

**BEFORE THE INDEPENDENT HEARING PANEL**

**UNDER**                    **the Resource Management Act 1991**

**IN THE MATTER OF**    **Submissions and further submissions in relation to Plan Change 14 to the  
Operative Christchurch District Plan**

**SUBMITTER**            **NTP Development Holdings Limited**  
*Submitter 2080*

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**STATEMENT of EVIDENCE of ANDREW MACTIER**

Planning  
20 September 2023

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## **INTRODUCTION**

- 1.** My name is Andrew Noble Shane Mactier. I am a Consultant Planner with Davie Lovell-Smith, Planners, Engineers and Surveyors of Christchurch.
- 2.** I hold the qualifications of a Bachelor of Environmental Management from Lincoln University. I have approximately eighteen years' experience in planning and resource management, primarily in local government in New Zealand with the Selwyn District Council, and the Dunedin City Council.
- 3.** My experience includes district plan development, processing and reporting on plan changes and notices of requirement, preparation of resource consent applications, and submissions on plan changes and National Policy Statements and National Environmental Standards. I have also been involved in a number of non-statutory township structure plans in the Selwyn District, and the development of the Malvern and Ellesmere Area Plans.
- 4.** I have been engaged by NTP Development Holdings Limited to provide expert planning evidence relating to Plan Change 14 to the Operative District Plan. This evidence is focused on NTP Development Holdings Limited's Site at 276 Cranford Street.
- 5.** I am familiar with the submission made by NTP Development Holdings Limited (submitter 2080) on 12 May 2023 and the planning issues discussed in that submission. I have been authorised by the submitter to provide evidence on its behalf.

## **CODE OF CONDUCT**

- 6.** Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with that Code when preparing my evidence on technical matters. I confirm that the technical matters on which I give evidence are within my areas of expertise, except when relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **EXECUTIVE SUMMARY**

- 7.** NTP Development Holdings Limited's primary concern is that the site at 276 Cranford Street (**the Site**) has retained its operative zoning as Residential Suburban under Plan Change 14, when it is a relevant residential zone that is more appropriately zoned Medium Density Residential Zone (**MRZ**).
- 8.** Council may choose to make the Medium Density Residential Standards (**MDRS**) less enabling of development if authorised under section 77I of the Resource Management Act (**the RMA**). Section 77I relates to 'qualifying matters' specified by the RMA.
- 9.** Under Section 77L 'other qualifying matters' (being those that may be identified under s77I(j)) must be justified by way of a site-specific analysis including in regard to the specific characteristics of the matter.
- 10.** The Site is subject to the Low Public Transport Accessibility Area Qualifying Matter (**LPTAA**). However, the Site is in proximity to a number of commercial service centres, the larger of these being at Merivale, Papanui and Shirley. Furthermore, the Orbiter Bus Route runs a regular service with a frequency of 10 minutes down Cranford Street, immediately past the Site.
- 11.** The section 42A reporting officer, Mr Kleynbos, recognises that a number of bus routes need to be better considered when imposing the LPTAA, including the Orbiter bus route. Mr Kleynbos goes on to recommend that the LPTAA should be removed and the Site rezoned as MRZ, but with a Suburban Density Precinct overlay on the Site.
- 12.** The implications of the Suburban Density Precinct overlay for the Site would be that any residential development which proposes between two and three dwellings would be assessed as a Restricted Discretionary Activity, rather than a Permitted Activity, which would be the case for sites in the MRZ where the Suburban Density Precinct overlay does not apply.
- 13.** There is no reason from a planning perspective why the Site should be subject to the LPTAA or its successor, the Suburban Density Precinct overlay. The Site is zoned Residential Suburban under the Operative Christchurch City Plan and is in proximity to a number of commercial service centres, the larger of these being at Merivale, Papanui and Shirley.

14. The Papanui and Shirley commercial centres are connected via the Orbiter bus route which runs a regular 10-minute service down Cranford Street, immediately past the Site. Bus stops for the Orbiter route are within walkable distance to the site, being less than 200m in either direction from the Site. It is therefore unclear why this is considered a low public transport accessibility area.
15. The Site is approximately 2060m<sup>2</sup> and is subject to a water body setback from Dudley Creek, on the Site's north-west boundary. The requirement to observe the waterbody setback is not seen as an impediment to development, as built form to the MRZ standard is able to be accommodated outside the setback in the balance of the site.
16. The Site's zoning under the Operative Christchurch District Plan (Residential Suburban), along with its size, location, and proximity to a regular high frequency bus service, make it well suited to multi-unit development and MRZ zoning will enable efficient development of the site to provide for well-located housing capacity. The encumbrance of the Residential Suburban Precinct overlay is not appropriate as the Site is a relevant residential zone and the Site should therefore be rezoned to MRZ.
17. Based on the above I consider there is no sound reason that section 77I of the RMA should apply and that the MRZ with a Suburban Density Precinct overlay is inappropriate to apply to the Site. As such, the Suburban Density Precinct overlay should be removed from the Site, and MRZ should be retained, in accordance with section 77G(2) of the RMA.

