

under: the Fast-track Approvals Act 2024

in the matter of: an application by **Carter Group Limited** in relation to
the Ryans Road Industrial Development

Memorandum of counsel for Carter Group Limited responding to
Minute 3 of the Panel Convener

Dated: 25 July 2025

Reference: J M Appleyard (jo.appleyard@chapmantripp.com)
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**MEMORANDUM OF COUNSEL FOR CARTER GROUP LIMITED
RESPONDING TO MINUTE 3 OF THE PANEL CONVENER**

May it please the Convener:

- 1 This memorandum is provided on behalf of Carter Group Limited (*Carter Group* or *Applicant*) in response to Minute 3 of the Panel Convener (*Minute*) regarding the application under the Fast-track Approvals Act 2024 (*FTAA* or *Act*) for the Ryans Road Industrial Development (*Application*).

- 2 The Minute 3 directs that by 25 July 2025:

The Applicant will file a memorandum responding to the matters set out in [Minute 3] and Schedule 1.

- 3 This memorandum provides a response to that direction.

ECAN

- 4 We have reviewed the memorandum filed on behalf of the Canterbury Regional Council (*ECan*) in response to Minute 3.¹ The memorandum confirms that, in respect of matters within ECan's jurisdiction, no novel or unusual legal, evidential, or factual complexity has been identified.
- 5 Furthermore, ECan's technical experts have not raised any material or contentious issues with the proposal at this time, subject to ongoing discussions and the provision of further information (including in relation to the proposed piping of the Paparua Water Race and associated biodiversity impacts to deal with issues raised by ECan).

Paparua Water Race

- 6 At the meeting on 24 June, ECan raised concerns regarding biodiversity and the connectivity of the Paparua Water Race to other water bodies. In response, the Applicant has worked to address these issues by a minor amendment to the original proposal to retain the water race as an open channel, incorporating culverts where vehicle access or roads are required.
- 7 At the time of filing this memorandum, that information (including the amended plans) has now been provided to ECan, CCC and Selwyn District Council (in relation to the bylaw approval).
- 8 We note that ECan is not currently in a position to accept the Applicant's proposed consent conditions and considers that further

¹ Memorandum of counsel for Canterbury Regional Council responding to Minute 3 of the Panel Convener dated 24 July 2025.

information is necessary before meaningful feedback can be provided. This is to be expected at this stage of the application.

- 9 ECan notes that constructive discussions are ongoing between ECan and the Applicant to refine the draft conditions and the Applicant confirms that those will continue. ECan is also open to expert conferencing to further narrow the scope of any outstanding issues.
- 10 ECan considers the Application to be relatively straightforward and has indicated that, from its perspective, there is no reason why the Panel cannot be appointed now.
- 11 The Applicant agrees with ECan's description and also sees no impediment to the appointment of the Panel now.

CCC

- 12 We have reviewed the memorandum filed on behalf of Christchurch City Council (CCC) in response to Minute 3.² We understand that CCC's technical experts have reviewed the application and have not raised significant concerns with regard to the following matters:
 - 12.1 Subdivision engineering;
 - 12.2 Stormwater (with the exception of groundwater effects);
 - 12.3 Contamination, noise, glare and light spill (subject to standard conditions relating to soil disposal and accidental discovery of contaminated material);
 - 12.4 Avifauna, herpetology and botany; and
 - 12.5 Consent condition details (Council planner, Francis White agree that these should be readily resolved and that unresolved matters would not have a material impact on decision making timeframes).
- 13 Counsel for CCC has suggested that the Fast-track Approvals process would be best served if the Panel Convener delays setting the commencement date until after the Applicant has made any further changes to the application, and until the Council and Applicant have further engaged to resolve or narrow outstanding issues. The Applicant does not agree with this.
- 14 The outstanding matters identified by CCC are:

² Memorandum of counsel for Christchurch City Council responding to Minute 3 dated 24 July 2025.

- 14.1 Groundwater effects;
- 14.2 Transport effects;
- 14.3 Landscape/visual effects;
- 14.4 Infrastructure standards and vesting; and
- 14.5 Development contributions.

- 15 We address each of the outstanding matters identified by CCC in more detail below.

Groundwater Effects

- 16 CCC has identified the assessment of groundwater effects as an area of disagreement. As counsel notes in its memorandum, assessment of groundwater effects was limited to infiltration system effects on water supply bores and wells within 500 metres of the Site.
- 17 Since the Convener's Conference, the Applicant's technical experts have met with CCC to better understand its concerns regarding groundwater effects. In response, a further assessment has been undertaken, extending the analysis to consider groundwater effects up to 2 kilometres of the Site. We have been advised that this assessment is now complete and will be provided to CCC next week.

