

12 April 2021

Selwyn District Council
Freepost 104 653,
PO Box 90
ROLLESTON 7643

Email: submissions@selwyn.govt.nz

Christchurch City Council submission on the Private Plan Change 67 Request to rezone land from Rural Inner Plains to Living WM (South) Zone, West Melton.

Introduction

1. Christchurch City Council (the Council) thanks Selwyn District Council for the opportunity to provide comment on the Application for Private Plan change – West Melton. The request seeks to rezone approximately 33.4 hectares of land, which would result in the ability to provide for 131 residential allotments.

Summary

2. Our Submission addresses:
 - a. The NPS UD requirement for significant development capacity and a well-functioning urban environment.
 - b. Relationship with the Canterbury Regional Policy Statement (CRPS)
 - c. The potential wider transport effects on Christchurch City;
 - d. Residential density; and
 - e. Versatile soils.
3. Christchurch City Council (thereafter referred to as “Council”) is supportive of growth in the towns in Selwyn District to support the local needs. Council has and continues to be supportive of the work that Selwyn District Council has undertaken in conjunction with the other Greater Christchurch Partners on urban form and anticipated density for development opportunities to provide for a compact and sustainable urban form. However the area sought by Plan Change 67 for rezoning is outside of the areas identified for development in the CRPS and *Our Space 2018-2038: Greater Christchurch Settlement Pattern Update - Whakahāngai O Te Hōrapa Nohoanga (Our Space)*. *Our Space 2018-2038: Greater Christchurch Settlement Pattern Update - Whakahāngai O Te Hōrapa Nohoanga (Our Space)*. The CRPS seeks that urban development is avoided in this area. Thus Plan Change 67 does not give effect to the CRPS and in our view must be declined.
4. The Council seeks a funded and implemented public transport system to service the site prior to any residential development that provides an economically sustainable attractive alternative relative to private vehicle travel.
5. The Council seeks a minimum level of density for the development of 15 households per hectare, and that relevant recommendations of the review of minimum densities undertaken under Action 3 of *Our Space* be incorporated in the Plan Change.

6. The Council seeks that further more detailed assessment of the impact on versatile soils from development in this area, and how to mitigate the impact, is undertaken.

National Policy Statement on Urban Development 2020 (NPS UD)

7. The direction in the National Policy Statement on Urban Development (NPS-UD) is for good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport and to support reductions in greenhouse gas emissions.

8. Policy 8 of the NPS UD provides for:

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:

- (a) *unanticipated by RMA (Resource Management Act 1991) planning documents; or*
- (b) *out-of-sequence with planned land release.*

9. The proposal is not anticipated by RMA planning documents as the site is located outside the projected infrastructure boundary identified on Map A of the Canterbury Regional Policy Statement (CRPS) and has not been included as a future development area in Change 1 to the CRPS.

10. Policy 8 of the NPS UD sets out two tests for unanticipated or out-of-sequence development. These tests are that:

- a. The plan change will provide significant development capacity; and
- b. The plan change will contribute to a well-functioning urban environment.

Based on the wording of Policy 8 which includes the word 'and', the direction outlined above needs to achieve both tests.

11. When both tests are achieved, Policy 8 of the NPS UD allows for a private plan change to be considered. Although this consideration needs to include an assessment of the NPS UD as a whole as Policy 8 is not an isolated clause but contributes to a wider framework for encouraging development in appropriate locations. In this regard, it is clear that Objective 6 of the NPS UD provides equal weighting to infrastructure readiness, strategic planning and responsiveness to enable development capacity. Objective 6 states:

Local authority decisions on urban development that affect urban environments are:

- (a) *Integrated with infrastructure planning and funding decisions; and*
- (b) *Strategic over the medium term and long term; and*
- (c) *Responsive, particularly in relation to proposals that would supply significant development capacity.*

12. In paragraph 84 of the s32 report, the proposal concludes that the increase in development capacity from what is provided for in West Melton under the current Selwyn District Plan is 17%. However, in paragraph 79 of the s32 report the proposal supports the position of Selwyn District Council that the urban environment is considered to be the Greater Christchurch Partnership sub-region (as outlined on Map A of the CRPS).