#### **NTP DEVELOPMENT HOLDINGS LIMITED SUBMISSIONS**

18. NTP Development Holdings Limited made submissions (2080.1 and 2080.2) seeking that the Site zoned under Plan Change 14 as Residential Suburban Zone, be rezoned MRZ.
19. The Site is subject to the LPTAA but is immediately adjacent to the MRZ separated from that zone only by the driveway for 274 Cranford Street. The Site is in proximity to a number of commercial service centres, the larger of these being at Merivale, Papanui and Shirley.

20. The Orbiter Bus Route runs a regular service with a frequency of 10 minutes down Cranford Street and is identified on the metro website<sup>1</sup> as *‘our most popular bus route for easy access to Christchurch’s malls and shops outside the central city’*.

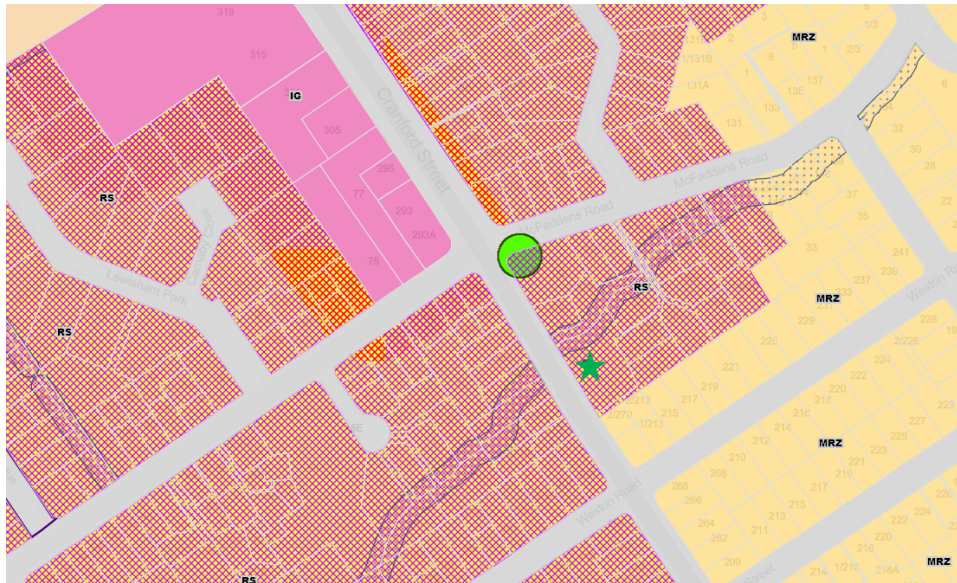


Figure 1: 276 Cranford Street identified by green star, and zoning pattern proposed by PC 14 (Source: PC14 Planning Maps).

21. The Site is approximately 2060m<sup>2</sup>; its zoning under the Operative Christchurch District Plan (Residential Suburban), along with its size, location, and proximity to a regular high frequency bus service, make it well suited to multi-unit development and MRZ zoning will enable efficient development of the site to provide for well-located housing capacity. In short, the encumbrance of the Residential Suburban Precinct overlay is not appropriate as the Site is a relevant residential zone and the Site should therefore be rezoned to MRZ.
22. The section 42A reporting officer, Mr Kleynbos rejects the submission to rezone 276 Cranford Street noting that *‘the site is within the Low Public Transport Accessibility Area and therefore should retain the RS zoning’*<sup>2</sup>. It should be noted that this recommendation appears to be incorrectly attributed to submission 704.4 (WDL Enterprises Ltd and Birchs Village Limited) and not NTP Development Holdings Limited submission 2080. Submissions 2080.1 and 2080.2 do not appear to have been explicitly addressed in the s42A Report.
23. Based on submissions querying the validity of the LPTAA along with further analysis of s77L of the Resource Management Act (**the RMA**), Mr Kleynbos recommends that it is not necessary to retain the LPTAA, and that all of the area affected by the LPTAA is zoned as MRZ

<sup>1</sup> <https://www.metroinfo.co.nz/timetables/orbiter/>

<sup>2</sup> Section 42A Report of Ike Kleynbos, Appendix F – Other zone requests and responses - Page 749

with two new precincts; one covering areas zoned as Residential Suburban Zone or Residential Banks Peninsula (as notified); and one covering the areas zoned Residential Hills (as notified), named Suburban Density Precinct Overlay and Suburban Hills Density Precinct Overlay respectively.

