

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

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

IN THE MATTER OF 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

JOINT STATEMENT OF PLANNING EXPERTS

IHP MINUTE 20 – STRATEGIC DIRECTIONS

27 November 2023

INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of the inclusion of objectives 1 and 2 and policies 1-5 as required by Schedule 3A RMA, clause 6 (mandatory objectives and policies), and integration into the Christchurch District Plan.
2. The expert conferencing was held on 13 November 2023, facilitated by Philip Milne.
3. Attendees at the conference were:
 - (a) Sarah Oliver planning expert for Christchurch City Council. Sarah Oliver is the author of s42A report including on Strategic Directions Chapter 3 dated 11 August 2023.
 - (b) Ike Kleynbos, planning expert for Christchurch City Council. Ike Kleynbos is the author of the s42A report on Chapter 14 Residential dated 11 August 2023.
 - (c) Meg Buddle planning expert for Canterbury Regional Council. Meg Buddle is the author of planning evidence in chief, dated 20 September 2023.
 - (d) Jonathan Clease planning expert for Kāinga Ora. Jonathan Clease is the author of planning evidence in chief relating to centre hierarchy and commercial zones, dated 20 September 2023
 - (e) Maurice Dale planning expert for Ara Poutama Aotearoa, Department of Corrections. Maurice Dale is the author of the primary evidence on planning, dated 20 September 2023.
 - (f) Richard Turner planning expert for Retirement Village Association and Ryman Healthcare Limited. Richard Turner is the author of planning evidence, dated 20 September 2023.

CODE OF CONDUCT

4. This joint statement is prepared in accordance with sections 9.4 to 9.6 of the Environment Court Practice Note 2023.
5. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

PURPOSE AND SCOPE OF CONFERENCING

6. The purpose of conferencing was to discuss and resolve where is the most appropriate place to locate the mandatory objectives and policies in the plan. Further, whether it is appropriate to modify the drafting of the mandatory objectives and policies to fit with the drafting of the existing objectives and policies of the plan.
7. All attendees reviewed in advance of the conferencing the directions contained within the IHP Minute 20, the relevant s32 and s42A reports, and the proposed Chapter 3 provisions as notified and under the Councils Amended Proposal (included as part of Ms Olivers s42A report)¹.
8. **Annexure A** records the agreed points and evaluation of the locational and drafting options, and recommended options.

Date: 27 November 2023



Sarah Oliver



Ike Kleynbos

¹ [PC14-for-s42A-Chapter-3-Strategic-Directions.pdf \(ihp.govt.nz\)](#)
[Plan-Change-14-HBC-NOTIFICATION-Chapter-3-Strategic-Directions.pdf \(ccc.govt.nz\)](#)
[Sarah-Oliver-Section-42A-report-With-corrections-10-October-2023.pdf \(ihp.govt.nz\)](#) (refer to section 9)
[Plan-Change-14-HBC-NOTIFICATION-Section-32-Introduction-Issues-and-Strategic-Directions.pdf \(ccc.govt.nz\)](#) (refer to section 6 of this report)
[Plan-Change-14-HBC-NOTIFICATION-Sub-Chapters-14.1-14.3.pdf \(ccc.govt.nz\)](#)
[PC14-for-s42A-Sub-Chapters-14.1-14.3.pdf \(ihp.govt.nz\)](#)
[chch2023.ihp.govt.nz/assets/Council-Evidence-11-August-2023/05-Ike-Kleynbos-Section-42A-Report-final.PDF \(no major mention\)](#)
[ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Residential.pdf](#) (refer to pages 21 and 23)



Jonathan Clease



Meg Buddle



Maurice Dale



Richard Turner

ANNEXURE A – EXPERT CONFERENCING ON

Participants: Sarah Oliver (SO), Ike Kleynbos (IK), Meg Bundle (MB), Jonothan Clease (JC), Maurice Dale (MD) and Richard Turner (RT)

1. The following tables set out the agreed position (Table 1) and supporting evaluation of locational and drafting options (Tables 2 and 3):

Table 1: Expert planner agreed positions			
Issue	Relevant provision and locational evaluation	Agreed Position	Disagreements or reservations, with reasons
The location of mandatory Objective 1	<p><i>“Objective 1 – (a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future”</i></p> <p>Refer to Table 2 for the evaluation of locational options.</p>	Locational Option 1 - Chapter 3 Strategic directions as part of Obj 3.3.1 Enabling recovery and facilitating the future enhancement of the district, provided it is included in a way that stands alone from the other content of Obj 3.3.1.	No points of disagreement.
The location of mandatory Objective 2 and associated policies 1-5	<p><i>“Objective 2 – (b) a relevant residential zone provides for a variety of housing types and sizes that respond to—</i></p> <p><i>(i) housing needs and demand; and</i></p> <p><i>(ii) the neighbourhood’s planned urban built character, including 3-storey buildings.</i></p> <p><i>Policy 1 – (a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:</i></p> <p><i>Policy 2 – (b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and</i></p>	Locational Option 3 - Chapters 14 only and as a standalone objective with associated policies 1-5	No points of disagreement.

