effect to the NPS-UD.
10. I do not share the view of CCC that UFD P2(2) is potentially inconsistent with SD 02, although I accept that the phrase 'within existing towns' in (4) could imply that the requirement only enables development within existing identified urban areas. But I consider that the Policy adds meaning and precision to the Objective rather than contradicting it.
11. I support the recommendations of the Reporting Officer.

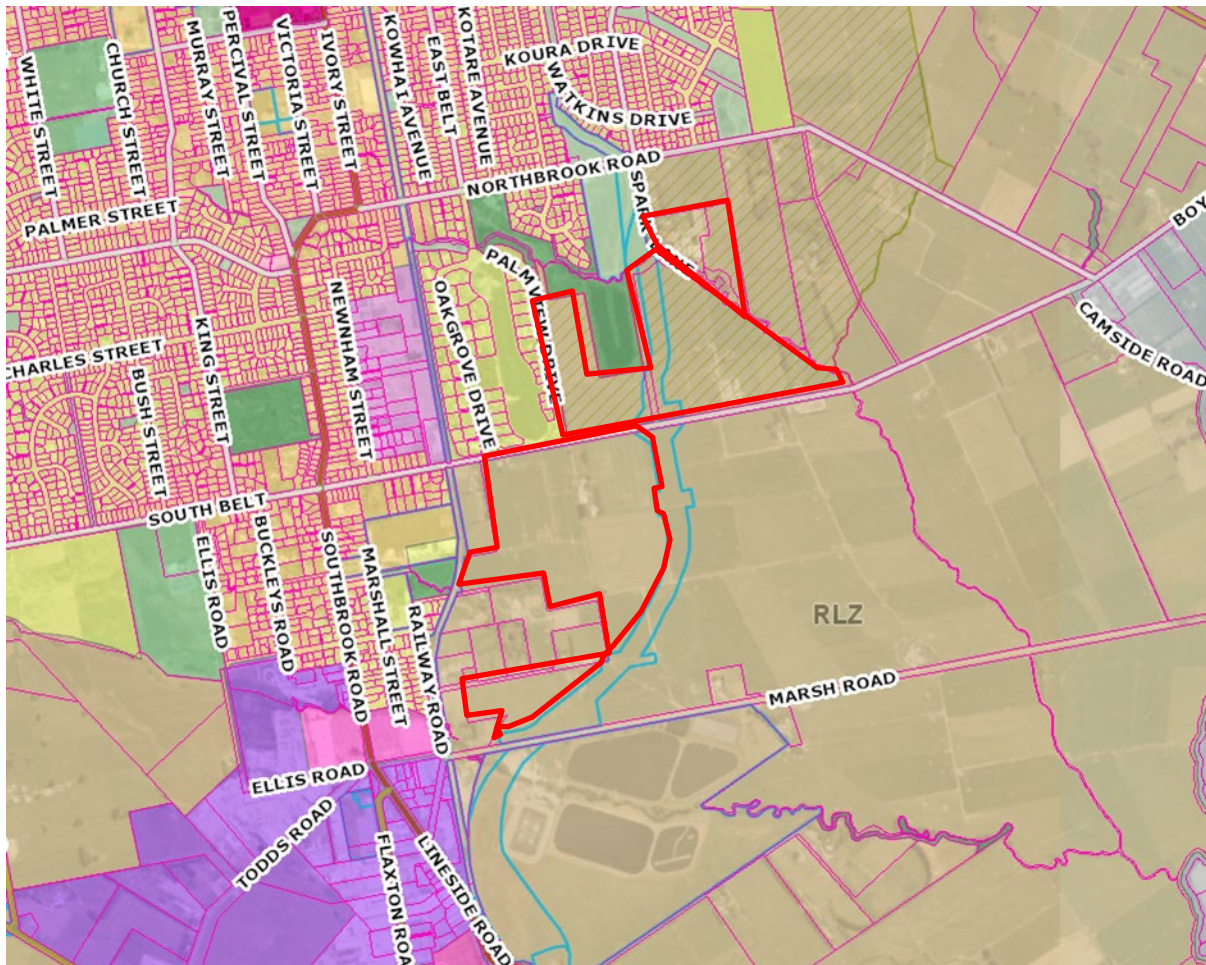


Figure 1A: Land to be rezoned (north and south of Boys Road) outlined in red.