Transport Effects

- 18 Transport experts for both parties have met and are actively engaging to address the issues raised by Council, including carriageway upgrades, vehicle crossings, trip rates, and network effects. The Applicant is amending plans to provide for a footpath to the north to connect to George Bellew Road and additional width for on-street parking and is preparing a response to all matters raised by CCC.
- 19 While those issues are expected to be resolved, a difference of opinion remains regarding wider network effects and the necessity of intersection upgrades.
- 20 The Applicant's view is that these matters are not complex and that any unresolved differences of opinion can simply be determined by the Panel based on the competing evidence provided at the appropriate time.

Landscape/visual effects

- 21 Following the issues raised by Council's urban designer regarding the landscape and visual effects at the rural interface, the Applicant and Council's experts met on 2 July 2025. Topics addressed included landscape buffer width and species, built form standards, cross sections of building height, and other design considerations.

- 22 It was agreed that the Council's expert, Mr Field, would undertake a site visit and review the Applicant's assessments before providing further feedback. The Applicant has not yet received any further feedback but that is not a reason for delaying the application. Mr Field will have opportunity to provide comments during the process.
- 23 In the interim, the Applicant has further considered maximum building height limits and is preparing additional cross sections to illustrate proposed building heights, setbacks, and landscape buffers. This detail will be provided to CCC shortly. This is not a complex issue and does not provide a reason for delaying the application.

Standards for infrastructure assets to vest and certification conditions

- 24 Counsel for CCC notes that:

it is not yet clear whether the Applicant is going to propose to design assets to [Council] standard and will agree to conditions setting out a certification process to demonstrate that those standards have been met.

- 25 The Applicant considers that is an issue that properly be resolved through ongoing discussion. CCC will have an opportunity to comment on the application, as well as a further opportunity to provide input on the conditions.
- 26 There is no need for this matter to be fully resolved at this point as can be dealt with through consent conditions at the appropriate time.

Development Contributions

- 27 It is noted that one of the matters still being worked through is when a development contribution under CCC's Development Contribution Policy is levied. In particular, we understand that CCC see the issue as being whether:
- 27.1 A contribution will be levied at the time a service connection to the development as a whole to CCCC infrastructure is granted; or
- 27.2 No contribution will be levied until the individual lots are further developed. In this case, the allotments will be created without a Household Unit Equivalent credit being applied.
- 28 If it is the latter, CCC's view is that this needs to be set out in consent conditions and consent notices on titles. We understand that CCC is preparing an opinion on that issue which it will share with the Applicant.

- 29 The Applicant will await the receipt of that opinion before confirming its position, but it is the Applicants view that this is a matter that can be readily addressed by consent conditions at the appropriate time.

The “imminent amended application”

- 30 We understand that the amended plans relating to the waterway issue of concern to ECan and referred to in paragraphs 6 and 7 above are what CCC are referring to as the “*imminent amended application*.” As explained above, those amended plans have been provided today.
- 31 CCC state that “*this change would have implications for the road frontage, potentially requiring revised ecological, transport, servicing, and landscape assessments.*” The Applicant acknowledges that the amended plans were provided after CCC and ECan had lodged their memoranda with the Convener. However, the changes are not substantive and were simply intended to respond constructively to an ecological issue ECan had raised. The Applicant does not anticipate that revised assessments *per se* will be necessary due to the minor nature of the changes. Rather, the Applicant’s position is that the amendments narrow the scope of the outstanding issues, and that the nature/implications of the changes can be dealt with through further dialogue prior to the time for ECan and CCC to provide their comments on the merits of the Application.
- 32 All amendments put forward by the Applicant have simply been suggested to address concerns raised by ECan or CCC in advance of the time for the participants to comment and in our view, such efforts ought to be encouraged, not used as a reason to delay the process.

LEGAL AND PLANNING ISSUES

Engagement with CCC

- 33 On 23 July 2025, Counsel for CCC wrote to us requesting the “*record of the Applicant’s attempts to engage*” on the planning and legal issues. We responded to that request on 23 July 2025. Our response and the record of correspondence between the Applicant’s planner, Mr Jeremy Phillips, and Council staff is attached as **Appendix 1**.
- 34 The correspondence shows that the Applicant attempted to engage with Council staff on several occasions. Following the Convenor’s Conference on 24 June 2025, the Applicant sought to arrange a meeting with Council staff for 2 July 2025. However, this meeting was subsequently cancelled by CCC staff. We understand that since then, there has been little clarification from CCC, despite repeated follow-up from the Applicant.

National Policy Statement on Highly Productive land

35 The legal opinion by barrister Mr David Caldwell dated 11 October 2023 which we understand has been relied on by CCC for several years was dealt with in the original application filed on 21 March 2025 in Appendix 37 and the re-submitted application filed on 16 April 2025 in Appendix 37. We understand that opinion has never been tested.

36 Our draft legal advice along with Novo Group's memorandum regarding the HPL issue, has also subsequently been provided to Council staff. Those documents are attached as **Appendix 2** and **Appendix 3** respectively.

Urban Environment

37 Counsel for CCC states that:

[t]he Council's planner is unclear why the Applicant's planner is asking [the] question" with regards to the extent of the 'urban environment' and that "[i]t might clarify matters if the Applicant was to explain what issue for the application the question about the 'urban environment' stems from.

