

Before an Independent Hearings Panel
Appointed by Waimakariri District Council

under: the Resource Management Act 1991

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

and: Hearing Stream 12D: Ōhoka rezoning request

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

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

Supplementary statement of evidence of Jeremy Phillips
(Planning)

Dated: 13 June 2024

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SUPPLEMENTARY STATEMENT OF EVIDENCE OF JEREMY PHILLIPS

INTRODUCTION

- 1 My full name is Jeremy Goodson Phillips.
- 2 My area of expertise, experience, and qualifications are set out in my statement of evidence dated 5 March 2024 for this hearing stream.
- 3 The purpose of this supplementary evidence is to respond to matters raised in the Officer's Report dated 31 May 2024 relevant to my evidence.

CODE OF CONDUCT

- 4 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

RESPONSE TO OFFICER'S REPORT

- 5 The Officer's report states that '*Where the NPS-UD applies (i.e. within an urban environment), this higher order document carries significant weight as the Proposed Plan must give effect to it*¹. I agree and consider that defining the extent of the relevant urban environment is of fundamental importance in terms of interpreting and applying the provisions in the NPS-UD.
- 6 In paragraphs 47-51, the Officer engages on whether Greater Christchurch demarcates the relevant urban environment and concludes that it does not (a matter I address further below) but does not otherwise form a position as to what the relevant urban environment is. Instead, they simply note that they examine whether Ōhoka is within the urban environment later in their report.
- 7 This topic is resumed from paragraph 197, where the Officer poses the question '*Is Ōhoka and the subject site within the urban environment?*' and then considers that it is not clear whether the subject site meets the definition, but '*on the balance of probabilities it likely does, and that it would be appropriate to assess it on that basis*².

¹ Officer's Report, paragraph 50.

² Officer's Report, paragraph 197.

- 8 With respect, I consider the pertinent question is not whether Ōhoka and/or the subject site is within the urban environment, but rather *'What is the relevant urban environment for the proposal / Ōhoka ?'*
- 9 Without defining what the relevant urban environment for a proposal is, the NPS-UD cannot be sensibly applied. For example, if localised or discrete areas are defined as 'the' urban environment in and of themselves:
- 9.1 How would one distinguish high demand for housing or business land in that area relative to other areas within that urban environment, per NPS-UD objective 3(c)?
- 9.2 Satisfying each and every element on NPS-UD policy 1 would be unrealistic or impracticable. For example, and for obvious reasons, planning decisions on industrial rezoning proposals could not be expected to *'enable a variety of homes that: (i) meet the needs... of different households; and (ii) enable Māori to express their cultural traditions and norms.'*
- 10 In my primary evidence, I have considered the use of the term 'urban environment' in the NPS-UD, in other relevant statutory and non-statutory planning documents for the region, and in recent plan change decisions in the region, and concluded that they provide a generally consistent, coherent and logical direction that the relevant urban environment is Greater Christchurch (as depicted in CRPS Map A), which includes Ōhoka and its surrounds.
- 11 As referenced in the Officer's report what constitutes an "urban environment" under the NPS-UD was also the subject of a JWS dated 26 March 2024.³ I attended the JWS, and the above interpretation was shared between a number of the participants. Paragraph 10 of the 'Urban Environment' JWS notes that "[s]ome experts expressed a view that the Greater Christchurch sub-region defines the extent of the Christchurch Tier 1 urban environment."⁴
- 12 As a planner, I consider that this interpretation and wider 'lens' also makes sense, insofar that land and development markets⁵; housing and business needs and preferences (in terms of type, price and location)⁶; transport patterns (including accessibility between housing, jobs, community services, natural and open spaces)⁷; and infrastructure planning and funding (especially strategic

³ Officer's report, paragraph 43.

⁴ Joint Witness Statement – Urban Environment (Planning) Day 1, dated 26 March 2024 at [19]; Mr Thomson, Mr Phillips, Ms Kealey, Ms Brown, Ms Aston, Mr Walsh, Ms Pearson, Ms Edmonds, Ms McClung, and Ms Mitten consider that the Greater Christchurch area is predominantly urban in character or intended to be.