	<p><i>traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):</i></p> <p><i>Policy 3 – (c) encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:</i></p> <p><i>Policy 4 – (d) enable housing to be designed to meet the day-to-day needs of residents:</i></p> <p><i>Policy 5 – (d) provide for developments not meeting permitted activity status, while encouraging high-quality developments.”</i></p> <p>Refer to Table 3 for the evaluation of locational options.</p>		
<p>Appropriateness of amendments and/or additions to the mandatory objectives, specifically mandatory Obj 1.</p>	<p>The Council’s Amended Proposal seeks to add to mandatory Objective 1 as follows:</p> <p><u>“A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. ; that</u></p> <p><u>i. Supports reductions in greenhouse gas emissions; and</u></p> <p><u>ii. Is resilient to natural hazards and the current and future effects of climate change.”</u></p> <p>The following points were agreed at expert conferencing in relation to that additions of points i. and ii. Above:</p> <ul style="list-style-type: none"> • The reference to “<i>supports reductions in greenhouse gas emissions</i>” directly mirrors that of NPS-UD Policy 1 which describes “...<i>well-functioning urban environments, which are urban environments that as a minimum(e) support reductions in greenhouse gas emissions...(f) are resilient to the likely current and future effects of climate change</i>” The higher order direction therefore already provides the justification for inclusion of greenhouse gas emissions and resilience to the effects of climate change 	<p>Relocate the proposed wording to Objective 3.3.7 Urban growth, form and design except delete reference to “natural hazards” “; <u>that</u></p> <p><u>iii. Supports reductions in greenhouse gas emissions; and</u></p> <p><u>iv. Is resilient to natural hazards and the current and future effects of climate change.”</u></p>	<p>No points of disagreement.</p>

	<p>as being components (outcome) of a well-functioning urban environment.</p> <ul style="list-style-type: none"> • The addition of “<i>support reductions in greenhouse gas emissions ... are resilient to the likely current and future effects of climate change</i>” does extend Obj 1. However these elements are contemplated through Policy 1 and do not limit Obj 1 nor will result in any internal inconsistencies within Chapter 3 or any other preceding chapters. • There are resource management grounds to include urban environments “<i>support reductions in greenhouse gas emissions and ...resilient to the likely current and future effects of climate change</i>” . However as this wording is conveyed more as a method or approach for “<i>...people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety</i>” (the generic outcomes of mandatory Obj 1), these additional matters could be considered to be secondary to Obj 1. Consequently, it is considered that the additional matters are more appropriately located after the primary Obj 3.3.1 and 3.3.2, as either a standalone new objective or as part of Obj 3.3.7 Urban growth, form and design. • The additional matter of “<i>natural hazards</i>” is not stated within NPS-UD Policy 1 and therefore not explicitly contemplated as being part of a “<i>well-functioning urban environment</i>”, although recognising that Policy 1 recognises that the listed matters are to be considered as a minimum. Notwithstanding this, existing Objective 3.3.6 Natural hazards already provides adequate direction on this matter and it is agreed there is no need to repeat this specific direction over any other existing 		
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	direction that is considered also relevant to achieving a well-functioning urban environment.		
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Table 2 – Options for location of mandatory Objective 1		
Locational options	Evaluation and appropriateness of location	Joint Planning Expert Recommendation
<p>Option 1 – Primacy position Chapter 3 Strategic directions</p> <p>Located as part of Obj 3.3.1 Enabling recovery and facilitating the future enhancement of the district</p>	<p>Section 3.3 Interpretation specifically states that “...<i>All other objectives within this Chapter are to be expressed and achieved in a manner consistent with Objectives 3.3.1 and 3.3.2.</i>” . Obj 3.3.1 has a broad, strategic and overarching focus for the district. Obj 3.3.1 is relevant to all land inclusive of zones other than residential and commercial zones (both being the principal landuses within the scope of the PC14 IPI). Mandatory Objective 1 similarly to Obj 3.3.1 provides a broad and overarching direction (reflective of s5 of the Act) and therefore both are considered compatible in terms of their highest (primacy) placement in the objectives hierarchy.</p> <p>As mandatory Obj 1 and ODP Obj 3.3.1 wording is generic, the preceding objectives 3.3.4 to 3.3.17 follow logically to provide an expansion and greater depth to the outcomes sought for each topic matter (for example in relation to natural hazards, housing and business, Ngāi Tahu mana whenua).</p> <p>Provided Obj 1 wording it is located as a overarching directive distinctive (standalone) from the other content of Obj 3.3.1 it does not risk changing or limiting the hierarchy nor intent of Obj 3.3.1, particularly recognising that Obj 3.3.1 applies to all zones, not just the urban environment.</p> <p>It is considered that “...<i>a well-functioning urban environment...</i>” is a vital part of achieving the heading of Obj 3.3.1 which reads “<i>Enabling recovery and facilitating the future enhancement of the district.</i>”</p> <p>Another appropriate location for mandatory Obj 1 is to follow Obj 3.3.2 with the Section 3.3 Interpretation amended to include reference to the new mandatory</p>	<p>Option 1 is the most appropriate location of mandatory Obj 1, provided it is included in a way that stands alone from the other content of Obj 3.3.1.</p>