38 The question regarding the extent of the 'urban environment' is highly relevant, as it directly determines whether the National Policy Statement on Urban Development applies to the Application. Clarifying whether the subject site falls within the defined 'urban environment' is therefore necessary to establish the correct planning framework and the statutory tests that apply.

39 For completeness, it is noted that this was outlined by the Applicant's planner, Mr Jeremy Phillips, in an email dated 14 July 2025.³ Mr Phillips notes that:

The importance of defining the extent of the 'urban environment' is that it then dictates the relevance, extent and application of the NPS-UD. For example, is a 'well-functioning urban environment' considered in a Greater Christchurch context, or just in the context of zoned/planned urban areas, plus other discrete areas on a case-by-case assessment of character (per the PWDP decision).

The Applicant's position on the planning/legal issues

40 The Applicant's view is that it remains open to discussion on the two legal/planning issues if CCC wishes to engage, and/or as suggested at the first conference, these two issues might be appropriate topics for expert conferencing between planners but otherwise, they

³ See email included at **Appendix 1**, page 4.

should simply be flagged as legal/planning issues for the Panel to determine.

DOC

- 41 The Applicant has provided DOC with a new proposal for an alternative relocation site which is within the Application site itself.⁴ Details of the Applicant's correspondence with DOC is set out in the DOC's memorandum responding to Minute 3.
- 42 A technical advisor has assessed the new proposal and provided comments to the Applicant. We understand that DOC's technical advisors agree:
 - 42.1 with the assessment that the population of southern Grass skink is confined to a smaller area of the development and that the population is likely to be small;
 - 42.2 there is no further information needed in the LMP;
 - 42.3 that the inclusion of the release site, its size and location is a *"good option for the project and is sufficiently large enough for around 100 skinks"* (provided the habitat is fully developed); and
 - 42.4 that the restoration plan for the lizard release site appropriate. The combination of planting, allowing existing grass to become rank (limiting control of grass to only around the plants, and the addition of woody debris and rock piles (24 in total) is all appropriate for this site).
- 43 On Thursday 24 July 2025, the Applicant's Ecologist, Jarred Arthur, has provided a response to DOC regarding its comments relating to the timing of development and the lizard habitat.
- 44 Overall, DOC and the Applicant agree there is no need to extend the project timeframe in relation to this issue.
- 45 The Applicant will continue to engage with DOC's representatives and expect that this matter can be resolved within the standard project timeframes.

⁴ Memorandum from the Director-General of Conservation responding to Minute 3 of the Panel Convener dated 24 July 2025.

TIMEFRAME AND COMMENCEMENT DATE

- 46 The Applicant maintains its position that there is no need for further delay and, requests that the commencement date for the Panel be **28 July 2025**.
- 47 The Applicant's response suggested timeframe and response to Schedule 1 is set out at **Appendix 4**.

Dated: 25 July 2025

A handwritten signature in blue ink, appearing to read 'Jo Appleyard', is positioned above a horizontal line.

Jo Appleyard / Meg Davidson
Counsel for Carter Group Limited

APPENDIX 1 – CORRESPONDENCE ON LEGAL/PLANNING ISSUES

Subject: FW: FTAA Ryans Rd: "CCC has not been willing to engage substantially"
Attachments: NPS-HPL RuUF urban rezoning memo 03072025.pdf; Memorandum regarding Ryans Road RUF HPL (DRAFT for discussion) v1.pdf; Ryans Road FT - Urban Environment & NPS-HPL [Filed 14 Jul 2025 14:33]; RE: Urban Environment // Highly Productive Land [Filed 04 Jul 2025 09:12]; RE: Urban Environment // Highly Productive Land [Filed 02 Jul 2025 11:04]; RE: Urban Environment // Highly Productive Land [Filed 01 Jul 2025 15:18]; Re: GCP and NPS-HPL / NPS-UD matter [Filed 30 Jun 2025 10:02]; RE: GCP and NPS-HPL / NPS-UD matter [Filed 30 Jun 2025 09:22]

From: Meg Davidson
Sent: Wednesday, 23 July 2025 7:02 PM
To: Pizzey, Brent <Brent.Pizzey@ccc.govt.nz>
Cc: Jo Appleyard <Jo.Appleyard@chapmantripp.com>
Subject: RE: FTAA Ryans Rd: "CCC has not been willing to engage substantially"

Hi Brent,

The planning and legal issues referred to in paragraph 9 of our memo relate to:

- The definition of 'urban environment' for the purposes of the National Policy Statement on Urban Development; and
- The application and relevance of the National Policy Statement on Highly Productive Land to the Application with the site being located within the Rural Urban Fringe Zone.

These matters were discussed at the Convenor's conference and are recorded in the Convenor's minute ([link](#)). The minute also directs the Applicant to continue engagement with Council to determine whether these issues could be narrowed or resolved.

