

Officer Report

Table of Contents

Volume	Contents
Volume 1	Introduction 1. Margo Perpick / James Winchester Legal Framework 2. Laurie McCallum Background, Planning Rationale and Major Issues
Volume 2	Index of Submitters and Further Submitters Officer Recommendations
Volume 3	Officer Recommendations Continued
Volume 4	Track Change version of Proposed Change No.1 Proposed Change No.1 Incorporating Officer Recommendations on Submissions
Volume 5	3. Ken Tremaine Integrated Land Use and Transport
	4. Robert Woods Transport Planning
	5. David Coney Airport Noise and Ldn 50 – 55 Issue
	6. Tim Harris Rationale for Urban Limits within Selwyn District
	7. Bruce Thompson Rationale for Urban Limits within Waimakariri District
	8. Mike Theelan Rationale for Urban Limits within Christchurch City Intensification in the Central City
	9. Paul Anderson Financial Implications of Urban Limits
	10. Steve Higgs Relationship between Proposed Change No.1 and Central Government Transport Policy
	11. Tony Oliver Flood Issues for Kaiapoi

3. Ken Tremaine Integrated Land Use and Transport

BEFORE THE CANTERBURY REGIONAL COUNCIL HEARING PANEL

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of a hearing by the
Canterbury Regional
Council Hearing Panel
in relation to Proposed
Change No.1 to the
Canterbury Regional
Policy Statement
Chapter 12A
(Development of
Greater Christchurch)
including Variations 1,
2, 3 and 4.

**STATEMENT OF EVIDENCE OF KENNETH JOHN TREMAINE
AS PART OF THE OFFICER REPORT UNDER SECTION 42A OF THE RESOURCE
MANAGEMENT ACT 1991**

- 1 My full name is **KENNETH JOHN TREMAINE**. I am the Director of the planning, resource management, and management consulting consultancy, Ken Tremaine Consulting Ltd which I founded in 2000 based in Auckland.

Qualifications and Experience

- 2 I am currently an advisor to the Canterbury Regional Council (CRC) on Proposed Change No.1 (PC1) to the Canterbury Regional Policy Statement Chapter 12A (Development in Greater Christchurch) (PC1). Prior to this, I was the Project Leader (Technical) for the Greater Christchurch Urban Development Strategy (UDS or the Strategy) during its development phase from 2006 to 2007.
- 3 I hold the following academic qualifications:
 - (a) A Bachelor of Arts and a Postgraduate Diploma (Credit) in Urban Geography and Political Science from Otago University; and
 - (b) A Masters of Town Planning from the University of Auckland.
- 4 I hold the following professional qualifications:
 - (a) Full membership to the Royal Town Planning Institute (United Kingdom);
 - (b) Full membership to the New Zealand Planning Institute; and
 - (c) Full membership to the Resource Management Law Association of New Zealand.
- 5 I have more than 36 years of professional experience arising from senior roles in local government, central government and the private sector, spanning the areas of:
 - (a) Planning and resource management, including:
 - Strategy, policy statement, and plan: development and implementation;
 - Resource consent: application, assessment, implementation, and enforcement;
 - (b) Central Government policy, legislative, and regulatory reform;
 - (c) Growth management and development planning, including the integration of land use, transportation and infrastructure, and funding;
 - (d) Strategic management consulting.

6 I have extensive strategic and implementation experience in growth management strategy development and implementation at the regional and district levels. I have gained this experience through involvement in the western Bay of Plenty 'SmartGrowth' Strategy, the Taupo District growth management strategy 'TD2050', the UDS for Greater Christchurch and the Hamilton sub-regional 'FutureProof' Strategy.

Code of Conduct for Expert Witnesses

7 I acknowledge that I have read the code of conduct for expert witnesses contained in the Environment Court's Practice Note dated 31 March 2005. I have complied with it when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

Facts Relied Upon and Formation of Opinions

8 The basis for my evidence is the current context for growth management.

9 I am relying on the relevant provisions of:

- (a) The Resource Management Act 1991 (RMA 1991);
- (b) The Local Government Act 2002 (LGA 2002); and
- (c) The Land Transport Management Act 2003 (LTMA 2003) (including the 2008 amendments).

10 Each of these statutes set out a number of functions, duties and obligations for Regional Councils like the CRC.

11 I have read PC1 that was notified in July 2007, and I am familiar with the issues, objectives, policies and methods it sets out. I have also read Variations 1, 2, 3 and 4 as publicly notified on 23 August 2008, and I am familiar with these as well.