	Obj 1 renumbered as “ <i>Objective 3.3.3</i> ” such to accord it the same level of primacy. However this would result in a consequential renumbering of all the preceding Strategic Direction Objectives and cross referencing throughout the chapters, being a least preferred option.	
Option 2 – Standalone secondary position - hapter 3 Strategic directions - Standalone Objective before or after Obj 3.3.4 Housing Bottom Lines, or Obj 3.3.7 Urban growth, form and design, or other location	<p>Mandatory Obj 1 could be appropriately located after the two operative Strategic Directions Obj 3.3.1 and 3.3.2, having the effect of these two objectives having primacy over mandatory Objective 1.</p> <p>Locating mandatory Obj 1 after Obj 3.3.1 and 3.3.2 would not explicitly require all other objectives in Chapter 3 to expressed and achieved in a manner consistent with it, as would be required should it be located as part of Obj 3.3.1 (Option 1). The District Plan would not operate any less effectively with this lesser placement in the hierarchy, as the direction is very similar to Obj 3.3.1. However it is noted that mandatory Obj 1 contains less detail and is more generic than Obj 3.3.1, for example whilst Obj 3.3.1 directs Christchurch as a “<i>dynamic, prosperous and internationally competitive city, in a manner thatii fosters investment certainty..</i>” mandatory Obj 1 directs achieving “<i>..a well-functioning urban environment that enables all people and communities to provide for their .economic...wellbeing..</i>”.</p> <p>This Option 2 location would result in the objectives transcending from more prescriptive (i.e. from Obj 3.3.1) to more generic and as such the Option 1 location is considered (marginally) more appropriate. Furthermore, given Obj 1 is a close reflection of s5 of the Act, albeit narrowed to apply only the urban environment, a higher level of primacy within the District Plan (i.e. as part of Obj 3.3.1) is more appropriate.</p>	Option 2 is an appropriate location of mandatory Obj 1, but less appropriate than Option 1 given the lower hierarchy.
Option 3 – Combined secondary position - Chapter 3 Strategic directions and combined with an existing objective either Obj 3.3.4 Housing Bottom Lines or Obj 3.3.7	The evaluation of this option is the same as for the Option 2 location. Except that locating mandatory Obj 1 as part of Obj 3.3.4 or Obj 3.3.7 could have the effect of limiting or changing the broad and general nature of the objective, given it includes objectives that extend beyond urban growth, form and design. The high and broad level direction within Obj 1 sits more appropriately above objectives 3.3.4 to 3.3.17.	Option 3 is an inappropriate location.

<p>Option 4 – Selected chapter position - Chapters 14 and 15 only. Repeat as a standalone objective in each chapter</p>	<p>This is not considered an appropriate option as creates unnecessary repetition within the District Plan. These locations will not take account of other potentially relevant chapters that contain provisions that as required by Obj1 “...enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety..”, or manage activities within the spatial extent of the “urban environment”.</p>	<p>Option 4 is an inappropriate location.</p>
<p>Option 5 – Multiple chapter position - Multiple chapters relevant to the urban environment – Chapters 13, 14, 15, 16, Repeat standalone objective</p>	<p>This is not considered an appropriate option as creates unnecessary repetition within the District Plan.</p>	<p>Option 5 is an inappropriate location.</p>