24. The implications of the Suburban Density Precinct overlay for the Site would be that any residential development which proposes between two and three dwellings would be assessed as a Restricted Discretionary Activity, rather than a Permitted Activity, which would be the case for sites in the MRZ where the Suburban Density Precinct does not apply.

#### **STATEMENT OF EVIDENCE**

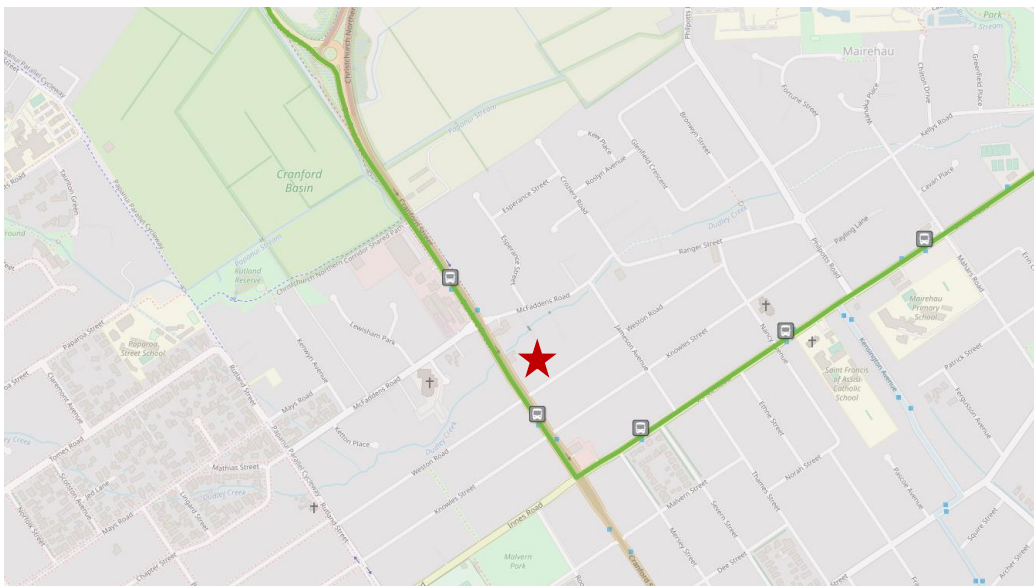
25. The following is a summary of the statutory framework in relation to rezoning land to give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**the Housing Supply Amendment Act**) and Policy 3 of the National Policy Statement – Urban Development 2020 (**NPS-UD**) and an assessment as it relates to the submission of NTP Development Holdings Limited.
26. In response to the Housing Supply Amendment Act, Tier 1 territorial authorities were required to notify changes or variations to their district plans to incorporate the MDRS and give effect to Policy 3 of the NPS-UD.
27. Section 77G(1) of the RMA requires that every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone. Schedule 3A of the RMA (also incorporated by the Housing Supply Amendment Act) sets out those requirements in more detail. It directs the incorporation of the MDRS as part of every ‘relevant residential zone’, including in relation to; number of units per site; building height; height in relation to boundary; setbacks; building coverage; outdoor living space; outlook space; windows to street; and landscaped area.
28. The MDRS are to be incorporated irrespective of any inconsistency with a regional policy statement (s77G(8)). If there are any other inconsistencies between the regional policy statement and the requirements of the RMA (or the NPS-UD and other higher order documents), the plan change must give weight to those higher order directions to the extent required by the RMA.