12 I have first hand knowledge of the UDS having been the Project Leader (Technical) for the development of the Strategy.

13 I therefore have a comprehensive understanding of:

- (a) The growth issues facing Greater Christchurch and the role of the CRC;
- (b) The context for PC1 and its relationship with the UDS; and

(c) The legislative environment for PC1.

14 In the preparation of this evidence I have relied on all of the above mentioned statutes, policies and strategies. All of the statements made in this evidence are within my area of professional competence.

SCOPE OF EVIDENCE

15 I have been asked to provide strategic evidence on urban growth management and integrated planning in relation to PC1.

16 Firstly I will set out the high level context for PC1, including its relationship with the UDS.

17 Secondly I will outline the legislative environment as it pertains to PC1. While the primary focus will be the RMA 1991, I will also draw on the LGA 2002 and the LTMA 2003.

18 Thirdly, this evidence will consider the role of regional councils in growth management and urban growth management elsewhere in New Zealand.

19 Fourthly I will set out the urban limits technique and its use as a growth management tool.

20 Finally, I will consider the relationship between land use, infrastructure and funding and how this has been applied in PC1.

21 I then make my conclusions and recommendations.

PC1 and the UDS

22 Detailed information on the UDS is provided in the evidence brief of Mr Laurie McCallum as part of the Officer's Report for PC1 and Variations 1 to 4. My evidence will set out the overarching relationship between the UDS and PC1.

23 The UDS is a collaborative growth management exercise involving a partnership between the CRC, Christchurch City Council (CCC), Selwyn District Council (SDC), Waimakariri District Council (WDC) and Transit NZ (now the New Zealand

Transport Agency (NZTA)). The UDS was adopted by all of the partners in June 2007.

- 24 The UDS is the result of an extensive consultation and development process that began in 2003 given rising concerns at the lack of collaborative planning and leadership to manage the rapid urban growth occurring across Greater Christchurch in a sustainable and consistent way. The UDS covers a period of 35 years.
- 25 The UDS relies on a number of implementation methods, one of which is the Regional Policy Statement (RPS). PC1 is a key implementation tool for the UDS. It is important because it aims to reverse decentralised development patterns, establish a clear land use pattern and provide an integrated approach to growth management.
- 26 Making a change to the RPS is a key implementation action of the UDS which is found in section 6.33.4(2) of the Strategy. In 2007 the Strategy partners agreed to a list of top 20 actions for UDS implementation. A Change to the RPS was the number 1 priority action.
- 27 Four options for managing future growth in the sub-region were developed and publicly consulted on from April 2005. As a result of the public consultation and the assessment process, the preferred land use pattern was one that consolidates development within and adjacent to Christchurch city and the larger towns in the surrounding districts. The ultimate goal is to reach a target for all new development of 60% intensification and 40% greenfields by 2035.
- 28 Key aspects of PC1 include the urban limits contained in policy 1 and the maps, and the sequencing approach in Policy 6. This is essential in order to implement the preferred land use pattern which underpins the UDS.

GOVERNMENT POLICY APPROACH

Land Use and Transport Integration

- 29 Central government is moving towards more land use and transport integration set within a wider integrated planning project. This integrated approach to planning is being undertaken through various initiatives such as:

- (a) The Integrated Approach to Planning project: The purpose of the project is to "*Identify gaps and barriers to achieving better integration, both within and between transport and land-use planning (through case studies and other means)*". This project is being undertaken by the Ministry of Transport, the NZTA, ONTRACK, Civil Aviation Authority, the Ministry for the Environment and Local Government NZ.
- (b) The Planning Alignment Project: A joint project, completed in 2007, between Transit NZ and Local Government NZ to examine ways to better achieve integrated planning.

30 There are also a number of local government initiatives being undertaken on land use and transport integration. This is occurring through growth management strategies, integrated land use and transport corridor plans and studies and improved structure plans. The UDS is one such example as it attempts to integrate land use and transport across the sub-region.

31 The New Zealand Transport Strategy 2008 (NZTS) encourages a more integrated approach to land use and transport planning. The NZTS sets the Government's overall vision for transport, five key objectives (those objectives have been carried through into the LTMA 2003) and a number of targets in order to support the delivery of the objectives. One of the components which the NZTS signals will be the focus of increased priority for the Government is integrated planning.