<p>Table 3 – Options for location of mandatory Objective 2 and associated policies 1-5</p>		
<p>Locational options</p>	<p>Evaluation and appropriateness of location</p>	<p>Joint Planning Expert Recommendation</p>
<p>Option 1 – Primacy position - Chapter 3 Strategic directions Under Obj 3.3.1</p>	<p>This is not an appropriate location as mandatory Obj 2 only relates to residential development and therefore comparative to mandatory Obj 1 is less strategic in nature and should not have primacy over all other objectives. Chapter 3 Strategic directions do not contain policies and to include any of the mandatory policies 1-5 would not be in keeping with the existing structure of Chapter 3.</p>	<p>Option 1 is an inappropriate location.</p>
<p>Option 2 – Combined secondary position - Chapter 3 Strategic directions - Combined with Obj 3.3.4</p>	<p>This may be an appropriate location for mandatory Obj 2 given Obj 3.3.4.b has similar direction, specifically requiring “...a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including i. a choice in housing types, densities and locations;”. However the wording of mandatory Obj2 is slightly different (albeit same outcome) and includes a further direction being that a relevant residential zone responds to “...(ii)the neighbourhood’s planned urban built character, including 3-storey buildings”. Given Obj 2 includes more detailed direction there is also good rationale for it be located within Chapter 14 Residential (locational Option 3).</p> <p>Whilst Option 2 may be an appropriate location for the objective, it is considered more appropriate to locate Obj 2 and its associated policies 1-5 in</p>	<p>Option 2 is an inappropriate location.</p>

	one location within the plan, because the existing structure of Chapter 3 only contains objectives (no policies).	
Option 3 – Chapter 14 Residential - Chapters 14 only and as a standalone objective with associated policies 1-5	This is considered to be an appropriate location for mandatory Obj 2 given the objective is wholly related to residential zoned land. There is repetition between Obj 3.3.4.b and Obj 2 however this is unavoidable given Obj 2 is mandatory and further enables this core strategic direction to be reinforced against other related objectives and policies with Chapter 14.	Option 3 is an appropriate location.

2. Expert conferencing agreed proposed changes to Chapter 3 Strategic Directions Objectives:

DISTRICT PLAN TEXT AMENDMENTS

Key:

For the purposes of this plan change, any unchanged text is shown as normal text or in **bold**, any text proposed to be added by the plan change is shown as **bold** and text to be deleted as **~~bold~~**.

Text in **bold red underlined** is that from Schedule 3A of the Resource Management Act and must be included.

Text in **green** font identifies existing terms in Chapter 2 – Definitions. Where the proposed change contains a term defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as **~~bold strikethrough in green~~**. New definition in a proposed rule is **bold green text underlined in black**.

Text **purple bolded and underlined** is a recommended under section 42A reports.

Text in **purple shaded in grey** is a Plan Change Council Decision.

Text in **blue** font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Text in **dark orange** font is recommended from expert conferencing.

Chapter 3 Strategic Directions

3.3 Objectives

Interpretation

- a. For the purposes of preparing, changing, interpreting and implementing this **District Plan**:
 - i. All other objectives within this Chapter are to be expressed and achieved in a manner consistent with Objectives **3.3.1** and **3.3.2**; and
 - ii. The objectives and policies in all other Chapters of the **District Plan** are to be expressed and achieved in a manner consistent with the objectives in this Chapter.

3.3.1.A Objective - Enabling recovery and facilitating the future enhancement of the district

- a. The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internationally competitive city, in a manner that:
 - i. Meets the community's immediate and longer term needs for housing, economic development, **community facilities**, infrastructure, transport, and social and cultural wellbeing; and
 - ii. Fosters investment certainty; **and**
 - iii. Sustains the important qualities and values of the natural environment;

3.3.1.B MDRS Objective 1 - Well-functioning urban environment

- a. **A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.** ~~;~~ **that**
 - ~~i. Supports reductions in greenhouse gas emissions; and~~
 - ~~ii. Is resilient to natural hazards and the current and future effects of climate change.~~

3.3.78 Objective - Urban growth, form and design

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
 - i. Is attractive to residents, business and visitors; and
 - ii. **Provides for development and change over time to address the diverse and changing needs of people and communities, and**
 - iii. **Supports reductions in greenhouse gas emissions and is resilient to the likely current and future effects of climate change; and**
 - iv. **Provides for a distinctive, legible urban form and strong sense of place, comprising:**
 - A. The pre-eminence of the city centre built form, supported by enabling the highest buildings;**
 - B. The clustering, scale and massing of development in and around commercial centres, with an extent, intensity and built form commensurate with the role of the centre and the extent of commercial and community services provided; where**
 - C. The largest scale and density of development, outside of the city centre, is provided within and around town centres, and lessening scale for centres lower in the hierarchy; and**
 - D. specific design controls and lower heights and design controls for development located in more sensitive environments;...**