The Applicant has made ongoing and genuine efforts to engage with Council staff regarding these issues. I have **attached** copies of correspondence from Jeremy Phillips (Novo Group), who has attempted to liaise with Council staff on several occasions. Following the Convenor's conference, the Applicant sought to arrange a meeting with Council staff for 2 July; however, this meeting was subsequently cancelled by CCC staff. We understand that since then, there has been little clarification from CCC, despite repeated follow-up from the Applicant.

Our draft legal advice, along with Novo Group's memorandum regarding the HPL issue, has been provided to Council staff and is **attached** for your reference. These documents set out our position on the relevant planning and legal matters.

Please let us know if there is anything further that may assist while Council prepares its response to the Convenor's minute.

Kind regards,

MEG DAVIDSON
SOLICITOR

Chapman Tripp

D: +64 3 353 0932

LEGAL ADMINISTRATOR: Cherie Whiting | D: +64 3 353 0399

From: Pizzey, Brent <Brent.Pizzey@ccc.govt.nz>

Sent: Wednesday, 23 July 2025 3:54 PM

To: Meg Davidson <Meg.Davidson@chapmantripp.com>; Jo Appleyard <Jo.Appleyard@chapmantripp.com>

Subject: FTAA Ryans Rd: "CCC has not been willing to engage substantially"

Kia ora Meg and Jo

Council staff tell me that para 9 of your 18 July memo is wrong.

Please send me a list of the planning and legal issues you were referring to in para 9 of your 18 July memo.

What is your record of the Applicant's attempts to engage on them?

Do you have a legal opinion on NPS-HPL issues, or any other legal issues you were referring to. If you do, please copy them to me.

As your memo has triggered the Convenor to require the councils to file memos tomorrow, I'd appreciate your reply to this email by 9am tomorrow.


Thanks

Brent


Brent Pizzey (he/him)


Senior Legal Counsel – Public, Regulatory & Litigation

Te Ratonga Ture me te Manapori – Legal & Democratic Services

 03 941 5550 [027 553 9368](tel:0275539368)

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From: Jeremy Phillips <jeremy@novogroup.co.nz>
Sent: Monday, 14 July 2025 2:33 PM
To: francis.white@ccc.govt.nz; Lowe Paul (paul.lowe@ccc.govt.nz)
Cc: Clare Dale
Subject: Ryans Road FT - Urban Environment & NPS-HPL [Filed 14 Jul 2025 14:33]
Attachments: image001.png; Memorandum regarding Ryans Road RUF HPL (DRAFT for discussion) v1.pdf; image002.png; NPS-HPL RuUF urban rezoning memo 03072025.pdf; image003.png

Hi Francis & Paul

I thought it may be useful to provide an update on the issues outlined in paras 15-18 of the minute following the convener's conference being:

1. The extent of the 'urban environment' (as defined in the NPS-UD); and,
2. The status of the Rural Urban Fringe Zoning in terms of the NPS-HPL.

To date, I have tried at length to meet/engage with Mark Stevenson, Sarah Oliver and Kirk Lightbody (in the Council's policy team) on these matters, noting this is particularly relevant to the assessment of a number of upcoming private plan change applications and a clear position on these matters generally would be beneficial to all. However, a meeting that was scheduled for 2/7/2025 was cancelled by Council on the basis that additional time was required for Council staff to consider the issues. The indication was that Council would come back to us *'at the earliest opportunity, given the timeframes for the fast track application'* but all we have subsequently received is advice that these matters are still being evaluated and Council are *'open to further discussions on this matter, particularly after the expected legislative changes through the RMA Reform'*.

I have since contacted Nardia Feehan at ECAN to seek confirmation of their position on these matters, but am awaiting a response.

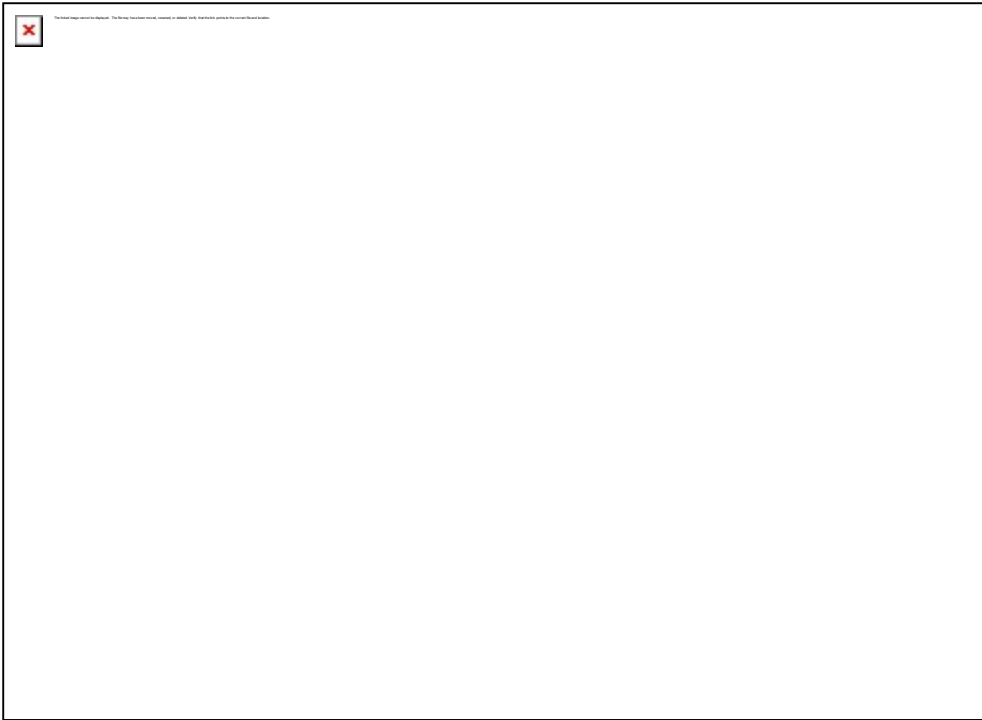
At this point, it would be helpful to know what your intended response to the Convener will be on these matters and whether:

