

Before the Independent Hearing Commissioner
Appointed by the Christchurch City Council

Under	the Resource Management Act 1991
In the matter of	Plan Change 18 (Hendersons Residential Rezoning) to the Christchurch District Plan
Between	Cashmere Fields Applicant

Legal submissions on behalf of Cashmere Fields

28 August 2026

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May it please the Commissioner

- 1 These submissions are provided on behalf of Cashmere Fields in relation to a private plan change request (**PC18**), seeking to rezone the below sites (**the Site**) from Residential New Neighbourhood (**RNN**) and Rural Urban Fringe (**RuUF**) zones to RNN, excluding the stormwater management areas which will remain RuUF (**the Proposal**):
 - (a) 126 Sparks Road (Lot 1 DP 412488)
 - (b) 17 Northaw Street (Lot 2 DP 412488)
 - (c) 36 Leistrella Road (Lot 3 DP 412488)
 - (d) 240 Cashmere Road (Lot 23 DP 3217)
 - (e) 236 Cashmere Road (RS 41613)
 - (f) 200 Cashmere Road (Lot 1 DP 547021)
 - (g) 60 Leistrella Road, Part of Lot 406 DP 561520 (Balance Lot 349 as per RMA20213829)
- 2 The Site (25.1ha) is located approximately 7.5 km south-west of the Christchurch city centre, within the southwestern Henderson's Basin area of Hoon Hay. It is bounded to the south by Cashmere Road and to the north by Sparks Road. To the east is the established residential development interface of the suburb of Hoon Hay, and to the west is RuUF zone land associated with Henderson's Basin.¹
- 3 The Officer recommends that PC18 is approved, subject to changes to the Outline Development Plan (**ODP**) text in response to submissions regarding landscaping; servicing and infrastructure; density and staging.² Following the exchange of evidence and further discussions between experts, a further iteration of the ODP text is provided, attached as Appendix 1 to the Rebuttal Evidence of Bryan McGillan, dated 26 August 2026.
- 4 The positive recommendation of the Officer affirms the Applicant's position that the rezoning is the most appropriate use of the land. The rezoning is a logical extension of the existing RNN, providing housing supply (approximately 300 households³) in a location that is supported by infrastructure and community services, relatively

¹ Evidence of Jade McFarlane at [22]

² Officer's section 42A Report, dated 7 August 2026 at 8.1.2

³ Evidence of Bryan McGillan at [13]. The number of households is approximate because it ultimately depends on the density of the development (between 15 - 20 hh/ha). The projected total number of houses within the PC18 area is 246 – 328, arising from an additional 165 – 220 enabled by PC18.

close to central Christchurch. The ODP provides for a master-planned neighbourhood while appropriately leaving finer details to detailed design stage.

5 The following evidence is provided in support of the Proposal:

- (a) Warren Lewis – Cashmere Fields
- (b) Jade McFarlane – Urban design and Landscape
- (c) Derek Foy – Economics
- (d) Stuart Ford – Highly Productive Land
- (e) Andrew Leckie – Transport
- (f) Nick Traylen – Geotechnical engineering
- (g) Greg Whyte – Flood modelling
- (h) Jenny Bull – Servicing Infrastructure
- (i) Laura Drummond – Ecology
- (j) Bryan McGillan – Planning

Structure of submissions

6 These legal submissions address the following matters:

- (a) Merits of the rezoning – key issues
- (b) Statutory assessment
- (c) Conclusion

Merits of the rezoning – key issues

7 The enabling of urban development within the site has already been the subject of several planning processes. The existing RNN zoning was introduced following the Canterbury earthquakes, the land being confirmed as a Greenfield Residential Area through the Land Use Recovery Plan,⁴ and then rezoned to RNN through the Christchurch Replacement District Plan process. More recently, a submission on PC14⁵ sought extension of the residential zoning. Although that submission was ultimately determined to be beyond the scope of PC14, the process provided an

⁴ Land Use Recovery Plan, Appendix 1: Amendments to the Canterbury Regional Policy Statement, page 26 (Map A)

⁵ Submission 593 on behalf of Cashmere Park Limited, Hartward Investment Trust and Robert Brown

opportunity for engagement with Council staff to identify, consider and in many cases resolve, technical considerations.

- 8 The PC14 process provided a solid foundation for the preparation of PC18, and following further engagement during processing of the plan change, there is broad agreement between witnesses for the Applicant and Council reporting officers in all disciplines. Outstanding matters relate to matters of detailed design and wording of the ODP text.