CONTEXT

12. The Site is part a 197.5 ha block of land that comprises the Spark Brothers dairy farm. This occupies a large block of land to the east of Rangiora between the railway line and Rangiora oxidation Ponds to the west, Northbrook Waters residential enclave to the NW, the Northbrook Wetlands and Northbrook Road to the north across to the North Brook and further on to the Cam River to the east and the South Brook to the south of Marsh Road (**Figure 2**).
13. The Site also includes the Rosburn Events Centre and Northbrook Museum - 17 Spark Lane, legally described as Lot 1 DP 418207 (2.08 ha).

- 14. The Site has two planning units: that which is north of Boys Road and is identified for future residential development in the CRPS and the PWDP; and that south of Boys Road which is not so identified. The merits of the proposed rezoning will be addressed and considered at a later hearing. Proposed UFD-2 will be relevant for that later hearing.



Figure 3: The dairy farm site and Rossburn (outlined in red) (Canterbury Maps)

PLANNING STATUS OF THE SITE

Chapter 6 of the Canterbury Regional Policy Statement ('C6'):

15. As a result of the Minister for the Environment's decision of 28 May 2021 on Change 1 to Chapter 6 of the CRPS two Future Development Areas (**FDA**) were confirmed for Rangiora: an area to the west of Rangiora between Oxford Road and Fernside Road, and an area to the east of Rangiora including part of the dairy farm Site north of Boys Road (**Figure 5** orange).

