

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 12E: Residential rezonings

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

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

Summary of evidence of Jeremy Phillips

Dated: 19 August 2024

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SUMMARY OF EVIDENCE OF JEREMY PHILLIPS

- 1 My full name is Jeremy Goodson Phillips.
- 2 I prepared a statement of evidence for Hearing Stream 12E dated 2 August 2024.

SUMMARY

- 3 The officer's report does not engage in any detail with the definition of 'Tier 1 Urban Environment' or the possibility that the express identification of areas within the NPS-UD Appendix provides a simple answer to the question of "What is the relevant urban environment?"
- 4 In summary, having reviewed the officer's report, I remain of the view expressed in my evidence for Hearing Stream 12D that "*the definitions within the NPS-UD, the relevant statutory and non-statutory planning documents for the region, and recent planning decisions, provide a consistent, coherent and logical direction that the relevant urban environment is Greater Christchurch (as depicted in CRPS Map A)*"¹. However, I recognise that other urban environments beyond this may also exist (such as Oxford) subject to them satisfying the two limbs of the definition of 'urban environment' in the NPS-UD.
- 5 Whilst I acknowledge the regional targets for capacity expressed in CRPS objective 6.2.1(a) and the recommendation in the officer's report to update the housing bottom lines in the PDP to the latest 2023 housing capacity assessment bottom lines, I agree with the evidence presented for Hearing Stream 12D (as referred to in paragraph 10.4 of my evidence) about the need to ultimately provide for capacity that meets the more specific needs and demands recognised in the NPS-UD, including:
 - 5.1 objective 3 (enabling more housing in areas of high demand);
 - 5.2 policy 1(a)(i) (meeting the needs in terms of type, price and location of different households);
 - 5.3 policy 2 (meeting expected demand at all times through to the long term); and
 - 5.4 clause 3.2 (meeting expected demand in existing and new urban areas, for both standalone dwellings and attached dwellings).
- 6 The planning JWS (Day 2, dated 26 March 2024) expressed agreement by all of the planners that the NPS-UD goes further than the CRPS in regards urban growth and development. To the extent

¹ Summary of evidence, paragraph 5.

that it goes further, I consider the differences to be significant insofar that the NPS-UD departs from the highly directive approach to urban growth and development within the CRPS and, per the provisions set out in paragraph 5.1-5.4 above, requires a more nuanced or granular assessment of capacity and sufficiency.

- 7 I remain of the view that the susceptibility of the Kaiapoi Development Area to (potentially significant) natural hazard risks raises a fundamental question of whether the land should be rezoned for urbanisation, accounting for, among other things the avoidance direction in CRPS policy 11.3.1.

MR CARRANCEJA'S NOTES ON RECONCILING THE NPS-UD & CRPS

- 8 Paragraphs 4.4-4.6 of Mr Carranceja's speaking notes acknowledge the general acceptance that NPSUD policy 8 provides a way around the CRPS urban limits, but notes that other relevant provisions should still be given effect to. Mr Carranceja provides examples of provisions seeking to promote an urban form that achieves consolidation and intensification of urban areas, or which may inform what constitutes a well-functioning urban environment.
- 9 I agree, but stress that policy 8 expressly allows for consideration of proposals that are 'unanticipated by RMA planning documents'. Such proposals may be 'unanticipated' in terms of their location (i.e. outside of urban limits), but also in terms of matters such as (for example):
- 9.1 the timing or quantum of capacity enabled (i.e. relative to that in objective 6.2.1a and Table 6.1);
 - 9.2 the objective to avoid unplanned expansion of urban areas and to achieve an urban form that consolidates existing urban areas (objective 6.2.2);
 - 9.3 the full list of matters to be included in an outline development plan (per policy 6.3.3);
 - 9.4 development timing to enable forward planning of infrastructure (policy 6.3.5);
 - 9.5 density or yield requirements (policy 6.3.7);
 - 9.6 changes to the extent and location of land for urban development commencing 'only' under the circumstances listed in policy 6.3.11(5);
 - 9.7 the anticipated environmental result that Priority areas, Future Development Areas and existing urban areas identified provide the location for all new urban development (clause 6.4, anticipated environmental result 2).

- 10 In simple terms, chapter 6 of the CRPS provides a framework for urban growth, but policy 8 allows for consideration of plan changes that may be unanticipated by this framework or by specific provisions within it (urban limits or otherwise). Alignment (or not) with CRPS provisions may inform an assessment of whether a proposal will contribute to a well-functioning urban environment, but in my view it is not determinative.
- 11 In reconciling the NPS-UD and CRPS, I consider the anticipated environment results for chapter 6 provide relevant and concise guidance (insofar that they crystallise the outcomes sought by the Chapter 6 framework). I have included these as **Attachment 1** for ease of reference². Notably:
- 11.1 Anticipated environmental result 2 (in clause 6.4) is prescriptive, seeking that "*Priority areas, Future Development Areas and existing urban areas identified provide the location for all new urban development*" – and NPS-UD policy 8 clearly entertains urban development in other locations;
- 11.2 Anticipated environmental results 10 and 21 clearly contemplate the provision of sufficient development capacity to meet demands, consistent with the NPS-UD; and
- 11.3 The remaining results anticipated are context dependent and may inform a merits assessment of proposals and whether they contribute to a well-functioning urban environment.