Urban design and landscape

- 9 Mr McFarlane provides a description of the proposed development and its urban design features, together with an assessment of urban design effects. He finds that PC18 would enable a cohesive master-planned residential neighbourhood, integrated with an extensive and highly connected blue and green network, active transport connections, and ecological restoration of the existing low-lying areas.⁶
- 10 The rezoning would result in a contiguous residential interface joining RS zoned areas in the north and east and forms a logical extension to the operative RNN zoning running centrally through the southern portion of the site.⁷
- 11 The RNN zone requires a minimum density of 15 households/hectare, and it is anticipated that the PC18 area would achieve between 246 to 328 lots. Density is not anticipated to be uniform across the Site. Higher-density allotments are suited to areas with higher amenity and/ or accessibility, including areas adjoining or overlooking reserve/ open space networks. Lower-density allotments are best located along the northern and eastern existing established residential boundaries.⁸
- 12 A significant portion of the Site, comprising the low-lying areas along the western and southern boundary, is proposed to remain zoned RuUF. These areas function as a blue and green network integrating stormwater retention, naturalised drainage, ecological restoration, and public recreation uses.
- 13 Mr Hattam generally agrees with the conclusions reached by Mr McFarlane in his urban design assessment.⁹ Having considered the evidence of Mr Hattam and Ms Smith, including proposed additions to the ODP text, Mr McFarlane has proposed a number of changes to the ODP text relating to residential interface setbacks;¹⁰

⁶ Evidence of Jade McFarlane at [12]

⁷ Evidence of Jade McFarlane at [27]

⁸ Evidence of Jade McFarlane at [33]

⁹ Evidence of David Hattam at [10]

¹⁰ Appendix 8.10.18C (13)

density variation;¹¹ and retention of quality specimen trees subject to safety and design requirements,¹² in order to appropriately manage potential effects associated with development under PC18.

Ecology

- 14 Ms Drummond identifies three waterways within the site, including Stillwell Drain which has high ecological value, despite currently being lined. She considers that with careful design, the waterways can be enhanced or restored, improving current ecological values.¹³ She recommends an Ecological Management Plan (**EMP**) to guide works. That recommendation is supported by the evidence of Isolina O'Brien, on behalf of Canterbury Regional Council. Mr McGillan's position is that the requirement for an EMP can be specified as a condition at the subdivision consenting stage.¹⁴ However Mr McGillan's rebuttal evidence proposes ODP text requiring development be undertaken in accordance with an EMP, should the Commissioner consider that the inclusion of this wording is appropriate.¹⁵
- 15 Ms Drummond and Mr Crossland confirm that a wetland complex is located outside of the development footprint¹⁶ (approximately 200m to the west of the Site) and Ms Drummond considers that the wetland is not directly affected by the proposed rezoning¹⁷ Ms Drummond and Mr Crossland are agreed that potential effects on wetland hydrology can be further assessed and addressed through subdivision consents stage, when further design detail is available.¹⁸

Flood modelling

- 16 Mr Whyte provides evidence regarding stormwater modelling and concludes that the proposed residential development of the Site, which will introduce an effective stormwater storage system, will decrease flood levels for the 1 in 1 in 50 year and 1 in 200 year design rainfall events, in the wider Henderson's Basin area, by 30 to 10 millimetres respectively.
- 17 Within the Heathcote River, at the location of the Ferniehurst Street river stage gauge, there is predicted to be a less than 10 millimetres increase in water level for the 1 in 200 year design rainfall event. There is no change in maximum water

¹¹ Appendix 8.10.18D (2)(d)

¹² Appendix 8.10.18D (3)(e)

¹³ Evidence of Laura Drummond at [13]

¹⁴ Rebuttal Evidence of Bryan McGillan, dated 26 August 2026, at [10]

¹⁵ Rebuttal Evidence of Bryan McGillan, dated 26 August 2026, at Appendix 1

¹⁶ Evidence of Andrew Crossland at [29]

¹⁷ Evidence of Laura Drummond at [46]

¹⁸ Evidence of Laura Drummond at [12]-[13]; Evidence of Crossland at [41]

level for the 1 in 50 year design rainfall event. The small increase in maximum water level for the 1 in 200 year design rainfall event at the Ferniehurst Street recorder is expected to be able to be mitigated at detailed design by increasing compensatory storage and adjusting the flow rates out of the system.¹⁹

