

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)

Summary of evidence of Jeremy Phillips

Dated: 1 July 2024

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SUMMARY OF EVIDENCE OF JEREMY PHILLIPS

- 1 My full name is Jeremy Goodson Phillips.
- 2 I prepared the following statements in support of the Submitters' rezoning request:
 - 2.1 Statement of evidence dated 5 March 2024; and
 - 2.2 Supplementary statement of evidence dated 13 June 2024.

CORRECTION TO EVIDENCE

- 3 As a preliminary matter, paragraph 35 of my evidence dated 5 March should be corrected to insert the word 'within', and read: "*In summary, the provisions in the operative and proposed district plans support the view that Ōhoka is **within** an 'urban environment'.*"

SUMMARY

- 4 My evidence addresses the terms 'urban environment' and 'urban area' which are distinct terms in the NPS-UD of relevance to the proposal.
- 5 I consider 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), which includes Ōhoka and its surrounds.
- 6 My evidence notes that the relevant planning decisions to date that have adopted Greater Christchurch as the relevant urban environment include 'policy 8' reliant plan change and proposed Selwyn District Plan (and variation) decisions. Plan Change 67 to the prior operative Selwyn District Plan is particularly relevant to these proceedings, insofar that this rezoning (and the subsequent rezoning through decisions on the Proposed Selwyn District Plan) enabling 131 households at West Melton, was found to constitute significant development capacity and contribute to a well-functioning urban environment, with Greater Christchurch being the relevant urban environment. West Melton is comparable to Ōhoka, insofar as being a modest existing urban area and population¹ (relative to other main centres in the Selwyn District) set within predominantly rural surrounds, with no significant business, employment or community facilities, and a housing and labour market of less than 10,000 people in and of itself². As shown in the maps attached to my primary evidence, the West Melton and Ōhoka urban areas are

¹ The 2018 Census records a population of 2085 people for West Melton.

² See: https://www.selwyn.govt.nz/_data/assets/pdf_file/0006/704931/PC67-Commissioner-Recommendation-10-January-2022-1.pdf and para 186 especially.

comparable in terms of their distance from Christchurch City and other main townships in the District.

- 7 The term 'urban area' is not defined in the NPSUD, but accounting for the use of this term and mapping in relevant statutory and non-statutory planning documents, I consider Ōhoka is an 'urban area' insofar that the term is used in clause 3.2 of the NPSUD. More specifically, the existing Ōhoka township is an 'existing urban area' and the rezoning sought by the submitter over the adjacent land would be an extension to this, or a 'new urban area'. Again, for comparison, I note that West Melton, Waikuku Beach and Woodend Beach are also identified as urban areas in the relevant planning documents referred to in my evidence.

FURTHER DISCUSSION

- 8 Adopting Greater Christchurch as the urban environment can be readily justified with reference to the NPS-UD definition of a 'Tier 1 [or Tier 2] urban environment', given these are expressly identified in the NPS-UD Appendix. Tier 1 and 2 urban environments need not be assessed under the general definition of 'urban environment' and its two components, which instead determines whether areas not within the Appendix are 'Tier 3 urban environments'.
- 9 The Tier 1 and 2 urban environments identified in the Appendix represent New Zealand's larger urban environments (that presumably face the greatest pressures on housing supply) and have descriptors in column 1 that apply to the principal city³ or a regional area⁴, and the corresponding Tier 1 and 2 local authorities are listed in column 2.
- 10 As set out in my primary evidence, the local authorities listed in column 2 are applicable to '(Greater) Christchurch' but not 'Christchurch (District)'. This alone supports a pragmatic and logical explanation that Greater Christchurch is a Tier 1 urban environment.
- 11 The 'Auckland' Tier 1 urban environment provides a useful point of comparison given this environment is within the jurisdiction of the Auckland Council local authority alone. That jurisdiction includes: major urban areas such as Auckland City, Manukau, Albany and Pukekohe; smaller or distinct urban areas or settlements such as Drury, Helensville, Orewa and Shelly Beach; and rural areas such as Woodhill Forest. These areas (as a collective) would appear to be predominantly urban in character and part of a housing and labour market of at least 10,000 people, in a comparable manner to Greater Christchurch when viewed as a whole. Applying the descriptor of 'Auckland' to its full district in this way would mean the NPS-UD applies to planning decisions that affect that urban

³ E.g. Auckland, Wellington or Christchurch

⁴ E.g. 'Napier Hastings' and 'Nelson Tasman'

environment⁵. Conversely, relying on the 'urban environment' definition to evaluate discrete areas within greater Auckland, would risk arbitrary or inconsistent definitions of smaller urban environments.

- 12 To the extent that I, Mr Willis, or participants in the JWS have grappled with what is predominantly urban or rural in character⁶, this is a moot point if the urban environment is defined on the basis of the NPS-UD Appendix alone. However, as noted in my supplementary evidence, at a Greater Christchurch scale⁷ I consider this area is better described as predominantly urban *in character*, than predominantly rural *in character* notwithstanding the proportion or extent of non-urban zoned land. I say this noting that non-urban areas include activities that can be attributed to the urban area(s) and which influence the *predominant character* of a wider urban environment⁸. My supplementary evidence also notes that a wider 'lens' for defining the urban environment makes more sense from a planning perspective, when considering key issues in the NPS-UD such as land and development markets; housing needs and preferences; and transport patterns.
- 13 I remain unclear as to the extent of the urban environment as defined by Council Officers and Mr Willis. However, a narrower urban environment based on existing or Council-planned urban zones only risks insufficient capacity in other areas (policy 2), a failure to meet different needs (policy 1(a)), diminished affordability (objective 2), and would preclude unanticipated plan changes despite these being clearly anticipated by the NPS-UD (policy 8). It also risks the arbitrary or inconsistent definition of where the urban environment(s) starts and stops, or a requirement to repeatedly redefine it for different proposals.
- 14 For the reasons above and expressed in my evidence, I consider Greater Christchurch is the relevant urban environment.

Dated: 2 July 2024

Jeremy Phillips

⁵ NPS-UD 1.3(1)(a)

⁶ Noting there was general agreement in the planning JWS that the housing and labour market for Christchurch encapsulates Greater Christchurch as a minimum.

⁷ Or Auckland, Hamilton, Tauranga or Wellington scale for those urban environments.

⁸ For example: regional parks, public and private recreational facilities (e.g. golf courses, motorsports, bike parks), quarries and landfills, research facilities, hazard buffers, airfields, urban infrastructure (power generation / transmission, transport corridors, 3-waters) rural-based businesses (e.g. function centres, cafes, camping grounds, contractors yards), and rural-residential activity.