32 The Government Policy Statement on transport funding (GPS) is a new requirement as a result of the 2008 amendments to the LTMA 2003. The GPS for 2009/10 to 2018/19 identifies seven factors that need to be taken into account in transport planning and evaluation processes. One of these factors is ensuring integrated planning. The GPS also states that transport strategies and packages of activities should be clearly connected to land use strategies and implementation plans.

33 Over the last decade the Government has made attempts to increase the use of alternative modes. Part of this approach is tied up with the integration of land use and transport planning and the Government's commitment to reducing greenhouse gas emissions. There have been a number of strategic documents released that aim to increase the use of modes that are an alternative to motor vehicles.

- 34 Such documents include *Getting There, on Foot, by Cycle* - the national walking and cycling strategy, the National Rail Strategy to 2015 and *Sea Change* – the New Zealand Coastal Shipping Strategy. All of these strategies aim to encourage use of these other modes of transport.
- 35 One of the key aims of the settlement pattern is to provide opportunities to minimise trip lengths and maximise public transport, walking and cycling potential. PC1 supports all transport modes through its promotion of a more compact urban form and also through the following objectives and policies:
- (a) Objective 7 – reducing dependency on private motor vehicles and promoting the use of active transport modes
 - (b) Objective 8 – achieving patterns of development that do not adversely affect the rail corridors and network and the Port of Lyttelton
 - (c) Policy 5(b) – managing the development of Key Activity Centres to support the development of the principal public transport and cycling networks and the ability to change transport modes, and encourage pedestrian access to and within these centres.
 - (d) Policy 7 – urban development to provide: good safe connectivity by a variety of transport modes walkable distances provision for effective, efficient and attractive walk and cycleways
 - (e) Policy 8 – Outline Development Plans to show pedestrian walkways, cycleways, bus routes both within and adjoining the area, and to demonstrate how effective provision is made for a range of transport options and changing between transport modes.

Transport Funding

- 36 Transport funding is also an area which is necessitating a more integrated approach to land use and transport. Before land transport activities can be approved for financial assistance from central government, the NZTA is required under the LTMA 2003, to take into account the five outcomes of the NZTS, as well as other matters. A number of these outcomes require land use considerations. The funding approval process now requires the NZTA to take into account any relevant RPS and to be satisfied that the proposed transport activities contribute to the NZTA's objective, including its social and environmental responsibilities, in an efficient and effective manner.

- 37 The funding of transport in Canterbury, as elsewhere in New Zealand, is an issue in terms of the significant investment required. Further investment in transport is needed to sustainably accommodate the growth that is occurring, achieve better land use and transport integration, sustain economic growth, and achieve the outcomes of the Canterbury RLTS and the NZTS.
- 38 In 2007 the Canterbury region submitted a Canterbury Transport Funding Assistance Request to Government. This was followed by an announcement of an initiative for the Government and the Canterbury region to work together to implement a ten-year transport strategy for Canterbury. The final report from that Steering Group places significant emphasis on managing growth through integrated planning, including land use and transport planning. This is outlined in more detail in the evidence of Mr Higgs and Mr Woods.
- 39 The UDS, the RPS (through PC1) and the RLTS are the key implementation tools for achieving integrated planning. There is a presumption from the NZTA as the transport funder, that the Greater Christchurch sub-region will implement the UDS, and in particular that it will progress PC1 in order to achieve a settled land use pattern that integrates with transport. Funding for transport infrastructure is likely to be linked to achieving the anticipated land use patterns.
- 40 The NZTA is moving increasingly towards a more integrated approach to transport funding where land use plays a much greater role. Packages of transport activities that align with land use plans are now the preferred approach. The NZTA is also in the early stages of 'strategy assessments' for transport funding. This involves evaluating a region or sub-region's land use and transport strategy. This approach looks for a land use pattern to be anchored within regional and district planning documents.
- 41 This integrated planning approach is not unique to Canterbury. I am personally familiar with its application in both the western Bay of Plenty and in the Waikato.
- 42 If there is no land use pattern in place, large transport projects are increasingly being seen as unsustainable and uncoordinated, and are therefore unlikely to attract funding.