MR WILSON'S RESPONSES TO THE PANEL

- 12 In responses to the Panel's questions and at the hearing, Mr Wilson makes a distinction between 'wants' and 'actual demand' when considering location-specific demands and the NPS-UD requirements to provide sufficient capacity that meets 'needs' (Policy 1), 'expected demand' (Policy 2 and clause 3.2) and supports competitive markets (objective 2).
- 13 I understood that Mr Wilson acknowledged the struggles of working out future markets now for the purposes of planning, stating that information on future markets will not exist ahead of time. On this basis, I understand Mr Wilson prefers to rely on 'actual demand'.
- 14 My concern with that approach is that 'actual demand' cannot exist without 'actual supply' (capacity) also existing. Without capacity, there will be limited transactional activity (which could be inferred as limited actual demand), unmet need/demand, and implications for the competitive functioning of the corresponding market (i.e.

² See also Table 3 at paragraph 365 in the evidence of Mr Tim Walsh for Hearing Stream 12D.

price escalation)³. Put simply, for areas of the District where there is little or no supply, it does not follow that there is no demand or need.

- 15 Mr Wilson also suggests that needs should be identified in an HBA or equivalent. However, that relies on an HBA being accurate (in terms of the areas and demand/needs it evaluates) and sufficiently granular (to account for specific locality or market demands).
- 16 Whilst I agree that actual (historical) demand and needs identified in an HBA should inform an assessment of expected demand, I consider expert evidence from those in the property sector and engagement with the development community are important and should also inform such an assessment.

CONCLUDING COMMENT ON THE URBAN ENVIRONMENT

- 17 I do not consider any 'mischief' to arise as a result of defining the urban environment as all of Greater Christchurch, as that simply engages the NPS-UD⁴ and requires application of its provisions in that geographical context.
- 18 Whilst this would require consideration of land and development markets, needs and expected demands throughout that Greater Christchurch urban environment, I consider that is preferable to a narrow interpretation that overlooks these matters within parts of Greater Christchurch and the District by focusing only on, for example, main centres.
- 19 To the extent that defining the urban environment in this way may allow for policy 8 proposals to be *considered* in unanticipated locations within Greater Christchurch, they are still subject to a merits assessment, where locational factors (for and against) may be determinative and this has been evident with the multiple policy 8 plan changes determined in Greater Christchurch (primarily Selwyn) since the introduction of the NPS-UD.

Dated: 19 August 2024

Jeremy Phillips

³ See paragraphs 6.1 and 6.2 of the evidence of Mr Chris Jones for Hearing Stream 12D on this occurring in the context of Ōhoka.

⁴ NPS-UD clause 1.3.

Attachment 1: CRPS 6.4 Anticipated Environmental Results

1. Recovery and rebuilding is enabled within Greater Christchurch.
2. Priority areas, Future Development Areas and existing urban areas identified provide the location for all new urban development.
3. Significant natural resources are protected from inappropriate development.
4. People are protected from unacceptable risk from natural hazards.
5. Infrastructure, and urban and rural development, are developed in an integrated manner.
6. The use of existing infrastructure is optimised.
7. Development opportunities are provided for on Māori Reserves.
8. Growth is provided for through both greenfield and brownfield development opportunities.
9. Higher density living environments are provided.
10. Greenfield development is provided for at a rate that meets demand and enables the efficient provision and use of infrastructure.
11. Growth of rural towns within Greater Christchurch is sustainable and encourages self sufficiency.
12. Rural residential development is appropriately managed.
13. Development incorporates good urban design.
14. Areas of special amenity, heritage value, or importance to Ngāi Tahu are retained.
15. Residential development contains a range of densities.
16. Transport infrastructure appropriately manages network congestion, dependency of private vehicles is reduced, emissions and energy use from vehicles is reduced, and transport safety is enhanced.
17. The function and role of the Central City, the Key Activity and neighbourhood centres is maintained.
18. Sufficient business land is provided for, and different types of business activity take place in appropriate locations, adopting appropriate urban design qualities.

19. Development opportunities for a metropolitan recreation facility at 466-482 Yaldhurst Road are provided for.

20. Commercial film or video production activities are enabled to support the regional economy and provide employment opportunities.

21. Sufficient opportunities for development are provided to meet the housing and business needs of people and communities – both current and future.