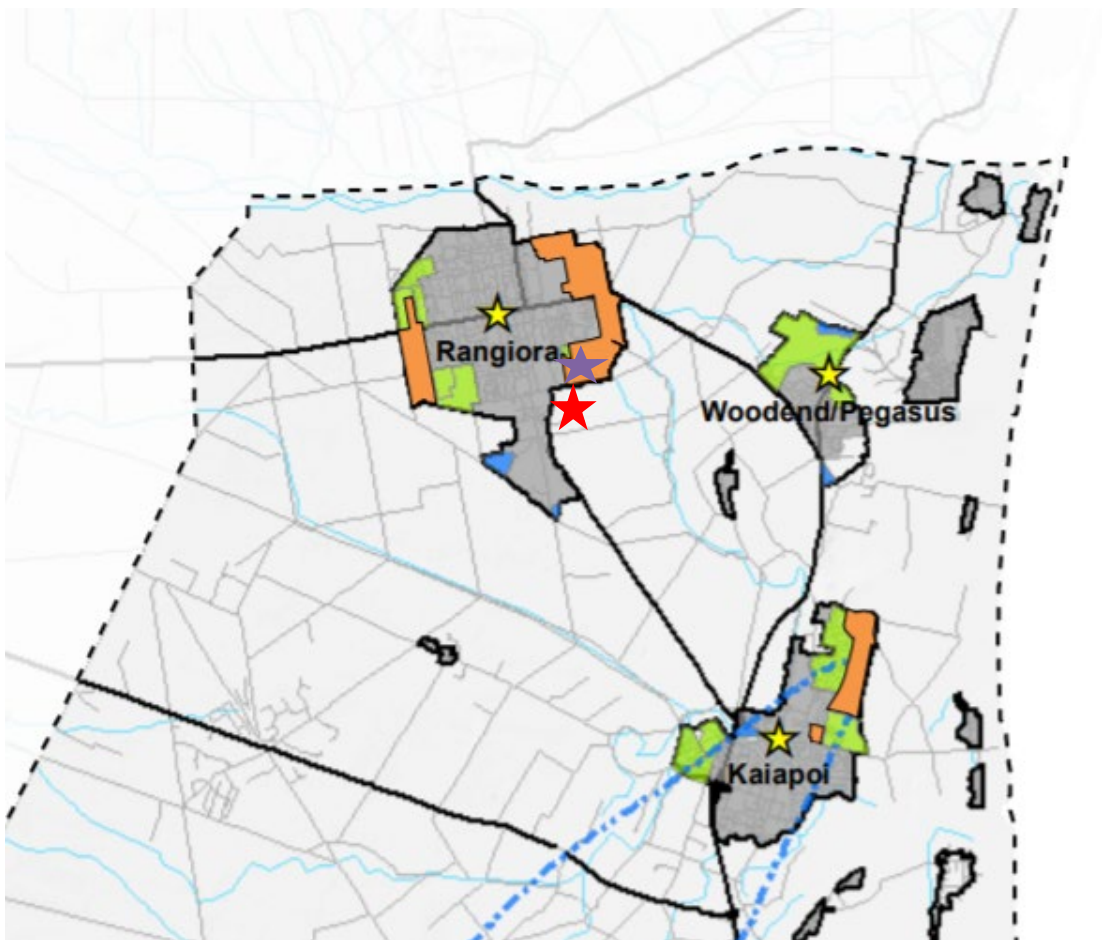




Figure 5: Map A Chapter 6 Regional Policy Statement Greenfield Priority and Future Development Areas

Location of Spark farm south of Boys Road to be rezoned (appx) marked with red star; location of part of Spark farm within FDA marked with purple star (appx)

- The FDAs are intended to accommodate the increased demand for new dwellings (not business land) in that part of Waimakariri District within the Greater Christchurch Urban Area and to respond to the NPS-UD. They do not provide “plan enabled” land as they need to negotiate a re-zoning process to confirm their status as land developable for housing and other urban purposes.

Operative Waimakariri District Plan

- The Site is zoned Rural in the Operative Plan. The minimum lot size for subdivision and a dwelling is 4 ha.

Proposed Waimakariri District Plan

- The Site is zoned Rural Lifestyle Zone (**LRZ**). The minimum lot size for subdivision and a dwelling in the LRZ is 4 ha. The Site as a whole is also subject to a number of Overlays including the SE Rangiora Development Area, which gives effect to the FDA on Map A above.

NATIONAL POLICY STATEMENT – URBAN DEVELOPMENT 2020

19. One of the Objectives of the NPS-UD is to ensure regional policy statements and regional and district plans enable adequate opportunity improve housing affordability by supporting competitive land and development markets.² The NPS-UD is also aimed at improving the responsiveness of planning processes and supplying development capacity³. In achieving these things it seeks to contribute to well-functioning urban environments which are defined⁴.
20. In my opinion, and based on my experience, this objective is more likely to be achieved if land rezoned at Rangiora is held by a mix of developers providing for a diversity of housing types. Otherwise the market is less likely to function in a competitive manner due to land banking and a narrower range of housing options. This rezoning proposal will contribute to providing additional competition in the Rangiora and wider housing market.
- A) *Objective 6: Local authority decisions on urban development that affect urban environments are..... responsive, particularly in relation to proposals that would supply significant development capacity.*
- B) *Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is: unanticipated by RMA planning documents; or out-of-sequence with planned land release.*
21. The current absence of operative criteria in the Canterbury Regional Policy Statement (CRPS) for determining what constitutes “adding significantly to development capacity” is unfortunate and I support the approach taken by the Waimakariri District Council in its inclusion of UFD-P2(2). That enables the Council can apply the responsiveness provisions of the NPS -UD (Policy 8 included) outside the ambit of private plan changes to enable

² Objective 2

³ Objective 6,c

⁴ Objective 1 and Policy 1.

development in locations (and on sites) that contribute to a well-functioning urban environment even though they have not been identified on Map A.