GROWTH MANAGEMENT

The Role of Regional Councils

- 43 In general, regional councils have a role in growth management arising out of statutory functions and powers under the RMA 1991, LGA 2002 and LTMA 2003.
- 44 Regional councils have growth management functions under the RMA 1991 by virtue of the integrated management requirements of section 30(1)(a) and in terms of the use and development of land on matters of regional significance (section 30(1)(b)). Regional councils are also now required to strategically integrate infrastructure with land use through objectives, policies and methods (section 30(1)(gb)).
- 45 In circumstances where growth is an issue facing communities, the LGA 2002 requires regional councils and territorial authorities to consider the impacts of growth on infrastructure. An LTCCP must identify assets and assess activities, adopt funding and financial policies and forecast growth and its impact on assets and funding.
- 46 LTCCPs prepared under the LGA 2002 also have an important role in assisting with the implementation of land use patterns. This is done by identifying the appropriate levels of infrastructure to support the land use patterns and by allocating the necessary funding to ensure that infrastructure is provided.
- 47 Regional councils also have growth management functions under the LTMA 2003. This includes providing a 30 year land use picture in the RLTS and costing and prioritising all transport activities in the region in the RLTP. The Canterbury RLTS now includes the settlement pattern of the UDS. The RLTS is required to be reviewed and updated in 2010/11. Given the requirement that an RLTS must be consistent with an RPS, it is of considerable importance that the land use pattern is anchored in a statutory document under the RMA 1991 in order to inform the review.
- 48 In my opinion, it would be difficult in the Greater Christchurch context for the functions outlined in the RMA 1991, the LTMA 2003 and the LGA 2002 to be adequately performed without a clear and integrated land use picture. It is expected

that the UDS land use pattern will be anchored in the RPS and integrated with infrastructure provision and funding.

49 In areas experiencing growth and major metropolitan areas such as Christchurch, it is important for residential and business community certainty, and for central government transport funding, that a land use pattern for a region is anchored in its RPS, supported by the RLTS, and that a robust growth strategy framework underpins it.

50 It is my view that PC1 offers a clear land use picture which is integrated with infrastructure provision and gives consideration to equitable funding. I also consider that PC1 is an appropriate way for the regional council to carry out its statutory functions and to achieve the purpose of the RMA 1991.

Urban Growth Management Elsewhere in New Zealand

51 There are a number of local government growth management initiatives around New Zealand. Growth management strategies have largely arisen out of concerns about the need for:

- (a) An integrated planning approach;
- (b) Communities to plan together rather than as separate authorities;
- (c) Consistent and accurate growth data;
- (d) Knowledge of how the economy will influence demand for land and infrastructure; and
- (e) An understanding of the effects of growth on the environment.

52 The UDS is a carefully considered and collaborative initiative which seeks to address the matters outlined above. Other areas around New Zealand have also taken a similar approach, and this has provided some guidance for the development and evolution of the UDS, particularly in terms of the Greater Christchurch context and circumstances. I will briefly consider the examples of Auckland and the western Bay of Plenty.

53 The Auckland region developed its growth strategy in 1999. The Auckland Regional Growth Strategy (ARGS) sets out in general terms how growth should be managed through an agreed vision, desired regional outcomes, principles and a concept map which provides an indicative urban settlement pattern. The settlement pattern is

implemented through sector agreements which cover the north, south and north-west.

- 54 The key principles of the ARGS include containing urban development, intensifying around transport nodes, integrating land use and transport, and providing housing and lifestyle choice.
- 55 The ARGS has been implemented through the Auckland RPS which puts in place metropolitan urban limits. It is also being implemented through a number of district plan changes. Implementation of the ARGS through the Auckland RPS has recently been strengthened with the introduction of Change 6 to the RPS. This Change was brought about as a result of the Local Government (Auckland) Amendment Act 2004, which makes it mandatory for all local authorities in the region to give effect to the growth concept in the RPS. Change 6 includes policies relating to urban containment, urban structure, urban design, land use and transport integration, infrastructure and rural areas.
- 56 Turning now to the western Bay of Plenty sub-region and the SmartGrowth Strategy. The SmartGrowth Strategy was adopted and launched in 2003. I was the project manager for the development of SmartGrowth and am currently the implementation advisor for the project.
- 57 SmartGrowth is a 50 year growth management strategy for the western Bay of Plenty sub-region which is experiencing significant growth. SmartGrowth is predicated on a mix of greenfields and intensified living in order to accommodate the growth that is occurring.
- 58 A key aspect of the SmartGrowth Strategy is the timing of land use relative to infrastructure needs. SmartGrowth takes an integrated approach and actively manages land use in a way that synchronises with infrastructure provision.
- 59 SmartGrowth relies on a range of implementation tools, one of which is the RPS. SmartGrowth is currently being implemented through Proposed Change No. 2 to the Bay of Plenty RPS. This Change includes structure, timing and sequencing of development as well as urban limits and density requirements.