13. The scale for determining the significance of the development capacity provided is an important consideration. The Council questions the assumption that 131 houses within the urban environment constitutes significant development capacity.
14. Development beyond the projected infrastructure boundary exceeds the amount of housing and business capacity required to meet medium and long term targets, identified in *Our Space 2018–2048 Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga* and expressed in the CRPS. Thus additional capacity is in excess of what is needed. Development in these areas is not meeting a capacity shortfall, but rather could delay other growth and urban regeneration areas identified in *Our Space* (and where infrastructure, and the public transport system, has been already built to served) from being developed and regenerated.
15. The significance of the development capacity provided needs to be determined in conjunction with the needs of the community that it is intended to support. Under the Selwyn District Plan Review 2020, no additional development areas were required to support growth in this area.
16. The Council position that a wider interpretation of the term significant development capacity, beyond West Melton, better gives effect to the NPS UD as a whole document as it enables a unified approach for the Greater Christchurch sub-region and it recognises the value of the sub-region as one economic housing market. This also addresses concern that a narrow approach may result in ad hoc development.
17. As there are no significance criteria currently in the CRPS, one interpretation of section 3.8(3) of the NPS UD is that this clause cannot be achieved. Without this criteria, the 'and' linking clause 3.8(2)(c) to the clauses above consequently result in no plan changes achieving the direction provided for in 3.8 of the NPS UD. An alternative position is that without the significance criteria in the CRPS, the oxford dictionary definition of significance applies as the term is not defined elsewhere in the planning framework.
18. A more constructive approach would be to use the guidance material provided by the Ministry of the Environment and the direction outlined in the CRPS to interpret significance. While the term 'well-functioning urban environment' is new to the NPS UD, the overall direction in the RMA outlining how the Greater Christchurch sub-region should grow has been included in Chapter 6 of the CRPS. This direction includes where development is best located within the Greater Christchurch sub-region and the density which development should achieve. While it is important to assessment the plan change as unanticipated, the rationale for why development was directed to particular areas in the CRPS is relevant for determining the appropriateness of the proposal.

Relationship with the Canterbury Regional Policy Statement

19. As mentioned before urban development in the area proposed by Plan Change 67 is not anticipated by the CRPS. In fact the CRPS seeks that urban development is avoided in this area:

Objective 6.2.1: Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;

20. Under the RMA, district plans are required to give effect to any national policy statement and regional policy statement. If a proposed change to a district plan will, if accepted, fail to give effect to a regional policy statement, then a change should be sought to the RPS either in advance or at the same time.
21. Based on our review of the Plan Change 67 documentation, we understand that there has not been an accompanying change sought or proposed to the CRPS that would rectify any inconsistency or conflict with Objective 6.2.1 of the CRPS. Thus Plan Change 67 does not give effect to the CRPS and in our view must be declined.

Well-functioning urban environment/ Wider transport effects on Christchurch City

22. Policy 1 of the NPS UD provides a minimum list of criteria for determining a well-functioning environment. This list includes:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a. *have or enable a variety of homes that:*
 - i. *meet the needs, in terms of type, price, and location, of different households;*
 - and*
 - ii. *enable Māori to express their cultural traditions and norms; and*
- b. *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- c. *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d. *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e. *support reductions in greenhouse gas emissions; and*
- f. *are resilient to the likely current and future effects of climate change.*

23. Paragraph 80 of the s32 report for the proposal addresses the points raised in Policy 1 of the NPS UD and states that:

"The proposal will be neutral in regard greenhouse gas emissions, in so far as there is currently limited or no public transport availability to West Melton that would assist with minimising private vehicle movements, however an expansion of the township will better support the viability of future public transport services to the benefit of the wider West Melton community."

24. The proposal relies on a future public transport network which has not been planned or funded to provide connections. In paragraph 25 of the s32 report, the traffic implications from this zone change are anticipated to result in 790 additional vehicle movements per day. Council is unclear how this additional traffic volume will have a neutral greenhouse gas emissions particularly as the proposal does not include an additional employment opportunities in proximity to the development.
25. Section 8.2 of the integrated traffic assessment (Appendix D) assumes that 90% of traffic from West Melton commute to Christchurch City for employment. The inclusion in the request that it is possible to provide public transport in the future does not address this disparity and promotes the reliance on car based transport. Council is unclear how this will achieve a

reduction in greenhouse gas emissions, which is a requirement in the definition for a well-functioning urban environment in the NPS-UD.

26. Action 9b of *Our Space 2018-2048 (Greater Christchurch Settlement Pattern Update - Whakahāngai O Te Hōrapa Nohoanga)* states that:

Selwyn and Waimakariri District Councils are required "to undertake structure planning (including the consideration of development infrastructure and the downstream effects on the Greater Christchurch transport network) and review of District Plans over the next year for the identified Future Development Areas in the 2019 Canterbury Regional Policy Statement (CRPS) Change set out in Action 9a" (*Our Space*, Page 41 – emphasis added).