- a. CCC agrees that Greater Christchurch, per RPS Map A, is the 'urban environment' for the purposes of the NPS-UD.**

I note that this was ECAN's position, per its most recent evidence at the PWDP hearings (and prior to that at the PSDP hearings).

This was also SDC's position per the PSDP hearings and decisions; and CCC's position per its evidence/submissions on the PSDP hearings; and (with the exception of the recent PWDP decision) I am not aware of anything to the contrary on recent resource consent or plan change applications.

The draft RPS promulgated by ECAN also refers to the 'urban environment of Greater Christchurch':



My view (per my evidence on the PWDP) is that the ‘urban environment’ is the Greater Christchurch Area as defined in Map A and other relevant planning documents (e.g. Our Space, Greater Christchurch Spatial Plan, draft RPS, etc). If it assists I can provide you the evidence I provided on this subject.

Despite the above, the recent decision on the PWDP has muddled this, insofar as suggesting that areas within Greater Christchurch that are not zoned or currently planned for urban use are not necessarily part of the urban environment but could be ‘*if intended to be* (predominantly urban in character)’. See extract below from PWDP decision:



The importance of defining the extent of the ‘urban environment’ is that it then dictates the relevance, extent and application of the NPS-UD. For example, is a ‘*well-functioning **urban environment***’ considered in a Greater Christchurch context, or just in the context of zoned/planned urban areas, plus other discrete areas on a case-by-case assessment of character (per the PWDP decision).

Noting the above, it would be good to understand what your position on this matter is in relation to the Ryans Road land.

b. CCC agrees that the Ryans Road land is not zoned General Rural or Rural Production and therefore the NPS-HPL is not relevant under the current definition of highly productive land.

We consider that this is the case for the reasons set out in further detail in the **attached** planning and legal memoranda. Note that the attached analysis has been undertaken recently and accounts for the opinion that was previously provided to Council by David Caldwell on this subject matter some time ago.

Otherwise, from a practical perspective we also note that adopting this interpretation would remove the onerous/uncertain (and potentially quite unhelpful) constraints in NPS-HPL, insofar that these may:

- i. Preclude or limit 'sensible' urban rezoning (or resource consent) proposals that are subject to LUC1-3 soils; or
- ii. Result in inefficient/undesirable urban zoning of very limited areas in response to the 'minimum necessary' aspect of cl3.6(5)
- iii. Perversely promote rezoning proposals in less desirable/ undesirable locations that are not LUC1-3, relative to preferred locations that are LUC1-3 (under cl. 3.6).

(Noting that removing the NPS-HPL clause 3.6 constraint does not open the door to urban rezoning proposals without merit, noting NPS-UD and RPS provisions, s32, etc will still filter the good from bad. And similarly removing the NPS-HPL tests for resource consents in the RuUF zone will not open the door for urban activities, given such applications will still generally be subject to consent applications for a NC activity).

Also note that the interpretation above would not be inconsistent with ECAN's position on the mapped extent of HPL in Christchurch City in the draft RPS (which has stalled and has no clear timetable for resolution).

At this point, we have conveyed our views on these matters but remain unclear as to what the Council's position is. Therefore, if you could provide any clarification that would be appreciated.

Kind regards,
Jeremy

Jeremy Phillips

Director + Senior Planner

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Attachment: RE: Urban Environment // Highly Productive Land [Filed 04 Jul 2025 09:12]

From: Jeremy Phillips
Sent: Friday, 4 July 2025 9:12 AM
To: Oliver, Sarah
Cc: Stevenson, Mark; Lightbody, Kirk
Subject: RE: Urban Environment // Highly Productive Land [Filed 04 Jul 2025 09:12]
Attachments: image001.png; NPS-HPL RuUF urban rezoning memo 03072025.pdf; image002.png

Hi Sarah

Last email... please use the **attached** memo rather than the earlier versions circulated. This has been redrafted to remove (the potentially confusing) reference to Meadow Stream and instead frame the issue generally for urban rezoning of RuUF zoned land that is LUC 1-3, noting the assessment is relevant in that broader context.

