

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
IN CHRISTCHURCH**

**TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

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**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL IN  
RESPONSE TO MINUTE 39 – UPDATE ON THE STATUS OF THE GREATER  
CHRISTCHURCH SPATIAL PLAN**

15 April 2024

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## **MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:**

### **Introduction**

1. In Minute 39 dated 9 April 2024, the Panel requested an update from the Christchurch City Council (**Council**) on the status of the Greater Christchurch Spatial Plan (**Spatial Plan**).<sup>1</sup> More specifically, the Panel asked to hear from Council as to:
  - (a) The legal status of the Spatial Plan as a local government, or National Policy Statement on Urban Development 2020 (**NPS-UD**) process or plan;
  - (b) Whether the Panel is required to give weight to the Spatial Plan (and if so, to what extent) as part of the Panel's evaluation of PC14;
  - (c) Which components of the Spatial Plan constitute the Future Development Strategy required by the NPS-UD;
  - (d) Specific aspects of the Spatial Plan that are directly related to PC14, noting whether they support the Council's position.
2. This memorandum provides a response to the above matters.

### **Legal status of the Spatial Plan**

3. The legal status of the Spatial Plan is that it is, and satisfies the requirements of a Future Development Strategy (**FDS**) jointly prepared by the Canterbury Regional Council, Christchurch City Council, Selwyn District Council and Waimakariri District Council (**Partner Councils**) in accordance with Part 3, Sub-part 4 of the NPS-UD.
4. Consultation and engagement occurred in the preparation of the Spatial Plan pursuant to clause 3.15 of the NPS-UD, including the use of the special consultative procedure in section 83 of the Local Government Act 2002 (**LGA**).
5. Following the completion of the preparation process in March 2024, the Partner Councils adopted the Spatial Plan as their FDS.<sup>2</sup>

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<sup>1</sup> The Spatial Plan is available to download at <https://greaterchristchurch.org.nz/urbangrowthprogramme/greater-christchurch-spatial-plan/>.

<sup>2</sup> Ibid – see first paragraph.

6. The Spatial Plan is also a management plan/strategy prepared under the LGA (discussed further below at paragraph 9).

**Whether, and what weight the Panel is required to give the Spatial Plan as part of the Panel's evaluation of PC14?**

7. Clause 3.17(1)(a) of the NPS-UD provides that every tier 1 local authority (including Christchurch City Council) "*must have regard to the relevant FDS when preparing or changing RMA planning documents*". The NPS-UD defines "*RMA planning document*" to include a district plan.
8. As the Panel is in the process of considering and making recommendations on PC14 (being a change to the Christchurch District Plan) clause 3.17(1)(a) of the NPS-UD requires the Panel to "*have regard to*" the Spatial Plan when evaluating PC14.
9. The Spatial Plan is also a management plan/strategy prepared under other Acts (in this case the LGA) that the Panel must "*have regard to*" when evaluating PC14 pursuant to section 74(2)(b)(i) of the RMA. The Spatial Plan is a management plan/strategy setting out the Partner Councils' shared vision for the future of Greater Christchurch including overarching directions, key actions and initiatives.
10. Accordingly, the Spatial Plan is a document the Panel must have regard to under clause 3.17(1)(a) of the NPS-UD and section 74(2)(b)(i) of the RMA.
11. As the Panel is aware, the phrase "*have regard to*" requires a decision-maker to give genuine attention and thought to the matter.<sup>3</sup> In having regard to a matter, the decision-maker is entitled to conclude that the matter is not of sufficient significance, either alone or together with other matters, to outweigh other considerations which it must take into account.<sup>4</sup>

**Which components of the Spatial Plan constitute the Future Development Strategy required by the NPS-UD?**

12. The Spatial Plan as adopted states:

*"The Spatial Plan satisfies the requirements of a future development strategy under the National Policy Statement on Urban Development. This includes setting out how well-functioning urban environments will be achieved, and how sufficient housing and business development*

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<sup>3</sup> *Foodstuffs (South Island) Limited v Christchurch City Council* (1999) 5 ELRNZ 308; [1998] NZRMA 481 (HC).

<sup>4</sup> *Unison Networks Limited v Hastings District Council* [2011] NZRMA 394 at [70].

*capacity will be provided to meet expected demand over the next 30 years*<sup>5</sup> (Page 18).

13. The Spatial Plan goes on to state the following in the context of Implementation:

*“The Spatial Plan is an enduring document, with the scope for new Priority Areas, key actions and initiatives, and tools being added to the joint work programme if they should arise in the future. The plan will be reviewed and updated (as needed) every five years. In accordance with the NPSUD 2020, the Future Development Strategy component of the plan will be reviewed and updated (as needed) every three years.”*  
(page 83).