27. While the location of the proposal has not been identified as a Future Development Area, the direction to include consideration of development infrastructure and the downstream effects on the Greater Christchurch transport network on development opportunities are fundamental to ensuring a well-connected urban environment and good accessibility for all people. Without a funded and established public transport network to service the site, it is likely that this development will impact on the ability of the Council to manage the downstream transport network.
28. In May 2019 the Council declared a climate emergency to enable climate to be a primary consideration for long-term planning and set the target for Christchurch to be a carbon neutral city. Transport planning and infrastructure is a significant component of moving to a carbon neutral city and it is important that new urban growth areas occur in locations which align with this wider climate change objective. This has been reinforced with the emphasis in the NPS-UD to build urban environments that are resilient to the likely current and future effects of climate change.
29. An increase in commuter traffic into Christchurch City, means more people making more trips. The result will be increased emissions, congestion and longer journey times.
30. Reducing private motor vehicle dependency is important for improving sustainability by reducing emissions and the significant adverse effects of downstream traffic within Christchurch City. The Greater Christchurch Partnership have adopted the Regional Mode Shift Plan to support this. New urban growth areas and development should be of a form which enables viable public transport services. The appropriate urban form, and provision for public transport in new urban growth areas and development, is critical in achieving those outcomes.
31. The Council seeks a funded and implemented public transport system to service the site, including connections to Christchurch City, prior to any residential development.

Density

32. The plan change request is only intending to provide 3.9 households/hectare. This density is less than the requirements outlined in Objective 6.3.7(5) of the CRPS of 10 households per hectare for greenfield development in Selwyn District.
33. In paragraph 87 of the s32 report for the proposal, it states:

“NPS-UD Policy 8 provides for inconsistency with this requirement [in the CRPS].”

The s32 report interprets the role of Policy 8 as providing for a pathway that does not need to address inconsistencies with the CRPS. The direction in the NPS UD to provide for unanticipated development although this does not override the direction in the CRPS which the plan change is required to also give effect to. It is possible to reconcile the direction in the NPS UD and the CRPS with regards to density as outlined in Objective 6.3.7(5).

34. The Council has previously sought a higher minimum density requirement of 15 households/hectare. Increased densities would better achieve efficiencies in coordination of land use and infrastructure, support mixed land use activities, support multi-modal transport systems and protect the productive rural land resource. Action 3 of *Our Space 2018-2048 (Greater Christchurch Settlement Pattern Update - Whakahāngai O Te Hōrapa Nohoanga)* was to undertake an evaluation of the appropriateness of existing minimum densities. In response to this the Greater Christchurch Partnership has commissioned a technical report on density to achieve the agreed actions in *Our Space*. This report will provide direction on the appropriate level of density in the Greater Christchurch area includes minimum density requirements. Council seeks that a minimum density requirement of 15 households/hectare, and the recommendations of the report, when it is finalised, are included in the plan change.

The value of rural production land

35. The proposed National Policy Statement for Highly Productive Land (pNPS-HPL) identifies fragmentation of our productive land as a national resource management issue which needs to be addressed to enable the availability of highly productive land for primary production now and for future generations.
36. Productive land in the Canterbury region holds substantial value as it contributes to the sustainability of the region through providing land on which locally grown and sourced produce can be farmed appropriately. This then reduces the transport costs associated with the distribution of food to the Christchurch City and provides for a variety of land uses in the surrounding region.
37. Objective 8 of the NPS-UD anticipates that urban environments are resilient to the current and future effects of climate change. Protecting highly productive land in proximity to the Christchurch City is essential for achieving this objective.
38. *Our Space* states that:

“Further more detailed assessment of these future growth areas will be required, and undertaken as part of district plan reviews, and can address any new requirements relating to managing risks of natural hazards and mitigating impacts on versatile soils” (*Our Space*, Page 37 – emphasis added).
39. While the location of the proposal has not been identified as a Future Development Area, the direction to include consideration of mitigating impacts on versatile soils are fundamental to ensuring a well-functioning urban environment that is resilient to climate change.
40. Council seeks that this further more detailed assessment of the impact on versatile soils from development in this area, and how to mitigate the impact, is undertaken.

41. If the Canterbury region is to become carbon neutral, providing for highly versatile and productive land in proximity to the city is essential.

Relief Sought

42. That unless the concerns outlined above are addressed, the plan change is refused.

Thank you for the opportunity to provide this submission.

For any clarification on points within this submission please contact Emily Allan, Policy Planner, at emily.allan@ccc.govt.nz

Yours faithfully

A handwritten signature in blue ink, appearing to read 'C. M. Gallagher'.

Carolyn Gallagher
Acting General Manager
Infrastructure, Planning and Regulatory Services