- 18 There is broad agreement between Mr Norton and Mr Whyte. Mr Norton agrees with DHI's findings that the development is unlikely to provide a measurable increase in flood levels affecting other properties and, in some cases, may result in flood level decreases. Further, the modelling results indicate that the development will not negatively impact the Council's ability to achieve its peak floodwater level requirements at its compliance site at Ferniehurst Street.²⁰
- 19 Mr Norton considers stormwater and flooding effects are able to be appropriately managed, subject to recommended additions to the ODP text prescribing the minimum land levels for new development and requirements for compensatory storage.²¹ The Applicant accepts the inclusion of additional of ODP text regarding compensatory flood storage and minimum floor levels, as provided at clause 8.10.18.D 5(e) in Appendix 1 to Mr McGillan's rebuttal evidence.
- 20 Mr Norton also recommends a requirement for the final engineering design be tested again in the Heathcote model, using the Council's standard 50 and 200-year future development scenarios including climate change to confirm the predicted effects.²² Mr Whyte confirms that it is anticipated that further modelling will be undertaken during the detailed design phase of the stormwater system. However, he also notes that the DHI August 2026 report (provided following Mr Norton's evidence) provides additional modelling incorporating future climate scenarios, and this confirms the predicted level of effects.²³

Infrastructure and servicing

- 21 Ms Bull concludes that the Site can be adequately serviced for wastewater, stormwater, potable water supply, power and fibre, subject to detailed design and the obtaining of appropriate consents which does not preclude the rezoning.²⁴
- 22 In respect of water supply, Ms Bull relies on the modelling undertaken by WSP (commissioned by Council) which concludes that upgrades to existing CCC pipes near the connection points will be required. Ms Bull proposes that the extent of

¹⁹ Evidence of Gregory Whyte at [36]-[38]

²⁰ Evidence of Brian Norton at [40]

²¹ Evidence of Robert Norton, 5 August 2026 at [41]

²² Statement of Primary Evidence of Robert Brian Norton at [41]

²³ Evidence of Gregory Whyte at [34]

²⁴ Evidence of Jenny Bull at [10]

those upgrades be confirmed through detailed design once updated demands are provided to CCC for modelling. For Council, Ms McDonald recommends that prescriptive requirements for water supply upgrades be included in the ODP text.²⁵

23 Ms Bull disagrees with Ms McDonald as to the level of prescription she proposes be incorporated into the ODP provisions.²⁶ She points out that the WSP assessment incorporated a conceptual development layout of 396 allotments, whereas the PC18 zone change will enable a potential yield of approximately 246 to 328 residential lots across the total developable area of the Site zoned RNN, based on a density of 15 to 20 dwellings per hectare. This is a material difference in the development yield upon which the water supply demand will ultimately depend.²⁷ For those reasons, she considers that the precise extent, diameter and location of any water supply network upgrades should be dealt with at subdivision consent stage.²⁸ Ms Bull favours inclusion of ODP text at a higher level, identifying that water network upgrades will be required to support the development, and that those upgrades will require developer funding, as set out in clause 8.10.18.D 6(d) attached as Appendix 1 to Mr McGillan's supplementary evidence. We address matters relating to ODP text further below.

24 In relation to wastewater, Ms Bull advises that future development will be serviced by a Local Pressure Sewer (LPS) network discharging to the existing gravity sewer main within Cashmere Road. Hydraulic modelling indicates that the existing LPS network has capacity to service the proposed development, subject to sufficient capacity being retained for the balance of Areas 4A and 4B as required by Council. Ms McDonald recommends additional ODP text regarding integration of the wastewater system and recognising that development of more than an additional 333 residential lots will require further upgrades. Ms Bull generally accepts that additional text,²⁹ which is provided at clause 8.10.18.D 6(e) of Appendix 1 in Mr McGillan's rebuttal evidence.

Transport

25 The transport assessment, adopting conservative development assumptions, demonstrates that development enabled by PC18 can be safely and efficiently accommodated within the surrounding transport network. Existing and proposed connections support travel by walking, cycling, public transport and private vehicle, while the proposed active mode connection to Sparks Road will improve access to

²⁵ Evidence of Michele McDonald at [72]

²⁶ Evidence of Jenny Bull at [62]-[63]

²⁷ Evidence of Jenny Bull at [65]

²⁸ Evidence of Jenny Bull at [67]

²⁹ Evidence of Jenny Bull at [74]

nearby schools, the Quarryman's Trail Major Cycleway and the wider active transport network.