60 I acknowledge at this point that there is no one "model" for developing and implementing a growth management strategy, and what works in one region or area will not necessarily work in another. However, in terms of the process considerations and the attempt to practically integrate the growth management powers and functions of the RMA 1991, LGA 2002, and the LTMA 2003, both the ARGS and SmartGrowth demonstrate that this a valid approach which has been successfully pursued and applied in these and other high-growth areas around New Zealand.

THE NEED FOR PC1

61 UDS data shows that in the past there has been a strong trend towards the decentralisation of population growth to the settlements beyond Christchurch City. The growth rates for Selwyn and Waimakariri Districts have exceeded Christchurch City over the past 11 years, and they are currently two of the fastest growing territorial authorities in the country.¹

62 A major problem for Greater Christchurch is that the approach of each individual territorial authority could potentially undermine each other if carried out separately. For example CCC's spatial policy for the containment of urban growth and discouraging urban fringe development would be undermined if SDC had a permissive greenfields development policy.

63 It is my view that if the UDS partner councils continued to individually undertake planning work aimed at addressing future growth, there would be (and has been) a significant variability in approach and resourcing. This fails to deliver certainty in the region given that SDC and WDC are home to satellite towns in the Greater Christchurch sub-region which are experiencing growth in addition to that in Christchurch City.

64 PC1 provides the overview that is needed in order to ensure that the CRC, CCC, SDC and WDC are all aligned in terms of their approach to growth management. Sub-regional coordination is needed to provide the spatial view and anchor the preferred land use pattern. This type of coordination is best achieved through the RPS.

¹ *Greater Christchurch Urban Development Strategy and Action Plan 2007*, page 28; Statistics New Zealand, *Demographic Trends: 2007*, 9 Sub-national demographic projections, pages 156-157

THE URBAN LIMITS TECHNIQUE

The Urban Limits as a Growth Management Tool

- 65 I consider that implementing a framework for urban development through an urban limits technique is the most practical means of setting specific boundaries for urban growth based both on demand and location. Urban Limits will ensure enough land area is available for residential development according to population growth estimates. A significant amount of work has been completed as part of the UDS on growth forecasts and land supply².
- 66 The urban limits proposed for Greater Christchurch are defined by maps that are included in the RPS. This provides a clear policy direction to territorial authorities. It is also an approach that has been agreed in a collaborative manner across the councils. Further detail on the specific application of the urban limits technique is provided in the evidence of Christchurch City Council, Selwyn District Council and Waimakariri District Council as part of this Officer's report.
- 67 By defining urban limits Greater Christchurch will, in effect, set in place a 35-year servicing strategy and development plan. Urban limits will mean:
- (i) Development can be planned and carried out logically.
 - (ii) There is sufficient land in the right places to cater for population growth.
 - (iii) There will be definite limits to growth.
 - (iv) The protection of productive soils and outstanding natural features and landscapes.
 - (v) There is enough land set aside for employment.
- 68 In my opinion, it is apparent from considering the factors set out above that the use and consequences of urban limits as a resource management technique, closely relates to the sustainable management purpose of the RMA 1991. In my opinion, it is a technique that will play a key role in ensuring that the statutory purpose will be achieved for the Greater Christchurch area.
- 69 Use of the urban limits as a valid technique under the RMA 1991 has been confirmed in *Auckland Regional Council v North Shore City Council*, where the Court of Appeal held that:

² For example see *Residential Development Capacity Analysis (2006)*, *Household / Job Projections and Land Requirements (2004)*, *Assessment of Residential Development Trends and Opportunities – Future Residential Land Needs (2004)*.

