

**LEGAL SUBMISSIONS – SPEAKING NOTES
ON BEHALF OF SUBMITTER RICHARD AND GEOFF SPARK
(PDP SUBMITTER 183 / VARIATION 1 SUBMITTER 61)**

1. There is a high level of agreement between the reporting officer and the Submitters in relation to the appropriateness of the rezoning requests overall. Mr Wilson recommends in his report at 15.5.2 the planning maps for the Sparks Block A are changed to rezone it to PDP medium density residential with specified additions to the ODP. At 15.5.3 he again recommends that the planning maps for Sparks Block B area are changed to rezone it as PDP medium density, again with specified additions and the Block C be included in the South East Rangiora Development Area with an explanation outlining its potential suitability for a commercial or industrial use.
2. The recommendation in Appendix B in terms of 183.16 is to accept the submission.
3. There are however a number of specific matters which have been identified in the s42A report. These matters have been carefully considered by the relevant experts. I have summarised those issues and the key evidence in my submissions in an effort to encapsulate those differences and the response to them.¹
4. Those differences are not such as to call the rezoning into question and are all capable of resolution at subdivision design stage. By then, the Submitters and WDC will have a much better understanding of the ultimate design of the REL and its interface with the rezonings. They are not matters which go to the overall appropriateness of the rezonings. The rezoning of the land to residential is the most appropriate outcome as opposed to leaving it zoned RLZ. The Submitters will continue to engage with Council officers, as they have done throughout this process.
5. Without detracting from the Submitters' primary case, if the Commissioners consider that the changes proposed by the officers are appropriate, and have not been adequately addressed, those changes can be readily incorporated into the rezoning without undermining the significant benefits, and the overall appropriateness of the rezoning.
6. To illustrate the recommendations a truncated ODP has been prepared with most of the changes identified in tracking. The response to the recommendations include:
 - (a) Small commercial node/centre south of Boys Road – change to ODP. The narrative includes the future commercial centre Block B;
 - (b) An allowance in the narrative for a future second road connection across the Northbrook to be established if required;
 - (c) An alternative road layout for Block B which would exclude road access to REL access off Boys Road. The road access connections to REL would be downgraded to green links;

¹ Legal Submissions on Behalf of Richard and Geoff Spark (PDP Submitter 183 / Variation 1 Submitter 61) 9 August 2024 paras [111] – [127]

- (d) The recognition of the landscape character and identity outcomes for the site including with historical landowners and mana whenua and recognition of the Ngahere Rangiora (SASM 016) overlay in the proposed WDP;
 - (e) An addition to the narrative to specifically responding to the podocarp overlay as proposed by the PWDP.
7. The matters in (a), (b), (d) and (e) are appropriate. The most significant difference appears to be in relation to the road connections to the REL. The relevant experts consider that some form of access to the REL is appropriate, but have prepared an alternative ODP graphic to illustrate how the officers' concerns could be incorporated, should the Commissioners consider that appropriate.

Urban Environment

8. I address the urban environment, albeit briefly, in the written legal submissions.² I submit that the urban environment is the Greater Christchurch Tier 1 urban environment shown on Map A. The issue has been subject to joint conferencing.³ Clearly there are some differing opinions although all attending experts agreed that all of Greater Christchurch was part of the Christchurch labour and housing market.
9. I identify in my submissions the CRPS, as an example, refers to the Greater Christchurch Tier 1 urban environment. The CRPS includes the following statement in the Principal Reasons and Explanation:⁴

The National Policy Statement on Urban Development 2020 (NPS-UD) requires Tier 1 local authorities to set Housing Bottom Lines for the short–medium (next 10 years) and long term (10-30 years). The Greater Christchurch Tier 1 urban environment is the area shown on Map A.

10. This issue is not one which need trouble the Commissioners in the context of this hearing. It is not a matter in dispute.

Canterbury Regional Policy Statement

11. In terms of Block B, I address the avoidance provisions in the CRPS⁵ and the supporting policy. I address *Port Otago Limited v Environmental Defence Society Incorporated*.⁶ I say that *Port Otago* provides for a more subtle assessment of “avoid”.
12. The *Port Otago* decision provides for an interpretation of the CRPS avoidance provisions as being avoid any material harm from urban development outside the identified areas.