- 26 Mr Leckie addresses submissions regarding network capacity, intersection performance, active mode safety and connectivity, wider network congestion and the operation of the Penruddock Rise intersection. In summary, he concludes that:
- (a) The surrounding local road network is capable of accommodating forecast growth, with modelling adopting conservative assumptions regarding future development within the Hendersons East ODP area;³⁰
 - (b) The Hoon Hay Road / Leistrella Road intersection will continue to operate satisfactorily, with the ITA, subsequent SIDRA modelling and Mr Leckie's site observations demonstrating no safety or operational concerns requiring upgrades;³¹
 - (c) The Site is well connected to the surrounding active mode network, and the proposed Sparks Road connection will further enhance walking and cycling access to nearby schools, local destinations and the wider cycle network. Forecast traffic volumes on Leistrella Road, Rydal Street and Northaw Street will remain compatible with continued cycling use.³²
 - (d) Congestion on Cashmere Road, Sparks Road and the wider south-west Christchurch network reflects travel demands across the wider southwest Christchurch area and are influenced by broader network activity rather than any individual development area. The transport assessment was undertaken having regard to the future transport environment, including residential development already anticipated under the Hendersons East ODP. Additional development enabled by PC18 would result in negligible effects on the wider arterial road network, and would not have a noticeable effect on the operation of key arterial intersections.³³
 - (e) Development enabled by PC18 will not materially affect the operation of the Penruddock Rise intersection or the wider Cashmere Road corridor.³⁴
- 27 In relation to the ODP text, Mr Chen has recommended a staging requirement, that development proceed from the Cashmere Road frontage inward, to assist with

³⁰ Evidence of Andrew Leckie at [99]

³¹ Evidence of Andrew Leckie at [101]

³² Evidence of Andrew Leckie at [104]

³³ Evidence of Andrew Leckie at [109] - [110]

³⁴ Evidence of Andrew Leckie at [111]

managing of transport effects, particularly during construction of the subdivision.³⁵ Mr Leckie considers there is no transport-related need to delay development that is accessed via Leistrella Road and Hoon Hay Road, as it does not address any identified capacity, safety or operational issue, nor is it linked to the provision of any specific transport infrastructure.³⁶

- 28 Mr Leckie has no objection to Mr Chen's recommendation that the ODP be updated to reflect the roundabout now under construction at Cashmere Road / Penruddock Rise and deletion of the indicative connection location.³⁷ It is noted that this location is outside of the Site. The Applicant has updated the ODP on the basis that this now reflects the location that is consented and now under construction, but has not confirmed that there is scope for this change and can revert the location of the arrows if the Commissioner considers there is not scope for this change. Mr Leckie also takes no issue with the removal of the provision referring to a potential future road connection through Kaiwara Reserve, since a road connection through the reserve is not required to support the development enabled by PC18 and has not formed part of his transport assessment.³⁸

Outline Development Plan

- 29 PC18 proposes the adoption of the existing RNN zoning without amendment across wider areas of the Site, with amendments to the ODP to provide direction for future development. To reflect recommendations from the Applicant's witnesses and in response to recommendations contained in the Council officers' reports and evidence for Environment Canterbury, a number of further amendments to the ODP are proposed, with the most recent version provided in Appendix 1 to Mr McGillan's rebuttal evidence. All amendments are considered to be within the scope of submissions, noting that submissions raise a range of issues relating to interface treatment³⁹ and density of development⁴⁰, retention of trees⁴¹, flood management⁴², and sufficiency of water and wastewater infrastructure⁴³.
- 30 While a number of drafting refinements have been proposed, we understand that the only substantive ODP matters that remain to be resolved are:

³⁵ Evidence of Liqi Chen at [37]

³⁶ Evidence of Andrew Leckie at [113]

³⁷ Evidence of Andrew Leckie at [115]

³⁸ Evidence of Andrew Leckie at [116]

³⁹ For example S38, S57

⁴⁰ For example S2, S26, S33, S38, S56, S62

⁴¹ For example S24, S3, S9, S13, S17, S18, S21-23

⁴² For example S5, S8

⁴³ For example S5, S21, S22, S42

- (a) the inclusion of specific minimum requirements for water supply upgrades (Council officer's recommended clause 8.10.18.D 6(d));
 - (b) the inclusion of direction to prepare an EMP.
- 31 In both cases, it is a question as to the extent to which matters are detailed in the ODP, or addressed through subsequent consenting stages.
- 32 Policy 6.3.3 of the CRPS contains direction for the content of ODPs. In respect of infrastructure, it includes a requirement to document the infrastructure required, when it will be required and how it will be funded. The 'Principal reasons and explanation' identify that ODPs provide a mechanism for integrating urban development with infrastructure, and identifying and providing for the additional infrastructure required to meet the needs of incoming residents.
- 33 That direction must be read in the context of the wider Christchurch District Plan (**CDP**) and legislative framework, and with regard to the practical implications of overly prescriptive ODP provisions. An ODP is not intended to provide a final or exhaustive determination of infrastructure upgrade requirements. Rather, those matters are appropriately refined and assessed through subsequent consenting processes and engineering approvals. As Mr McGillan explains, the relevant CDP rules and policies provide Council with the necessary discretion to assess infrastructure requirements and associated effects at those later stages.
- 34 The content of an ODP is established before detailed development design has been completed and ahead of confirmation of development timeframes. As a result, it is neither practical nor desirable for an ODP to prescribe infrastructure solutions with a high degree of specificity. Circumstances may change over time, but ODP provisions cannot be readily amended. Matters that may influence the precise scope of the infrastructure upgrades ultimately required include the final subdivision layout and dwelling yield, the associated water supply demands, and the configuration and capacity of the Council network at the time development proceeds, as confirmed through updated hydraulic modelling and detailed design.
- 35 In our submission, it is sufficient that the ODP identifies the need for upgrades to the water supply network to service the development, and that those upgrades will be developer funded. That approach is consistent with both CRPS Policy 6.3.3 and the drafting of other ODPs in the CDP. More detailed prescription of the required extent or standard of particular upgrades is better addressed through subsequent consenting stages.
- 36 In relation to the inclusion of an EMP, Ms Drummond has recommended that this be included within the ODP, while Mr McGillan considers it could be addressed through consenting stages. Inclusion of an EMP in the ODP was supported by Ms O'Brien for Canterbury Regional Council, but was not included in recommendations