14. The components of the Spatial Plan that address the requirements for a FDS are not separated from the balance of the Spatial Plan to enable ease of identifying those distinct FDS components. Rather, the FDS components are intrinsically linked with the broader strategy that the Spatial Plan provides for.
15. It is noted in this context that clause 3.12 of the NPS-UD anticipates that an FDS can be part of another document (such as a spatial plan) that is jointly prepared by multiple local authorities with jurisdiction over a tier 1 urban environment. Clause 3.12 states:

*“(2) The FDS must apply, at a minimum, to the relevant tier 1 and 2 urban environments of the local authority, but may apply to any wider area.*

*(3) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing an FDS as required by this subpart.*

*(5) An FDS may be prepared and published as a stand-alone document, or be treated as part of any other document (such as a spatial plan)”.*

[our underlying for emphasis]

16. To the extent the FDS components of the Spatial Plan are intrinsically linked with the broader strategy that the Spatial Plan provides for rather than being separated out or contained in a stand-alone document, that is ultimately immaterial to the issue of whether, and what weight, the Panel is required to

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<sup>5</sup> <https://greaterchristchurch.org.nz/assets/Documents/greaterchristchurch-/Greater-Christchurch-Spatial-Plan-2024-Web.pdf>

give to the Spatial Plan, because the Panel is required to have regard to the whole document under section 74(2)(b)(i) of the RMA anyhow.

**Specific aspects of the Spatial Plan that are directly related to PC14, and whether they support the Council's position.**

17. Attached as **Appendix A** is a table prepared by Council's planning officers summarising the specific aspects of the Spatial Plan that are directly related to PC14. In all cases, the specific aspects identified support the Council's PC14 position.

Date: 15 April 2024



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**D G Randal / C O Carranceja**  
Counsel for Christchurch City Council

## Appendix A – Table identifying specific aspects of the Spatial Plan that are directly related to PC14

Relevant aspect of Spatial Plan
<i>The aspirations for Greater Christchurch – a place to live well</i> (page 10)
<i>Planning and policy context</i> , particularly Figure 3 of the intended vs actual pattern of growth (page 16)
Statement that the Spatial Plan satisfies the requirements of a future development strategy and what is required of national direction in defining a Well-functioning urban environment (page 18)
<i>Related planning processes currently underway</i> Description of the relationship between the GCSP and other processes (page 20)
Context to the spatial strategy and Statement of Manawhenua’s priorities and expectations <sup>6</sup> (page 21)
Description of the spatial strategy (page 22)
Map 2 – <i>The Greater Christchurch spatial strategy (1 million people)</i> (page 23)
Statement of Opportunities, Overarching Directions and Directions, a number being relevant to PC14 as listed separately in this table (page 24, 25)
<i>Overarching Directions</i> including <i>Focussing growth through targeted intensification in urban and town centres and along public transport corridors</i> (page 26)
Key Moves including <i>The prosperous development of Kainga nohoanga ...Within urban areas</i> <sup>7</sup> (page 28)
A strengthened network of urban and town centres (page 29, 30, 31)
<i>A mass rapid transit system</i> , in particular, <i>Urban Design of the route and centres</i> (page 32 to 35)
<i>Priority Areas arising from Te Tiriti Partnership</i> <sup>8</sup> (page 36)
<i>Priority Development Areas</i> with reference to those in Christchurch City (page 37, 38)
Areas to protect, and avoid/ mitigate (page 44, 45)
Direction 1.1 - Protect Wāhi Tapu from urban development (pages 46-48)
Direction 1.2 - Protect, restore and enhance Wāhi Taonga and Ngā Wai (pages 46-48)
Direction 1.3 - Protect, recognise, and restore historic heritage (pages 46-48)

<sup>6</sup> PC14 has sought to partially address this aspect through updates to Strategic Direction 3.3.3 (see s42A amendments by Sarah Oliver) and s42A recommended changes by Ike Kleynbos to residential objectives and policies (14.2.1.3, 14.2.3.9, 14.2.5, 14.2.5.8). Additional reference should be made to Appendix O, para 12, to Council’s 29 November 2023 information response.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid. Except to note that the Priority Regeneration Area ‘Eastern Christchurch area’ identified in the GCSP is outside of scope for the IPI.

<b>Relevant aspect of Spatial Plan</b>
Direction 2.1 – Focus and incentivise growth in areas free from significant risks from natural hazards (pages 49-53)
Direction 2.2 - Strengthen the resilience of communities and ecosystems to climate change and natural hazards (pages 49-53)
Direction 3.1 - Protect areas with significant natural values (pages 54-58)
Direction 3.2 - Prioritise the health and wellbeing of water bodies (pages 54-58)
Direction 4.1 - Enable the prosperous development of kāinga nohoanga on Māori Reserve Land, supported by infrastructure and improved accessibility to transport networks and services; along with the development of kāinga nohoanga within urban areas <sup>9</sup> (pages 60, 61)
Direction 4.2 - Ensure at least sufficient development capacity is provided or planned for to meet demand (pages 60, 62, 63)
Direction 4.3 - Focus, and incentivise, intensification of housing to areas that support the desired pattern of growth (pages 60, 64)
Direction 4.4 - Provide housing choice and affordability (pages 60, 64-66)
Direction 5.1 - At least sufficient land is provided for commercial and industrial uses well integrated with transport links and the centres network (pages 69-73)
Direction 5.2 - A well connected centres network that strengthens Greater Christchurch's economic competitiveness and performance, leverages economic assets, and provides people with easy access to employment and services (pages 69, 73, 74)
Direction 5.5 - Urban Growth occurs in locations and patterns that protects strategic regionally and nationally important tertiary institutes. (pages 69, 73, 76)
Direction 6.1 - Enable safe, attractive and connected opportunities for walking, cycling and other micro mobility (pages 78-80)

<sup>9</sup> Ibid.