² Legal Submissions on Behalf of Richard and Geoff Spark (PDP Submitter 183 / Variation 1 Submitter 61) 9 August 2024 paras [24] – [27]

³ Joint Witness Statement – Urban Environment (Planning) Day 1 dated 26 March 2024

⁴ Canterbury Regional Policy Statement, page 72

⁵ Objective 6.2.1.3 and Policy 6.3.1.4

⁶ *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112

13. Mr Thomson's evidence⁷ and his Appendix 5 provides a full assessment. He addresses Chapter 5 – land use and infrastructure objectives. Mr Thomson's assessment identifies that it is within the south eastern quadrant of Rangiora, it is essentially infill zoning, will help achieve consolidated and sustainable growth of the existing Rangiora township, and will continue the urban consolidation approach and enable the Greater Christchurch community to provide for its social, economic and cultural wellbeing through the provision of additional housing.
14. In terms of Objective 6.2.1, Mr Thomson considers that objective is focused on setting up a recovery framework for Christchurch following the earthquakes, based on the anticipated demand primarily created by the recovery and rebuilding process immediately following the Canterbury earthquake sequence. He considers that to be now largely complete. He considers that the planning issue now is on creating the opportunity to reconsider future needs associated with natural growth in the population. He notes the evidence establishes that it gives effect to the National Policy Statement – Urban Development and notes that it does not give rise to any concerns with respect to all the matters listed in 4 – 11.
15. Again in terms of Objective 6.2.2, in his assessment it will facilitate the self-sufficient sustainable growth of Rangiora township, is logical infill of an existing township and will provide a compact and consolidated urban form, and infrastructure can be supplied to service it. Again Mr Thomson addresses sustainability (6.2.3), 6.2.4 and the relevant policies. In terms of Policy 6.3.1 he notes that Map A was prepared to provide a focus for priority of development as part of the earthquake recovery phase; identifies that this is not a "random" remote Greenfields location that would challenge the integrity and consistency of the CRPS policy in favour of outward growth around existing urban areas where that contributes to compact and consolidated urban forms, and where connectivity to existing areas can be developed.
16. Overall, on the evidence, these rezonings will not cause material harm to any of the matters identified in the relevant objectives and policies. The analysis in Mr Thomson's evidence also illustrates that when looked at on an overall basis, the rezonings give effect to the objectives and policies of the CRPS, other than the avoidance provisions.

NPS-UD

17. The NPS-UD recognises that planning documents do not always address all of the issues as they arise, nor do they remain current. Objective 6 and Policy 8 of the NPS-UD recognise that and provide a pathway by which the merits of the rezoning sought can be considered and assessed. In short, the avoidance objectives and policies are precisely what the responsive planning provisions of the NPS-UD are aimed at. There appears to be general agreement on this.
18. Mr Thomson undertakes an assessment against the NPS-UD at paragraphs [35] – [39] of his First Statement of Evidence and in Appendix 6 to that evidence. That assessment is focused on

⁷ First Statement of Evidence of Ivan Thomson dated 4 March 2024 at para [59] – [64]

Policies 1, 2, 6 and 8. The assessment against Policy 1, combined with the evidence of the other experts, establishes that the rezonings will contribute to a well-functioning urban environment.

Scope

19. All of the evidence for the Submitters, and the legal submissions, is on both the PDP and Variation 1. That evidence includes the evidence filed in March 2024 and 2 August 2024. My submissions on scope in relation to Variation 1 are attached as an Appendix to my submissions, and the issue in terms of the scope to rezone the PDP medium density in paragraphs [133] – [138] of my submissions.

Merits

20. On the merits, I say the evidence is clear that the costs/benefits, potential effects, risk and the overall appropriateness is clearly illustrated. It is a carefully designed, comprehensive and appropriate proposal which has significant benefits in the wider sense, and little, if any, potential adverse effects. It will assist the Council in meeting its functions and giving effect to the relevant statutory documents. It enables a range of housing and provides significant economic benefits, including employment.
21. Overall the benefits of the rezoning significantly outweigh the costs.

David Caldwell

20 August 2024