Kind regards,

Jeremy Phillips

Director + Senior Planner

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From: Jeremy Phillips
Sent: Thursday, 3 July 2025 3:53 pm
To: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Cc: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>
Subject: RE: Urban Environment // Highly Productive Land [Filed 03 Jul 2025 15:53]

Hi Sarah

Thanks for confirming.

As mentioned, there has been a lot more planning and legal analysis of the issue since the Caldwell advice, so the memo I provided you and the **attached** draft legal memo that Chapman Tripp have prepared in regards the Ryans Road Fast Track application would be worth Council considering and forming a view on sooner rather than later noting that it is a matter that will need to be engaged on by a decision maker for one or more of the multiple applications that are currently live where clause 3.6 is relevant. The key point is that this interpretation issue needs to be determined and leaving it to the

end of a decision making process to determine is unhelpful to all (applicants, Council, submitters, and decision makers), as either a bunch of (onerous) clause 3.6 NPS-HPL analysis will have been undertaken for no need, or may be missing in the event that it is determined it is needed.

We would also observe that:

- Our reading of the planning standards (mandatory and discretionary directions) is that Council doesn't need to use Schedule 1 if there is a clear equivalent zone such that renaming is really all that is required. Section 58I(4), RMA.
- Why is that not the case here for the Banks Peninsula and Rural Waimakariri zones at least? The zone descriptions are so general that it seems to be there is scope to do that if Council is minded to.
- And, if Council can determine equivalence for implementing the NPS-HPL, why can't they do it for implementing the National Planning Standards?
- For zones where there is not a straightforward equivalent (i.e. there are options that need to be assessed on their merits and subject to consultation), sure, they would be discretionary and subject to a Schedule 1 process. In that case, leave all the other zones for that process. That was what we were suggesting anyway.
- In terms of your comments below about engagement with ECAN and reviewing technical assessments on HPL, does that mean that Council has issues with the draft CRPS maps and extent of HPL?

I'd apologise for my persistence, but as above, note that this issue isn't going away and Council will need to take a position on the assessment we've undertaken soon!

Cheers,
Jeremy

Jeremy Phillips

Director + Senior Planner

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From: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>

Sent: Wednesday, 2 July 2025 3:28 pm

To: Jeremy Phillips <jeremy@novogroup.co.nz>

Cc: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>

Subject: RE: Urban Environment // Highly Productive Land

Yes Jeremy, it is the Caldwell legal advice. I believe what you are referring to is more related to a merits assessment, which is distinct from the "nearest equivalent" test.

The Council could consider making a change to the nearest equivalent zone (Section 58l(4), RMA, as a discretionary direction), via a Schedule 1 process (potentially a streamlined planning process). However, we have a full plan change programme and this would require us to reprioritise our programme. We are conscious of the potential widening of scope should submissions seek to make changes that go beyond a "nearest equivalent" test and into the s32 evaluation of the appropriateness of different zones (i.e. General Rural Zone, Rural Production, Rural Lifestyle, Settlement or potentially even urban zonings).

At this stage, the appropriateness of rural zones is being tested/evaluated through the individual Private Plan Change requests and Fast Track applications. Whilst there is an ongoing body of work and perspectives being developed to assist in informing a section 32 evaluation regarding the most suitable zoning for our district's rural land, it is by no means complete. We have recently commenced an Area Plans programme (akin to the South-West and Belfast Area Plans) which is including technical assessments in relation to rural land values, productivity and other land use and development opportunities. We are also engaging with Environment Canterbury and reviewing what HPL technical assessments they have undertaken to date and identifying potential gaps or further analysis required.

I appreciate this may not be the answer you were hoping for, specifically the timeframes, but we are certainly open to further discussions on this matter, particularly after the expected legislative changes through the RMA Reform.

Regards

Sarah

From: Jeremy Phillips <jeremy@novogroup.co.nz>

Sent: Wednesday, 2 July 2025 11:49 am

To: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>; Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>

Subject: RE: Urban Environment // Highly Productive Land

Hi Sarah

I forgot to ask – is the legal advice on this matter the Caldwell opinion, or something else? If the former (which we have seen), the context for that advice (in regards a discrete RC application) won't be helpful or relevant here and it certainly doesn't engage on the issues covered in the memo we provided you or my email below about the practical implications. If the latter, it would be good to see this if you can release it.

Ultimately, it will be good to know whether you (planners) agree that the NPS-HPL is a potential and unnecessary handbrake on development of LUC 1-3, and whether there is a willingness to resolve the issue or otherwise? We think there is a legally robust and evidentially based solution for the reasons we've set out.