- 70 A regional council does have power under the Resource Management Act 1991 to include in its Regional Policy Statement provisions to the effect that...urban development shall be permitted only in urban areas defined in the Statement...³
- 71 In the later Auckland High Court decisions of *Runciman Rural Protection Society v Franklin District Council*⁴ and *Papakura District Council v Ballantyne*⁵ cases, the Court emphasised that the implementation of urban limits was a positive strategy under the RMA 1991 for managing population growth and related services in a region.
- 72 In support of urban limits as a growth management policy and tool under the RMA 1991, in the *Papakura District Council v Ballantyne* decision, the Court confirmed the “inherent significance of the metropolitan urban limit: it has always been recognised as the key to sustainable management, and that remains clear beyond doubt”.⁶
- 73 The urban limits policy of PC1 is consistent with the purpose of the RMA 1991 and the UDS, yet pragmatic enough to:
- (a) Provide adequate land supply and choice for all types of development in order to meet projected demand to enable the market to operate effectively and efficiently at the lowest compliance cost.
 - (b) Sustainably manage land supply and choice for all types of development in a way which synchronises with the provision and funding of strategic infrastructure, and the subregional communities’ ability to pay.
- 74 This is all the more so when the urban limits policy is looked at alongside the “Urban Form, Infrastructure and Sequencing” policy contained in section 12A.4(6) of PC1. Overall, it is my opinion that the proposed use of urban limits as an integral part of PC1 is consistent with the sustainable management purpose of the RMA 1991, and will assist the CRC, and subsequently the territorial local authorities, to give effect to their statutory functions and achieve the Act’s purpose for Greater Christchurch.

³ *Auckland Regional Council v North Shore City Council* [1995] CA 29/95 at page 13.

⁴ CIV 2004-485-001787, 20 December 2005. See also the following related cases: *Roman Catholic Diocese of Auckland v Franklin District Council* [2004] ENV W61. *Runciman Rural Protection Society v Franklin District Council* [2006] NZRMA 278 *Roman Catholic Diocese of Auckland v Franklin District Council* [2007] ENV W18 3

⁵ CIV-2006-404-3234 [20 December 2007]

⁶ *Ibid* at paragraph 27; See also *Runciman Rural Protection Society v Franklin District Council* CIV 2004-485-001787.

LAND USE, INFRASTRUCTURE AND FUNDING

- 75 PC1 aims to synchronise new urban development with the provision and funding of infrastructure. They are at the heart of successful integrated land use planning which co-ordinates land use provision, the timely provision of infrastructure investment, and equitable funding.
- 76 Policy 6 of PC1 contains development sequencing for Greater Christchurch. This policy sets out the sequencing of release of future growth areas to meet anticipated household requirements over the next 35 years. This sequencing policy attempts to balance the need for an orderly release of future growth areas while not being overly restrictive with land supply that may increase development costs.
- 77 The main objectives of the sequencing policy are to:
- (a) Provide sufficient land for the population and economic growth of Greater Christchurch;
 - (b) Ensure timely, efficient and integrated provision of infrastructure to support the growth;
 - (c) Allow for consolidation and infill of existing urban lands;
 - (d) Encourage urban development to occur within areas that already have or can easily be provided with essential infrastructure, and have convenient access to existing and planned community and commercial facilities; and
 - (e) Minimise "out-of-sequence" development (and as a consequence the costs and adverse environmental effects that are likely to result).
- 78 Sequencing provides a clear direction for managing future growth and development. It gives certainty to developers and the community about future urban growth areas and ensures that there is enough zoned and serviced land available.
- 79 PC1 aims to sustainably manage land supply in a way that takes account of the provision and funding of strategic infrastructure. The staging of land development in Policy 6 of PC1 has been timed to align with the upgrading and increased capacity of infrastructure works.
- 80 The staging of land use is a critical component of transport infrastructure timing and cost. In my opinion, the sequencing of development to synchronise with transport

infrastructure is highly desirable. This is particularly important in terms of working out funding for transport infrastructure. There is a strong link between development size and timing, and the cost of transport infrastructure. For the reasons mentioned earlier in my evidence, the approach taken in PC1 will help to inform the RLTS and the RLTP.

81 Under the requirements regarding financial management and development contributions policies in the LGA 2002, Councils need to have a clear picture of the rate and scale of development likely to occur so that the costs of this growth can be identified and managed from the outset. This has been achieved through the UDS, which PC1 seeks to implement. An integrated view on land use planning with infrastructure provision and timely and equitable funding gives Councils the ability to identify, forecast and report a more accurate financial picture to its communities in its LTCCPs.

82 PC1 supports an integrated planning approach through promoting a more compact urban form, identifying a long term land use pattern, linking the land use pattern to infrastructure and service requirements which will allow for timely and equitable funding. An anchored land use pattern allows the costs of growth to be identified early which can deliver the most cost-effective form of infrastructure. This cost of infrastructure aspect is covered in more detail in the evidence of Mr Paul Anderson for Christchurch City Council as set out in this Officer's Report.