- 29.** Section 77G(2) of the RMA requires every residential zone in an urban environment to give effect to Policy 3 of the NPS-UD, which specifies the parameters for the level of density and building height enablement in specific spatial locations, principally commercial centres.
- 30.** Council may choose to make the MDRS less enabling of development if authorised under section 77I which relates to 'qualifying matters' specified by the Act. Section 77J sets out further requirements for the evaluation of a qualifying matter, including assessing the impact that limiting development capacity, building height, or density will have on the provision of development capacity, and the costs and broader impacts of imposing those limits. Under Section 77L 'other qualifying matters' (being those that may be identified under s77I(j)) must be justified by way of a site-specific analysis including in regard to the specific characteristics of the matter.
- 31.** Mr Kleynbos makes several points in his s42A Report that are pertinent to providing the relief sought by NTP Development Holdings Limited, as set out below:
- the purpose of the LPTAA is to restrict development in medium and high-density areas to within those areas with the highest accessibility to core public transport corridors, or where public transport connects high employment centres together (paragraph 7.1.78)
  - the LPTAA seeks to ensure intensification directed by the Housing Supply Amendment Act is delivered in the most efficient means possible, aligning infrastructure investment and reducing greenhouse gas emissions (paragraph 7.1.83)
  - evidence shows that propensity to use public transport is greatest within a 10 minute/800m walking catchment of routes with high frequency (paragraph 7.1.85)
  - the LPTAA is based on a catchment that focuses on those residential parcels that lie beyond an 800m walking catchment from bus routes used for the LPTAA (paragraph 7.1.96)
  - evidence provided by Mr Morahan, Council's public transport expert, notes that the location and distribution of the City's core public transport system is the product of historic investment and planning of key roading corridors, and that the means to alter these routes is cost prohibitive, and that the location of these corridors is unlikely to undergo fundamental change in the coming years ((paragraph 7.1.96)

- various submitters noted that some bus routes have not been accounted for, and that the LPTAA does not respond to current high frequency bus routes, with Mr Kleynbos noting that several bus routes, including the Orbiter bus route, need to be better considered (paragraph 7.1.106).

**32.** The Site is zoned Residential Suburban under the Operative Christchurch City Plan. The Site is immediately adjacent to the MRZ (as notified), separated from 2/270 Cranford Street, which is within the MRZ, only by the driveway for 274 Cranford Street.

**33.** The Site is in proximity to a number of commercial service centres, the larger of these being at Merivale, Papanui and Shirley. The Papanui and Shirley commercial centres are connected via the Orbiter bus route which runs a regular 10-minute service down Cranford Street immediately past the Site. The Orbiter bus route is identified on the Metro website<sup>3</sup> as ‘our most popular bus route for easy access to Christchurch’s malls and shops outside the central city’. Bus stops for the Orbiter route are within walkable distance to the site, being less than 200m in either direction from the Site.



**Figure 2:** Orbiter bus route and bus stops. 276 Cranford Street indicated by red star (Source: <https://go.metroinfo.co.nz/mtbp/en-gb/arrivals/content/routes>).

**34.** The Site is approximately 2060m<sup>2</sup> and is subject to a water body setback from Dudley Creek, on the Site’s north-west boundary. The requirement to observe the waterbody setback is not seen as an impediment to development, as built form to the MRZ standard is able to be accommodated outside of the setback in the balance of the site.

<sup>3</sup> <https://www.metroinfo.co.nz/timetables/orbiter/>




35. The Site's zoning under the Operative Christchurch District Plan (Residential Suburban), along with its size, location, and proximity to a regular high frequency bus service, make it well suited to multi-unit development and MRZ zoning will enable efficient development of the site to provide for well-located housing capacity. In short, the encumbrance of the Residential Suburban Precinct overlay is not appropriate as the Site is a relevant residential zone and the Site should therefore be rezoned to MRZ.
36. Based on the above I consider there is no sound reason that section 77I of the Act should apply and that MRZ with a Residential Suburban Precinct is inappropriate to apply to the site. As such the Residential Suburban Precinct overlay should be removed from the Site, but the MRZ should be retained, in accordance with section 77G(1) of the Act.

#### **CONCLUSION**

37. In conclusion, NTP Development Holdings Limited seeks the rezoning of the Site at 276 Cranford Street, from Residential Suburban and the associated Low Public Transport Accessibility Area Qualifying Matter overlay (as notified), to Medium Density Residential Zone.
38. It is not appropriate to apply section 77I of the Act to the Site. The Site's zoning under the Operative Christchurch City Plan, along with its size, location and proximity to a high frequency bus service mean it is a relevant residential zone in accordance with s77G(1) of the RMA. This makes it better suited to multi-unit development under the MRZ than the reporting officer's recommendation to rezone to MRZ but with a Residential Suburban Precinct overlay.
39. For the reasons outlined above, I consider that the relief sought by NTP Development Holdings Limited is more appropriate for the Site and should be accepted by the Panel.

**Dated:** 20 September 2023



Andrew Mactier