of the Council reporting officers. In our submission the EMP could be addressed through consenting or the ODP text, and Mr McGillan has provided recommended text (developed with Ms Drummond) should the Commissioner consider this is appropriate for inclusion.

Statutory assessment

37 The statutory tests when preparing and changing a district plan will be well known to the Commissioner⁴⁴. Relevantly, it is submitted that the proposed rezoning to RNN:

- (a) Will assist the Council in carrying out its statutory duties under the Resource Management Act 1991 (**RMA**) including:⁴⁵
 - (i) the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources;
 - (ii) provision of sufficient housing development capacity;
 - (iii) controlling any actual or potential effects of the use, development, or protection of land, including for the purposes of the avoidance or mitigation of natural hazards;
- (b) Will give effect to higher order planning documents, in particular the NPS-UD, NPS-HPL, NPS-NH and the CRPS; and
- (c) Is the most appropriate option, with amendments having been assessed under ss32 and 32AA; and
- (d) Will accord with Part 2.⁴⁶

38 We address these matters in turn below.

Assist Council in carrying out its functions

39 Potential effects on the environment are addressed in the evidence provided and can be appropriately managed through the existing RNN and RuUF provisions, together with site specific direction provided by the amended ODP text. The development can be readily serviced and provision is made for connectivity with existing and anticipated surrounding land uses.

⁴⁴ *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55 at [17] onwards.

⁴⁵ Section 31(1)(a), (aa) and (b) RMA

⁴⁶ Section 74(1)(b) RMA

- 40 As addressed further below, the evidence of Mr Foy and Ms Parnwell concludes that there will be a shortfall in available residential capacity in the medium term. Rezoning of the Site would therefore assist Council in meeting its statutory duty to provide sufficient housing capacity.

Higher order planning documents

National Policy Statement for Urban Development

- 41 The National Policy Statement for Urban Development (**NPS-UD**) recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their well-being now and into the future.⁴⁷
- 42 The NPS-UD directs local authorities to provide, at all times, at least sufficient development capacity to meet expected demand for housing over the short, medium and long term, with reference to required competitiveness margins.⁴⁸
- 43 Local authorities must also be responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release,⁴⁹ applicable to the Site given that part of the site sits outside of the urban area under Map A, CRPS.
- 44 Mr Foy prepared an Economics Impact Assessment (**EIA**) in 2023, which was updated in 2025 (**EIA update**).⁵⁰ His evidence addresses further changes since those assessments were completed, including changes to planning policy, housing information and residential development activity.⁵¹
- 45 Mr Foy finds that the February 2023 Housing Capacity Assessment (HCA) remains the most comprehensive quantitative assessment of housing capacity available. The October 2025 HCA is an interim assessment at a city-wide level and does not provide a more detailed assessment of housing supply within the locality surrounding the Site. The 2023 locality-based assessment contained within Mr Foy's original EIA therefore remains an appropriate basis for assessing housing capacity within southwest Christchurch; that assessment concluded that there is expected to be a shortfall of residential development capacity within the locality of the Site within the next ten years.⁵²

⁴⁷ NPS-UD Objective 1

⁴⁸ NPS-UD Policy 2

⁴⁹ NPS-UD Policy 8

⁵⁰ The original EIA was omitted from the PC18 request, but is attached to the Mr Foy's evidence

⁵¹ Evidence of Derek Foy at [12]

⁵² Evidence of Derek Foy at [33]