⁵ NPS-UD objective 2

⁶ NPS-UD policy 1(a) and (b)

⁷ NPS-UD policy 1(c)

infrastructure)⁸ operate at a macro rather than micro scale. Furthermore, urban form and development planning for these matters has consistently adopted a Greater Christchurch scale of focus since the development of the Greater Christchurch Urban Development Strategy (UDS) in the early 2000's⁹. To the extent that the Officer disagrees that Greater Christchurch demarcates the relevant urban environment¹⁰, their primary reasons and my responses are as follows:

- 12.1 At paragraph 47, the Officer states that *'The Christchurch tier 1 urban environment, which must be an "urban environment", must necessarily exclude any areas of the Waimakariri District [that are not] predominantly urban in character'*. I agree that the Christchurch tier 1 urban environment is (must be) an 'urban environment', given it is specifically defined as one in the NPS-UD Appendix. However, I do not agree that this must *'necessarily exclude any areas of the Waimakariri District that are not predominantly urban in character'*, because, if such areas are viewed at a Greater Christchurch scale, they do not derogate from the predominant urban character of the Greater Christchurch urban environment as a whole. By way of analogy, the NPS-UD Appendix identifies 'Auckland' as a Tier 1 urban environment (column 1), with 'Auckland Council' being the Tier 1 local authority (column 2). The Auckland Council district and urban environment includes areas that are rural and are clearly not predominantly urban (such as Woodhill Forest), small urban settlements akin to Ōhoka (such as Shelly Beach)¹¹, and large urban areas (such as Auckland City and Pukekohe). In this example, the Auckland urban environment entails the full area of the district, including Woodhill Forest, despite this specific part of the district not being predominantly urban in character.
- 12.2 At paragraph 48, the Officer states they *'do not consider that all of Greater Christchurch is, or is intended to be predominantly urban in character'*. However, when considered from a Greater Christchurch scale, and for the reasons set out in paragraph 16 of my primary evidence I disagree. I also note that the counterfactual would mean that Greater Christchurch is, or is intended to be predominantly *rural* in character. Again, by way of analogy, I would expect that Auckland,

⁸ NPS-UD objective 6

⁹ Including the Greater Christchurch Urban Development Strategy 2007, 2006 review of the CRPS, the Land Use Recovery Plan 2013, Canterbury Regional Policy Statement 2013, Our Space 2018, the Greater Christchurch Spatial Plan 2024, and the Draft Canterbury Regional Policy Statement 2024.

¹⁰ Officer's report, paragraphs 47-51

¹¹ E.g. Shelly Beach

Hamilton, Tauranga and Wellington¹² would be commonly described as being 'predominantly urban in character' rather than 'predominantly rural'.

- 12.3 At paragraph 49, the Officer appears to concede that all of Greater Christchurch may be part of a housing and labour market of at least 10,000 people, but requires further evidence to confirm this. However, I note that Mr Willis' qualified view contrasts with his unqualified acceptance (alongside all other planners) in the JWS dated 26 March 2024 that all of Greater Christchurch is part of the Christchurch labour and housing market¹³.
- 13 To the extent that my primary evidence expands on this topic in further detail, the Officer¹⁴ states that they '*do not agree with most of [the] various arguments provided in [my] evidence*' but given they conclude that it is likely that Ōhoka is within the urban environment and they have assessed the submission on that basis they have not commented further on most of these arguments. Aside from not justifying the reasons for their disagreement, the Officer overlooks the importance of determining the relevant extent of the urban environment and does not express a position as to what the relevant urban environment is.
- 14 Accounting for the above, I am unclear how the Officer has (or the technical experts which he relies upon have) evaluated the proposal against the relevant provisions of the NPS-UD that refer to the 'urban environment', where it is necessary to define its full extent and apply the provisions in that context.
- 15 For completeness, I note that Mr Walsh's supplementary statement of evidence also addresses the relevant extent of the urban environment and I agree with his evaluation in full and his view that Greater Christchurch is the urban environment against which the submission should be assessed.

Dated: 13 June 2024

Jeremy Phillips

¹² Being tier 1 urban environments identified in the NPS-UD Appendix.

¹³ Joint Witness Statement, Urban Environment (Planning) Day 1, 26 March 2024, paragraphs 24-26.

¹⁴ Officer's Report, paragraph 203.