

18 December 2023

To: Greater Christchurch Partnership

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Carter Group Limited response to additional documents in relation to the Draft Greater Christchurch Spatial Plan

- 1 Carter Group Limited (*Carter Group*) lodged a submission on the Greater Christchurch Partnership's (*GCP*) draft Spatial Plan (the *draft Spatial Plan*) on 23 July 2023 and appeared before the GCP at the hearings on 30 October 2023.
- 2 This letter responds to additional documents that have been provided by the reporting officers in response to submitter presentations and questions from the GCP hearings panel.
- 3 Carter Group's submission generally supported the draft Spatial Plan, including in so far as it directs future planning of development to ensure integrated and well-functioning urban environments into the future. Carter Group otherwise raised a number of specific concerns with mapping and development capacity considerations. The additional documents that have been provided address these matters further.

Constraints – areas to protect and avoid

- 6 The hearings panel asked reporting officers why an area in Kaiapoi has been identified as future urban development area (*FUDA*) in Map 2 given the range of natural hazard constraints that were outlined in Carter Group's submission.¹ Reporting officers consider that FUDAs are not zoned for residential development and are still required to go through a standard rezoning plan change.
- 7 Carter Group do not entirely agree with this response. Taking the example of the Proposed Waimakariri District Plan, this Proposed Plan includes the FUDAs as new 'Development Areas' in the Proposed Plan which in effect allows these areas to be zoned residential without a Schedule 1 plan change process. This is done through a certification process whereby the land is released for development by the District Council's Chief Executive Officer after meeting certain criteria. While the criteria for certification does require a flood assessment, it is only necessary to show that these can be mitigated. Whether it is appropriate or not for that land to be used for residential activities is not a consideration of the certification process.

¹ *Draft Greater Christchurch Spatial Plan - Reporting Officers' Response to Hearing Panel Questions and Submitter Hearing Presentations* dated 14 November 2024, Question 25.



- 8 This demonstrates that the inclusion of land as a FUDA in high level documents such as the draft Spatial Plan clearly is giving Councils a strong signal that that land has already been deemed appropriate for future development.
- 9 Great care should be taken in the identification of FUDAs in the draft Spatial Plan. The identification of these should not contradict the draft Spatial Plan's own aspirations to focus and incentivise growth in areas free from significant risks from natural hazards. The inclusion of FUDAs located within high hazard areas directly undermines the direction and intent of the draft Spatial Plan.
- 10 The draft Spatial Plan is an opportunity to re-think where growth should occur in light of natural hazard and climate change factors that have developed in recent years and are obviously of critical importance in the future. It is important that the planning framework only encourages growth in areas where it is appropriate (and safe) for people to live.

Demand and development capacity

- 11 One of the key matters for the GCP to consider is the requirements in the National Policy Statement for Urban Development 2020 (*NPS-UD*). This is reflected in a number of the hearings panel questions.²
- 12 Carter Group consider it critical that the Housing and Business Development Capacity Assessment (*HBA*) is accurate, as it heavily informs the draft Spatial Plan's provision of future housing and business development opportunities.
- 13 Reporting officers, in response to question 30, are satisfied the HBA meets the requirements of the NPS-UD and as such its findings can be relied on to inform the draft Spatial Plan. They rely on a letter from Mr Yeoman of Formative in response to Mr Colegrave's criticisms in his peer review of the HBA.
- 14 Carter Group note that Formative's capacity projections for individual districts (which are in turn used to inform the HBA) have been called into question before a number of independent hearings commissioners presiding over private plan changes over recent years. Mr Yeoman has appeared before a number of these panels with similar arguments around his understanding that the assessments his firm has undertaken are conservative.
- 15 Carter Group is aware of a number of decisions (particularly in Selwyn) on these private plan changes that, based on a detailed examination of expert evidence from both sides, consider it is likely the Formative assessments have overestimated capacity in these districts, in particular in the long term.³ One recent decision in the

² Questions 30, 28 and 33.

³ For example: Recommendation on Private Plan Change 68 to the Operative Selwyn District Plan dated 23 June 2022 at [7.71]; Recommendation on Private Plan Change 69 to the Operative Selwyn District Plan dated 13 May 2022 at [469]-[473]; Interim recommendation on Private Plan Change 71 to the Operative Selwyn District Plan dated 7 June 2022 at [195]; Recommendation on Private Plan Change 72 to the Operative Selwyn District Plan dated 30 March 2022 at [160]; Recommendation



Waimakariri District has strongly recommended that *“the Council takes steps to review the calculations provided by Formative and review realisability of the areas currently identified for future urban growth within the District.”*⁴

- 16 The reasons for this overestimation are based on certain assumptions made by Formative with respect to capacity, the lack of ground truthing involved, and the significant reliance on intensification and infill of existing areas as a result of intensification planning instruments.
- 17 In response to central government signalling that the MDRS will imminently be made optional, the Christchurch City Council have now requested a pause to PC14 from the Minister for the Environment. Should PC14 be paused, Carter Group consider it highly likely that Christchurch City Council will propose to remove or reduce the extent of MDRS within the City, in line with its vocal concerns and opposition to date on the compulsory application of the MDRS to Christchurch.
- 18 There is also a real possibility that the Waimakariri District Council will follow suit, and potentially even that the Selwyn District Council will revisit some of its recent decisions to implement the MDRS.
- 19 Given the reliance of the HBA on the capacity that would be provided across Greater Christchurch in light of the MDRS, the accuracy of the capacity recorded in the HBA needs to seriously be called into question.
- 20 In light of this, the GCP hearings panel should consider whether sufficient areas for housing and business in Greater Christchurch have in fact been identified in the draft Spatial Plan. There is nothing preventing the GCP hearings panel from providing more areas growth, particularly where there is significant uncertainty as to the sufficiency of the areas currently to cater for future growth.
- 21 The GCP hearings panel has been provided with a number of options for further identifying appropriate areas for future growth – including those contained in Carter Group’s primary submission.
- 22 Carter Group urge the hearings panel to seriously consider including these areas in light of the above – in particular the land to the West of Rolleston which is not subject to any ‘key constraints’ for providing for development.

on Private Plan Change 68 to the Operative Selwyn District Plan dated 23 June 2022 at [373]-[377]; Recommendation on Private Plan Change 31 to the Operative Waimakariri District Plan dated 27 October 2023 at [80]-[81] and [84]-[85].

⁴ Recommendation on Private Plan Change 31 to the Operative Waimakariri District Plan dated 27 October 2023 at [84].



Conclusion

- 23 Carter Group again thanks the GCP hearings panel for the opportunity to submit on the draft Spatial Plan and to discuss the contents of that submission at the hearings.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jo Appleyard'.

Jo Appleyard / Lucy Forrester

Partner / Senior Solicitor