- 46 Council has progressed PC14 since the EIA update, however Mr Foy records that Council's assessment indicates that insufficient infill capacity is feasible in the locality, largely due to the newer housing stock and smaller section sizes, meaning greater intensification within existing urban parts of the locality will not be able to provide the required capacity.⁵³
- 47 Recent residential building consent data demonstrate that growth in southwest Christchurch has continued at a substantially faster rate than was anticipated in the original EIA. At current rates of development, the existing feasible housing capacity identified in earlier housing capacity work is likely to be exhausted significantly sooner than previously anticipated. Mr Foy considers that this strengthens the case for providing additional residential land supply within the locality.⁵⁴
- 48 Ms Parnwell considers, and Mr Foy agrees, that the capacity enabled by PC18 is significant development capacity for the purposes of Policy 8 of the NPS-UD. Ms Parnwell's assessment (at Christchurch-wide greenfield-market level) and Mr Foy's assessment (focused on demand and feasible capacity in the south-west) are complementary, and both indicate that the remaining supply of both feasible greenfield capacity and feasible capacity in the locality of the Site is likely to become insufficient within the NPS-UD medium term if additional capacity is not enabled.⁵⁵
- 49 Mr Foy concludes that the Site is located within an existing urban environment that is well serviced by a wide range of social, commercial and community facilities and employment options, and development of the Site would contribute to a well-functioning urban environment.⁵⁶ That conclusion is supported by the wider suite of evidence for the Applicant.
- 50 Accordingly, PC18 gives effect to the NPS-UD, including in particular Objective 1, Policy 2 and Policy 8

National Policy Statement for Highly Productive Land

- 51 The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) seeks to protect highly productive land for use in land-based primary production and to imposes additional requirements for urban rezoning of highly productive land.
- 52 Highly productive land is defined as land that is in a general rural zone or rural production zone (as described in the National Planning Standards, or where these

⁵³ Evidence of Derek Foy at [14], [37] – [39]

⁵⁴ Evidence of Derek Foy at [29]

⁵⁵ Evidence of Derek Foy at [76]

⁵⁶ Evidence of Derek Foy at [15]

have not been implemented, the nearest equivalent zone), that contains LUC Class 1–3 soils.⁵⁷ The Site is a combination of LUC 2, 3 and unclassified soils.

53 Ms Parnwell considers the Rural Production or General Rural Zone to be nearest equivalent to the RuUF because:⁵⁸

- (a) the objectives, policies, and rules of Chapter 17 anticipate productive environment for pastoral, agricultural, and quarry land uses with associated landscape values of openness and a stark contrast to urban.
- (b) based on the zone descriptions of the national planning standards, she considers Rural Production, General Rural and Rural Lifestyle the only appropriate options to be nearest equivalent to the RuUF.

54 The Commissioner has the benefit of the CCC legal opinion (provided by Mr Caldwell)⁵⁹ regarding the "nearest equivalent zone" to the RuUF zone. That opinion sets out the objectives, policies, rules and subdivision standards for the RuUF, and the available National Planning Standard zones, and we do not repeat those provisions here. We agree with Mr Caldwell's conclusions:

- (a) with respect to the challenge posed by Rural objectives and policies that are not zone specific ;⁶⁰
- (b) that the assessment of the nearest equivalent zone should be undertaken based on the provisions, not an assessment of existing uses of the land in question;⁶¹ and
- (c) that the nearest equivalent zoning for the RuUF is unclear.⁶²

55 However, in our submission the nearest equivalent zoning is Rural Lifestyle. Reasons for this are:

- (a) In several instances, Mr Caldwell identifies CDP Rural objective and policies referring to "rural productive activities" and opines that this could support an interpretation that the predominant use or purpose of the rural zones is for primary production activities as used in the General Rural Zone and Rural

⁵⁷ Recent amendment to the NPS-HPL reduce the protection of LUC3 land, but these amendments do not affect rezoning decisions. See NPS-HPL clause 3.5(7)(b)(iii)

⁵⁸ Officer's Report at 6.3.32

⁵⁹ Appendix 13, Officer's Report

⁶⁰ Appendix 13, Officer's Report at [87]

⁶¹ Appendix 13, Officer's Report at [88]

⁶² Appendix 13, Officer's Report at [89]

Production Zone descriptions.⁶³ However, in our view, reference to CDP provisions that seek to recognise, enable, support or maintain "rural productive activities" are not in themselves determinative, or even particularly indicative of, an equivalent General Rural or Rural Production zoning. That is because rural productive activities are entirely consistent with, and indeed a requirement of, a Rural Lifestyle zoning, which is described in the National Planning Standards as "Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur."