Jeremy Phillips

Director + Senior Planner

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From: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>

Sent: Wednesday, 2 July 2025 10:50 am

To: Jeremy Phillips <jeremy@novogroup.co.nz>; Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>

Subject: RE: Urban Environment // Highly Productive Land [Filed 02 Jul 2025 11:03]

Hi Jeremy

All we can say at this stage is yes, we may be commissioning some technical work on the “urban environment” matter through the GCP. However we cannot add anything more than that and timeframes unlikely to work well with Ryans Road FT (at this stage at least). Further there is no indication that this further technical work would necessarily lead to a different position than the IHP had in the recent WDP review – snippet below. What this work more likely is going to inform is a future anticipated (post RMA Reform) Regional Spatial Plan.

In terms of the HPL/rural zone nearest equivalent matter – I will come back to you asap as just seeing whether we can release our legal advice on this matter.

Regards

Sarah



From: Jeremy Phillips <jeremy@novogroup.co.nz>

Sent: Wednesday, 2 July 2025 10:32 am

To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>

Subject: RE: Urban Environment // Highly Productive Land

Understood, but can you please indicate if the extent of the urban environment is a live issue or not (or is under further consideration). Detail isn't needed at this point, but it would be helpful to know where your thinking is on that issue.

Jeremy Phillips

Director + Senior Planner

D: 03 365 5588 | M: 029 2611 310 | O: 03 365 5570

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-----Original Appointment-----

From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Sent: Wednesday, 2 July 2025 10:25 am

To: Oliver, Sarah; Lightbody, Kirk; Jeremy Phillips

Subject: Canceled: Urban Environment // Highly Productive Land

When: Wednesday, 2 July 2025 4:30 pm-5:00 pm (UTC+12:00) Auckland, Wellington.

Where: Microsoft Teams Meeting; M3.02.8 3rd Floor (8 Seats)

Importance: High

Hi Jeremy,

Apologies, we need additional time to consider this and will come back to you at the earliest opportunity, given the timeframes for the fast track application

Thanks

Mark

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[Join the meeting now](#)

Meeting ID: 432 999 365 504 3

Passcode: qW9AZ2xK

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Attachment: RE: Urban Environment // Highly Productive Land [Filed 02 Jul 2025 11:04]

From: Jeremy Phillips
Sent: Wednesday, 2 July 2025 11:04 AM
To: Oliver, Sarah; Stevenson, Mark; Lightbody, Kirk
Subject: RE: Urban Environment // Highly Productive Land [Filed 02 Jul 2025 11:04]
Attachments: image002.png; image003.png

Thanks Sarah – that is helpful to know.

From: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Sent: Wednesday, 2 July 2025 10:50 am
To: Jeremy Phillips <jeremy@novogroup.co.nz>; Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>
Subject: RE: Urban Environment // Highly Productive Land

Hi Jeremy

All we can say at this stage is yes, we may be commissioning some technical work on the “urban environment” matter through the GCP. However we cannot add anything more than that and timeframes unlikely to work well with Ryans Road FT (at this stage at least). Further there is no indication that this further technical work would necessarily lead to a different position than the IHP had in the recent WDP review – snippet below. What this work more likely is going to inform is a future anticipated (post RMA Reform) Regional Spatial Plan.

In terms of the HPL/rural zone nearest equivalent matter – I will come back to you asap as just seeing whether we can release our legal advice on this matter.

Regards

Sarah



From: Jeremy Phillips <jeremy@novogroup.co.nz>

Sent: Wednesday, 2 July 2025 10:32 am

To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>; Lightbody, Kirk <Kirk.Lightbody@ccc.govt.nz>

Subject: RE: Urban Environment // Highly Productive Land

Understood, but can you please indicate if the extent of the urban environment is a live issue or not (or is under further consideration). Detail isn't needed at this point, but it would be helpful to know where your thinking is on that issue.

Jeremy Phillips

Director + Senior Planner

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-----Original Appointment-----

From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Sent: Wednesday, 2 July 2025 10:25 am

To: Oliver, Sarah; Lightbody, Kirk; Jeremy Phillips

Subject: Canceled: Urban Environment // Highly Productive Land

When: Wednesday, 2 July 2025 4:30 pm-5:00 pm (UTC+12:00) Auckland, Wellington.

Where: Microsoft Teams Meeting; M3.02.8 3rd Floor (8 Seats)

Importance: High

Hi Jeremy,

Apologies, we need additional time to consider this and will come back to you at the earliest opportunity, given the timeframes for the fast track application

Thanks

Mark

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Meeting ID: 432 999 365 504 3

Passcode: qW9AZ2xK

For organizers: [Meeting options](#)

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Attachment: RE: Urban Environment // Highly Productive Land [Filed 01 Jul 2025 15:18]

From: Jeremy Phillips
Sent: Tuesday, 1 July 2025 3:17 PM
To: Oliver, Sarah
Cc: Stevenson, Mark; Lowe, Paul
Subject: RE: Urban Environment // Highly Productive Land [Filed 01 Jul 2025 15:18]
Attachments: image001.png; image003.png; image002.png

Hi Sarah

I'd understood the Wednesday meeting was for an open discussion on these topics (specifically as relevant to Ryans FT, but noting broader implications) rather than it being a time where Council had to necessarily confirm a position.