CANTERBURY REGIONAL POLICY STATEMENT (CRPS)

22. The Site is in the Greater Christchurch sub region, and I consider Chapter 6 of the CRPS to be the relevant set of regional planning provisions relating to settlement growth. The insertion of Chapter 6 into the Canterbury Regional Policy Statement (CRPS) was directed by the Minister for Canterbury Earthquake Recovery in the Land Use Recovery Plan for Greater Christchurch and under Section 27 of the Canterbury Earthquake Recovery Act 2011. The Chapter provides a resource management framework for the recovery of Greater Christchurch, to enable and support earthquake recovery and rebuilding, including restoration and enhancement, for the area through to 2028⁵.
23. Chapter 5 also addresses land use and infrastructure across the entire region. Objective 5.2.1 seeks that development be located and designed in a consolidated way in and around existing urban areas as the primary focus for growth.
24. Without wishing to dilute the importance of the other provisions I consider that, in the context of this Site, the northern portion of the proposal positively promotes the following provisions:

Objective 5.2.1: Location, design and function of development (Entire Region)

Development is located and designed so that it functions in a way that:

1. *achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and*
2. *enables people and communities, including future generations, to provide for their social, economic, and cultural well-being and health and safety; and which:*
 - a. *maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region.*
 - b. *provides sufficient housing choice to meet the region's housing needs.*

⁵ Canterbury Regional Policy Statement Chapter 6 Introduction.

Objective 6.2.1 Recovery framework

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

- 1.;
2. ...;
3. *avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;*

Objective 6.2.2 Urban form and settlement pattern

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by:

- *providing for the development of greenfield priority areas, and of land within Future Development Areas where the circumstances set out in Policy 6.3.12 are met, on the periphery of Christchurch's urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure;*

25. The most relevant policies, in terms of this submission, are in my opinion Policies 6.3.1 Development within the Greater Christchurch Area;

In relation to recovery and rebuilding for Greater Christchurch:

1. *give effect to the urban form identified in [Map A](#), which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;*
2. *give effect to the urban form identified in [Map A](#) (page 6-27) by identifying the location and extent of the indicated Key Activity Centres;*
3. *enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;*
4. *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on [Map A](#), unless they are otherwise expressly provided for in the CRPS;*

26. I acknowledge that that part of the development sought in the submission (Block B) is not consistent with the requirement to avoid urban development outside existing urban areas, or greenfield areas unless expressly provided for in the CRPS (including by Policy 6.3.12 Future Development Areas). As discussed below this component of the CRPS policy framework is, in my opinion, inconsistent with the NPS-UD which provides for unanticipated urban development under certain circumstances (Policy 8).

FS 37 – RICHARD AND GEOFF SPARK (SUBMITTERS)

27. Both the CCC (360.9) and CRC (316.8) submit that Policy UFD-P2 fails to give effect to Chapter 6 of the Canterbury Regional Policy Statement (CRPS). Their concern is that Clause 2 of the Policy appears to provide for new Residential Development Areas within Greater Christchurch that are outside of the future development areas identified in Map A of the CRPS. Clause 2 of UFD-P2 does provide a pathway that enables development outside of the areas identified for residential development on Map A to be considered on their merits and in my opinion this is to be appropriate in giving effect to the NPS-UD.

28. Although a fixed urban limit provides certainty and strong direction, it also precludes consideration of proposals that have merit in terms of the wider policy framework contained in the CRPS, sometimes resulting in perverse results. For example, I am aware of two instances where a district council has conceded that a drafting error has resulted in land not being included in the Existing Urban Area on Map A when they should have been⁶. There has been no opportunity for these mistakes to be rectified either through resource consents or plan reviews/changes because of the ‘avoid’ policy in Chapter 6.

29. The Submitters have opposed these submissions by the CRC and CCC as shown in **Appendix 2**. I accept that a district plan must *give effect* to the Regional Policy Statement and the term ‘give effect’ has been interpreted in case law that “give effect to” means

⁶ See Proposed Christchurch Replacement District Plan, expert evidence by David Mountfort, re G Poultney at <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/07/2190-Poultney-Expert-Evidence-of-David-Mountfort-8-9-15.pdf> 5 September 2015; and Proposed Selwyn District Plan Expert evidence of Ivan Thomson re M Springer at <https://extranet.selwyn.govt.nz/sites/consultation/DPR/Shared%20Documents/Hearing%203%20Evidence/Hearing%203%20Submitter%20notes/DPR-0203%20Margaret%20Springer%20-%20Statement%20of%20Ivan%20Thomson.pdf>

implement, which is a strong directive, particularly in a context that provides little if any scope for the Council to deviate in any way from the urban limits set by Map A. There appears to be no flexibility whatsoever and the merits of the rezoning of the area south of Boys Road illustrates this. In my opinion, that is where the NPS-UD, which is a superior document in the statutory hierarchy, and later in time, is of particular relevance and importance.