- (b) Similarly, CDP policies that are otherwise reflective of rural character and amenity (Policy 17.2.2.3 – Contributing elements to rural character and amenity values; Policy 17.2.2.7 – Density and distribution of residential units) are also consistent with a Rural Lifestyle zoning – which is described as being "within a rural environment".
- (c) A key element in the Planning Standard definition is lot size – "on lots smaller than those of the General rural or Rural production zones". The minimum lot size⁶⁴ and permitted residential density in the RuUF zone is 4ha.⁶⁵ Dwellings on existing lots greater than 1ha are provided for as a restricted discretionary activity.⁶⁶ That anticipated residential development pattern is clearly reflective of a rural lifestyle land use, rather than an area "used predominantly for primary production activities" (as is required by the Rural General and Rural Productive zone descriptions). In our submission this factor should be given greater weight than it appears that Mr Caldwell gave it,⁶⁷ because it is one of the four features of the National Planning Standard's Rural Lifestyle zone description, and because there is no clear guidance as to equivalent zoning in the CDP objectives and policies. This is however consistent with Mr Caldwell's conclusion in respect of Policy 17.2.2.7 Density and distribution of residential units, that "it clearly anticipates residential lifestyle activity subject to the density and distribution of those residential units maintaining and enhancing the working function of the rural environment, avoiding reverse sensitivity effects on, relevantly, rural

⁶³ Legal opinion of David Caldwell, at [36], [38], [48]

⁶⁴ Rule 8.6.1, Table 5

⁶⁵ Rule 17.5.1.1 P6

⁶⁶ Rule 17.5.1.3 RD10. Relates to lots existing as at 2 May 2015. I note that Mr Caldwell did not appear to consider dwelling density, beyond minimum subdivision standards.

⁶⁷ Legal opinion of David Caldwell, at [62]

productive activities, and supporting a consolidated urban form (amongst other matters)".⁶⁸

- (d) No regard appears to be had to the name of the zone. While the Court has noted the absence of an official zone description and has cautioned against reliance on the "pop up" zone descriptions in the E-plan,⁶⁹ in my submission regard can be had to the zone name. It is inherent that the Rural Urban Fringe Zone is located in close proximity to the urban area of Christchurch and that, within the range of outcomes that are anticipated by the Rural objectives and policies, this would logically influence the activities that are anticipated occur within the zone (including anticipated use for rural lifestyle activities) and the anticipated effects of those activities on surrounding (urban) areas.

56 If the Commissioner agrees that the nearest equivalent zoning to RuUF is Rural Lifestyle, then the provisions of the NPS-HPL are not relevant to PC18.

57 If the Commissioner does not agree, for the purposes of his assessment Mr Ford has assumed that the RuUF is equivalent to the Rural General or Rural Productive zone, and LUC 2 and 3 land has been assessed as meeting the interim definition of HPL.⁷⁰ Notably, the central portion of the Site which is already zoned RNN is not subject to the NPS-HPL.

58 Clause 3.6(1) of the NPS-HPL provides that Tier 1 territorial authorities may allow urban rezoning of highly productive land only if:

- (a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and

- (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and

- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

59 Mr Ford describes the Site as "isolated in a small oasis of productive land which is surrounded by a city." There are no productive farming units in close proximity to

⁶⁸ Legal opinion of David Caldwell, at [51]

⁶⁹ *John and Alison Rogers v Christchurch City Council* [2019] NZEnvC 119

⁷⁰ Evidence of Stuart Ford at [17]

the Site.⁷¹ Significant land use constraints which make the Site unsuitable for rural use include the lack of irrigation capability; overallocation of the Christchurch West-Melton Groundwater Allocation Zone; poorly drained soil; limitations on arable use due to the lack of scale; and reverse sensitivity concerns given the proximity of existing residential development.⁷² This is consistent with Mr Lewis' experience of managing the Site.

- 60 Mr Ford assesses the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, and concludes that these would be outweighed by the benefits of rezoning, meeting the requirements of clause 3.6(1)(c).⁷³
- 61 Consistent with Mr Ford, Mr Foy has found that agricultural use of the Site is significantly constrained, which limits the economic effects that would arise from the loss of productive rural land. In assessing the rezoning against clause 3.6(1) He concludes that:⁷⁴
- (a) the urban rezoning of the Site is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the NPS-UD, and PC18 meets the requirements of clause 3.6(1)(a) of the NPS-HPL
 - (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality to give effect to the NPS-UD, and PC18 meets the requirements of clause 3.6(1)(b) of the NPS-HPL
 - (c) the economic benefits of rezoning the Site far outweigh the long-term economic costs associated with the loss of the Site's highly productive land for land-based primary production, and PC18 meets the requirements of clause 3.6(1)(c) of the NPS-HPL

National Policy Statement for Natural Hazards

- 62 The NPS-NH came into effect on 15 January 2026, and seeks to manage natural hazard risk to people and property associated with subdivision, use and development using a risk-based proportionate approach.⁷⁵ It applies to specified

⁷¹ Evidence of Stuart Ford at [16]

⁷² Evidence of Stuart Ford at [19]

⁷³ Evidence of Stuart Ford at [23]