83 In my opinion the focus in PC1 on coordinating land use with infrastructure through a sequencing approach will help to ensure that there is adequate and timely funding to support the growth that is occurring. This aligns with Part II of the RMA 1991 as it enables people and communities to provide for the social and economic well-being by providing certainty and a more efficient and cost effective approach to infrastructure.

CONSIDERATION OF ALTERNATIVES

84 During the course of developing the UDS and PC1, various alternatives to the urban limits and growth allocation approach were considered.

85 In terms of the settlement pattern a number of different options were developed, consulted on and assessed. The Inquiry by Design process developed this further in terms of potential growth areas to accommodate the required households. The various research papers and reports which analyse different urban form options are set out in the UDS and also the Section 32 Report to PC1.

86 In addition to the different urban form options, the UDS partners have also considered approaches other than urban limits or specifying household growth targets and locations through the RPS. I will briefly set out the main alternatives to this approach.

A Less Prescriptive RPS Approach

87 This alternative would involve providing general policies which do not specify locations for development and do not contain the level of sequencing in terms of households and timing which appears in PC1. This would have the advantage of leaving it to the City and District Councils to resolve and would allow the market more flexibility. This option is not vastly different to what has occurred in the past and can be seen as a continuation of the status quo.

88 A number of Environment Court cases have found that the Canterbury RPS is not definitive enough in terms of policies in relation to the location of development⁷. Importantly, the Court has stated that the Canterbury RPS is “*a document almost totally lacking in meaningful directives to District Councils in respect of the location of settlements and/or the expansion of existing settlements in and about Christchurch and within the Canterbury region*”⁸. In terms of transport, the Environment Court has noted that the Canterbury RPS fails to provide any clear policies or methods to assist the preparation of district plans in relation to the use of fossil fuels or the location of residential areas⁹.

89 In summary:

- (a) The Environment Court has been concerned that the RPS does not give sufficient guidance in relation to the location of settlements and the expansion of new settlements.
- (b) The Environment Court has expressed concern about the application of transport policies in terms of giving meaningful guidance about traffic flows into Christchurch as a result of new development.
- (c) The Environment Court has upheld the protection of the 50dBA contour around Christchurch Airport¹⁰.

⁷ *Suburban Estates Ltd v Christchurch City Council (C217/2001), Canterbury Regional Council v Waimakariri District Council (EnvC c9/2002)*.

⁸ *Canterbury Regional Council v Waimakariri District Council C5/2002* at page 17, referred to as “*the Pegasus decision*”.

⁹ *Canterbury Regional Council v Waimakariri District Council C9/2002*.

¹⁰ *Robinsons Bay Trust v Christchurch City Council (C60/2004)*.

- (d) The Environment Court has supported the concept of a defined urban-rural boundary around Christchurch¹¹.

90 In my opinion, continuing with an RPS that provides little meaningful direction in relation to the growth of Greater Christchurch is not a viable option. It has not worked well in the past and is unlikely to anchor the settlement pattern envisaged by the UDS. It will also mean that land use, infrastructure and funding are not well connected.

Non Regulatory / Market-Led Approach

91 A non-regulatory or market-led approach would involve allowing the market to locate where it chooses, taking a “hands-off” regulatory approach. This type of ad-hoc development could be considered to be the most responsive form of growth and efficient at one level. It also has the advantage of no regulatory distortions.

92 However, this approach would be very costly. This option does not promote greater long term development certainty and is unlikely to protect certain areas, for example outstanding natural landscapes, from inappropriate development. A strong framework is required to manage the ongoing growth pressures in the Greater Christchurch sub-region. Market-led growth could lead to the possibility of more pressure on the environment and on infrastructure. If growth is left to the market it is likely to be low density development (as under present structures this is cheaper) which in my view would promote an unsustainable land use pattern. There are also increased infrastructure costs associated with a non-regulatory or market-led approach. This is because Councils are unable to identify preferred growth areas that can be matched with infrastructure and funding.

Using Tools Other Than the RPS

93 PC1 is only one of the implementation tools required to implement the UDS and the preferred settlement pattern. The option of relying only on the other tools available has been considered. This includes:

- (a) setting the preferred direction supported by infrastructure provision and financial measures through Long Term Council Community Plans;

¹¹ *McFarlane Group Developments Ltd v Selwyn District Council* (EnvC C38/2005) and *Kennedys Bush Developments Ltd v Christchurch City Council* (EnvC C55/2004).