30. Likewise, under the RPS, there are unlikely to be opportunities for the Council to reconsider the merits of zoning proposals outside the Projected Infrastructure Boundary (PIB) until new plans are prepared and have statutory weight under the new Natural and Built Environment Act. I consider that situation to be inconsistent with, and not give effect to, the NPS-UD.
31. The CCC submission (360.9) also states that UFD-P2 is inconsistent with SD-02. I do not see an inconsistency in terms of their overall intent.
32. Objective SD-02 provides for Urban development and infrastructure that:
 1. is consolidated and integrated with the urban environment;
 2. that recognises existing character, amenity values, and is attractive and functional to residents, businesses and visitors;
 3. utilises the District Council's reticulated wastewater system, and potable water supply and stormwater infrastructure where available;
 4. provides a range of housing opportunities, focusing new residential activity within existing towns, and identified development areas in Rangiora and Kaiapoi, in order to achieve the housing bottom lines in UFD-O1;
33. In my opinion the key words of SD-02 are 'consolidated', 'integrated', and 'focusing on existing town and identified development areas'. As long as new urban development promotes urban consolidation, is well connected (and adjoins) existing urban environments and is targeted towards existing towns, and identified development areas in Rangiora and Kaiapoi, then this part of the objective is met. I do not consider the wording completely excludes areas not identified as development areas provided those areas contribute to a well-functioning urban environment as I believe Block B of the Spark proposal does.

34. UFD-P2 (1) provides that residential development in the new Residential Development Areas at Kaiapoi, North East Rangiora, South East Rangiora and West Rangiora is located to implement the urban form identified in the Future Development Strategy.
35. UDF (P2) (2) provides that, other than those identified by (1) above, avoid residential development unless located so that they:
- 1) occur in a form that concentrates, or are attached to, an existing urban environment and promotes a coordinated pattern of development;
 - 2) occur in a manner that makes use of existing and planned transport and three waters infrastructure, or where such infrastructure is not available, upgrades, funds and builds infrastructure as required;
 - 3) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;
36. UFD (2) is, in my opinion, seeking the same outcomes as SD-02 and, like the objective, recognises that there will be situations where the market has identified development opportunities not anticipated in a district or regional plan. This is consistent with the NPS-UD. I therefore do not agree with the submission by the CCC that there is a conflict between the two provisions. In my opinion one follows logically from the other.

UFD-P6

37. The Spark submission on the PWDP seeks an amendment to UFD-P6 as below:

UFD-P6

Mechanism to release Residential Development Areas

*The release of land within the identified new development areas of Kaiapoi, North East Rangiora and South East Rangiora occurs in an efficient and timely manner ~~via a certification process~~ to enable residential activity to meet **or exceed** short to medium-term feasible development capacity and achievement of housing bottom lines.*

38. The Sparks oppose the proposed certification because it is uncertain, unproven, highly discretionary and slower than rezoning the land in the PWDP. Rezoning is both preferable and essential to give effect to the direction of higher order planning documents including the NPS-UD and CRPS.
39. The Section 42A report advises that assessment on the certification process is planned to occur within the Section 42A on Future Development Areas (Stream 10 February 2024). It does not recommend any changes to UFD-P6.
40. Regarding the requested insertion of 'exceeds' I accept the Officer's recommendation that the word is not needed, particularly now that there have been recommended wording changes to UFD-01 and UFD-02.