⁷⁴ Evidence of Derek Foy at [57]

⁷⁵ NPS-NH Objective

natural hazards⁷⁶ including, of most relevance to this application, flooding and liquefaction. The NPS-NH directs that the risk level of natural hazards be assessed using the risk matrix;⁷⁷ and that potential impacts of climate change to at least 100 years into the future be considered.⁷⁸ Natural hazard risk must be managed using an approach that is proportionate to the level of risk;⁷⁹ and development that will create or increase significant natural hazard risk on other sites must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.⁸⁰

- 63 In respect of flood hazards, as detailed above, the evidence of Mr Whyte is that the proposed development of the Site, including the introduction of effective stormwater management, is predicted to reduce flood levels across Hendersons Basin. Ms Parnwell considers that, utilising the risk matrix, the assessed risk level for flooding is moderate.⁸¹ Additions to the ODP text, recommended by Mr Norton, require compensatory storage sufficient to prevent the transfer of flood risk to adjoining properties; measures to maintain flood storage capacity; and minimum land levels for new development ensuring the flood hazard risk is appropriately managed.⁸²
- 64 In relation to liquefaction hazard the CDP does not assign an annual exceedance probability (AEP) to liquefaction hazard, so the risk cannot be directly assessed against the risk matrix. However, using the proportionate management approach of the NPS-NH,⁸³ liquefaction hazard will be mitigated by the construction of appropriate TC2 or possibly TC2/TC3 hybrid foundations, as is current practice throughout similar areas in Canterbury.⁸⁴
- 65 Mr Traylen is in agreement with Mr Charter that any residual natural hazard risks will be mitigated in accordance with the NPS-NH, using approaches that are proportionate to the level of risk.⁸⁵

⁷⁶ NPS-NH clause 1.3(1)

⁷⁷ NPS-NH Policy 1

⁷⁸ NPS-HN Policy 6

⁷⁹ NPS-NH Policy 2

⁸⁰ NPS-NH Policy 4

⁸¹ Officer's report at 6.3.50

⁸² Evidence of Brian Norton at [57]

⁸³ 3.3 NPS-NH

⁸⁴ Officer's Report at 6.3.52; Evidence of Nick Traylen at [40]

⁸⁵ Evidence of Nicholas Traylen at [41]

- 66 The section 32 assessment for PC18 concludes that the rezoning is mostly consistent with the relevant objectives and policies of the Canterbury Regional Policy Statement (**CRPS**), with the exception of Policy 6.3.1.⁸⁶ However Mr McGillan advises that the NPS-UD provides a pathway that enables urbanisation of those areas which PC18 proposes to rezone from RuUF to RNN.⁸⁷ Ms Parnwell also considers that PC18 is generally consistent with the CRPS by virtue of being consistent with higher order national policy statements.⁸⁸
- 67 The extension of RNN zoning is proposed for areas which are located outside of the existing urban area and greenfield priority areas. To that extent, PC18 does not accord with Policy 6.3.1. However, Policy 6.3.1 is now overtaken by the NPS-UD direction which requires that, at all times, Council provide sufficient development capacity to meet short, medium and long term demand. As detailed above, the evidence establishes that there is likely to be a medium term shortfall in both greenfield capacity and capacity in the locality of the Site. Policy 8 requires that local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents, or out-of-sequence with planned land release. As detailed above, both Mr Foy and Ms Parnwell conclude that PC18 would contribute significant housing capacity⁸⁹ and contribute to a well-functioning urban environment.⁹⁰

Conclusion

- 68 The evidence confirms that rezoning to RNN is the most appropriate PC18 outcome, as it:
- (a) will contribute development capacity to assist in meeting the demand for housing in an affordable part of Christchurch in the medium term;
 - (b) enables development that is in an accessible location, readily accessible to public transport, which can be accommodated within the existing and proposed roading network;

⁸⁶ PC18 Request and Section 32 Assessment at [131]

⁸⁷ Evidence of Bryan McGillan at [138]

⁸⁸ Officer's Report at 6.3.65

⁸⁹ Evidence of Derek Foy at [51]; Officer's report at 6.3.11

⁹⁰ Evidence of Derek Foy at [51]; Officer's report at 6.3.21

- (c) enables development that can be readily serviced by infrastructure, including potential flood management through careful stormwater design, with only water supply to be confirmed;
- (d) is located amongst established residential development and provides good accessibility between housing, jobs, community services and open spaces, which in turn supports reductions in greenhouse gases.

69 For these reasons and having regard to the wider assessments addressed through these submissions, and evidence for the Applicant, it is submitted that PC18, incorporating the further recommended amendments to the ODP, is the most appropriate option for the Site and should be accepted.

Dated 28 August 2026



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