- (b) influencing the location of development through the provision of transport (Regional Land Transport Strategy and Land Transport Programmes (regional and national));
- (c) identifying the land use pattern in the Regional Land Transport Strategy;
- (d) relying on District Plans to implement the preferred settlement pattern;
- (e) acquiring land to influence the location and timing of growth;
- (f) practice and design guidelines;
- (g) accords and Heads of Agreement;
- (h) education and advocacy; and
- (i) relying on the implementation of Central Government's sustainability agenda (eg the Energy Strategy and the Energy Efficiency and Conservation Strategy).

94 These other options have the benefit of allowing more community control. Some of them are also less costly and can happen more quickly than a change to the RPS.

95 The option of using other tools has the disadvantage of not providing any sub-regional overview through a legal framework designed to sustainably manage land use. The settlement pattern transcends the boundaries of the three local authorities, therefore it is appropriate to use regional policy initiatives.

96 PC1 will also allow for robust debate and public consultation through the submission and hearings process. It is important to acknowledge that PC1 has been developed using a collaborative approach between all of the UDS partners.

97 It is not the intention of UDS implementation to only rely on a change to the RPS to anchor the settlement pattern. The Strategy outlines a number of different tools that will be used¹². A number of these tools will be used in conjunction with PC1. This is made clear through references to other tools in a number of the methods contained in PC1.

¹² Ibid, see Section 7.2, pages 141 - 144

CONCLUSIONS

- 98 PC1 supports an integrated planning approach through promoting a more compact urban form, identifying a long term land use pattern, linking the land use pattern to infrastructure and service requirements which will allow for timely and equitable funding. An anchored land use pattern allows the costs of growth to be identified early which can deliver the most cost-effective form of infrastructure. PC1 and Variations 1 to 4 implement the preferred UDS land use pattern through the RPS by seeking to give effect, for RMA 1991 purposes, to the UDS adopted by the partners in May 2007.
- 99 As part of the development of the UDS, the settlement pattern has been through an extensive process of public consultation. This process identified a very clear expression of interest for a more consolidated form of settlement than would result from a “business as usual” approach. This matter is dealt with in more detail in the evidence of Mr McCallum.
- 100 While the RMA 1991 is the lead statute for anchoring the land use pattern, key relationships exist between the RMA 1991, the LGA 2002 and the LTMA 2003. Without a clear acknowledgement of these linkages, in the Greater Christchurch context, it will be very difficult for the CRC to successfully give effect to its statutory functions under section 30 of the RMA 1991. This section seeks to achieve, in a very clear manner, the integrated management of the natural and physical resources of the region. It also gives regional councils the function of achieving the strategic integration of infrastructure with land use. Also, without a clear land use pattern, which has been agreed through statutory processes, it will be very difficult in the Greater Christchurch context to give full effect to either the infrastructure funding requirements of the LGA 2002, or importantly the entire policy framework for an RLTS as required by the LTMA 2003.
- 101 I consider that regional councils have a clear mandate to undertake growth management of the nature proposed by the CRC through PC1. There are clear provisions in the three key planning statutes, namely the RMA 1991, the LGA 2002 and the LTMA 2003, which support this approach. Also, regional councils elsewhere in New Zealand, where there is growth occurring, are undertaking this role. One of the key growth management tools is the urban limits technique. It is being applied both in Auckland and the Bay of Plenty. There is also an expectation from the New

Zealand Transport Agency that it will be applied to the Waikato. The technique is also supported by case law.

- 102 Successful growth management is predicated on giving effect, through the provisions of the RPS, to Part II of the RMA 1991, in particular section 5 relating to the economic and social well-being of people and communities. Without the clear growth management framework provided by PC1 and the Variations to the RPS, there is unlikely to be the requisite certainty, sequencing or ability to plan and deliver infrastructure to ensure that there is sufficient zoned and serviced land available in a timely and cost-effective manner.
- 103 PC1 is in total support of an integrated planning approach. The Change:
- (a) Promotes a more compact urban form;
 - (b) Identifies a clear long-term land use pattern;
 - (c) Links this pattern to infrastructure and servicing requirements;
 - (d) Provides a framework for identifying in a timely manner the costs of infrastructure necessary to support a sustainable urban form; and
 - (e) Enables the equitable provision of growth management funding.
- 104 It is my opinion that PC1 and Variations 1 to 4 are the most appropriate strategic planning methods for both the CRC and the key local authorities involved in growth management, namely CCC, SDC and WDC, to achieve the sustainable management purpose of Part II of the RMA 1991.

Kenneth John Tremaine

19 December 2008