Highly Productive Land

41. The Spark further submission opposes a number of submissions which seek greater policy restrictions on use of HPL/Class 1-3 soils (ECAN, Christchurch City Council, Federated Farmers, Horticulture NZ). I note that the s42A report advice that the issue of HPL will be addressed ~~in~~ within the Section 42A report for the Rural zones (Stream 6, October 2023). In any case, the Spark land is not HPL as defined in the NPS-HPL. It is zoned Rural Lifestyle in the PWDP and exempted under Clause 3.7 bii).

CONCLUSION

42. I agree with the approach taken by the Council in its inclusion of SFD-P2 to enable new development outside of the Projected Infrastructure boundary in situations where the other strategic objectives are promoted (e.g., urban consolidation or compactness) and there are no significant adverse effects on the environment.
43. This does not mean undermining the underlying principles of the current urban growth strategy contained in Chapter 6 but enabling growth that supports those principles in a more responsive manner than the current regional framework allows. In my opinion this is consistent with the overall intent of the NPS-UD to ensure that the regional and district

planning frameworks are responsive to development proposals that promote well-functioning urban environments.

44. The relief sought in the Spark further submission helps achieve the purpose of the RMA, is consistent with the relevant provisions of the NPS-UD, and the relevant regional and district policies and plans, except where they are out of step, and inconsistent, with the NPS-UD. I therefore consider that the submissions by the CCC and CRC should be rejected.

APPENDIX 1

Requested changes to Urban Form provisions recommended to be accepted in Section 42A report.

Part 2 – District Wide Matters

Strategic Directions

SD-02

Urban development and infrastructure that:...

- 4. provides a range of housing opportunities, focusing new residential activity within existing towns, and identified development areas in Rangiora and Kaiapoi, in order to **as a minimum** achieve the housing bottom lines in UFD-O1*

UFD-O1

Feasible development capacity for residential activities

At least sufficient ~~s~~*ufficient* feasible development capacity for residential activity ***in each township*** to meet specified housing bottom lines, ***a wide range of housing types, sizes, and densities***⁷ and a changing demographic profile of the District as follows: ...

UFD-O2

Feasible development capacity for commercial activities and industrial activities

At least sufficient ~~s~~*ufficient* feasible development capacity to meet commercial and industrial development demand.

UFD-P10

Managing reverse sensitivity effects from new development

Within Residential Zones and new development areas in Rangiora and Kaiapoi:...

- 2. minimise reverse sensitivity effects on primary production from activities within new development areas through setbacks and screening **or other methods**, without compromising the efficient delivery.*

⁷ Section 42A report does not recommend inclusion of words ‘a wide range of housing types, sizes and densities in UFD-O1

APPENDIX 2 FURTHER SUBMISSIONS (PART)

This submission is in relation to the submission of: (name & number)	The submission point I/we support or oppose is	I/we oppose in part or full/support in part of full	Reasons for my/our support/opposition are:	Decision I/we wish the Council to make:
316 Environment Canterbury	The submission in its entirety, including but not limited to SD -UFD (Strategic Directions – Urban Form & Development), UG (Urban Growth) and SUB (Subdivision); including but not limited to the submission points set out below.	Oppose in part	The amendments sought are not realistic, achievable, necessary, or appropriate, and are inconsistent with the RMA and national policy direction, including the NPS-UD. The submitter wishes to be a party to the notified provisions sought to be retained by ECAN, as these may impact on the consenting framework for the rezoning and other Proposed Waimakariri District Plan (PDP) amendments sought by R&G Spark.	Reject submission to the extent that it is inconsistent with the relief sought by R&G Spark, the intent of their submission and their interests.
316 Environment Canterbury	316.3 SD-04 Amend SD-04 to more explicitly provide for the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land	Oppose	Any amended wording needs to reflect the NPS-Highly Productive Land but also recognise the circumstances under which urban zoning of HPL is appropriate.	Retain SD-04 as notified

316.8	UFD P2 Amend policy to give effect to Chapter 6 in the CRPS	Oppose	The Waimakariri District Plan (WDP) must also give effect to the National Policy statement on Urban Development (NPS-UD). There are likely to be areas not yet identified that are suitable for urban development but are outside of the areas currently identified on Map A	Retain UFD P2 as notified
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