We've had to engage on these issues with the rezonings in Selwyn and Waimakariri; the FT applications/assessments; and rezonings for Christchurch so envisaged the meeting being a basis to see if we were on the same page with the interpretations, implications, options, etc, and potentially for sharing the respective planning and legal perspectives we have.

The concern I have with delay is I'm still left with no sense of whether there is an issue here that needs addressing and if so, how to best address it, and our limited window of time for responding, expert conferencing/JWS, etc gets narrower. If we meet and I can understand where your thinking is currently at, then we can at least plan accordingly.

I know that the NPS-HPL is currently an issue for the RuUF based on Council's position on resource consents to date, but I'm not aware that it has considered the points in the email/attachment below. It would be good to get a sense of Council's thinking on this and whether it is, isn't or maybe an issue from Council's perspective.

I have no idea on Council's thinking on the urban environment, having only heard second hand that the subject was presented to the GCP, but with no further context or detail.

So, I'd still like to meet tomorrow, even if briefly to just hear/understand where Council's current thinking is on these topics and appreciating you may not have digested the content below and may be doing more on this over the next week. If a meeting is out of the question, it would be good to know something about the 'urban environment' issue ASAP as that has potentially quite significant implications for the application/assessment of the NPS-UD for the Ryans FT application, the Pound FT (about to be lodged imminently) and the various greenfield plan changes on the go.

Jeremy Phillips

Director + Senior Planner

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From: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Sent: Tuesday, 1 July 2025 2:41 pm
To: Jeremy Phillips <jeremy@novogroup.co.nz>
Cc: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>; Lowe, Paul <Paul.Lowe@ccc.govt.nz>
Subject: RE: Urban Environment // Highly Productive Land

Thank you for that Jeremy. You have raised/asked quite a bit there and we need time to go through each point. Just to note that I am speaking regularly with Francis on the Ryans road FT as well.

Given that – I feel the 4.30pm meeting is too soon to be able to respond. There are options and legal/planning process questions we need to ask and answer.

As you will appreciate there is a difference between what is “Council’s position” on any matter and what is led as planning and legal advice.

Can I suggest we delay meeting until next week and I shall provide an update then, possibly reschedule the meeting and possibly email a response (tbc).

Regards

Sarah

From: Jeremy Phillips <jeremy@novogroup.co.nz>
Sent: Tuesday, 1 July 2025 2:20 pm
To: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>; Lowe, Paul <Paul.Lowe@ccc.govt.nz>
Cc: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Subject: RE: Urban Environment // Highly Productive Land

Hi Sarah

I’ve got a 230pm meeting which I should be clear of by 3pm but it might be best for me to call you, or email you once back at my desk? Alternatively, try me at 3pm.

Broadly, for the purposes of the Ryans Road Fast Track application (noting convener directions snipped **below** requiring a response on these matters) I am seeking a position from CCC on whether:

- a. CCC agrees that the Ryans Road land is not zoned General Rural or Rural Production and therefore the NPS-HPL is not relevant under the current definition of highly productive land.

Note:

- The reasoning in the attached (draft memo for Meadow Stream plan change, but the assessment is relevant here and elsewhere);

- Not strictly relevant from an evidential perspective, but from a practical perspective, adopting this interpretation
 - i. Would be consistent with ECAN's position in the draft RPS on HPL mapping, which has otherwise stalled, has no clear timetable for resolution and is arguably a handbrake on economic development and growth in the city.
 - ii. Would remove the onerous/uncertain (and potentially quite unhelpful) constraints in NPS-HPL cl 3.6, insofar that these may:
 1. Preclude or limit 'sensible' greenfield rezoning proposals that are subject to LUC1-3 soils; or
 2. Result in inefficient/undesirable urban zoning of very limited areas in response to the 'minimum necessary' aspect of cl3.6(5)
 3. Perversely promote rezoning proposals in less desirable/ undesirable locations that are not LUC1-3, relative to preferred locations that are LUC1-3.

(Noting that removing the NPS-HPL clause 3.6 constraint does not open the door to rezoning proposals without merit, noting NPS-UD and RPS provisions, s32, etc will still filter the good from bad).
 - iii. Would remove/resolve a number of the problems the consenting team face with meritorious proposals that are in a holding pattern awaiting ECAN's resolution of HPL. (Ask @Lowe, Paul about this).
- As previously discussed, if Council are sympathetic to a case that the NPS-HPL shouldn't really apply to the RuUF (because it doesn't think it is highly productive and noting that ECAN doesn't), it can just make the RuW – General Rural and the RuBP – RP and leave the other zones as they are for now without needing a Schedule 1 process. i.e. take the position that the nearest equivalent zone to GR is RuW and the nearest equivalent zone to RP is RuBP, and the rest (including RuUF) should remain as it is for now until a more fulsome review of potential rezoning is undertaken to prepare the single regional plan.

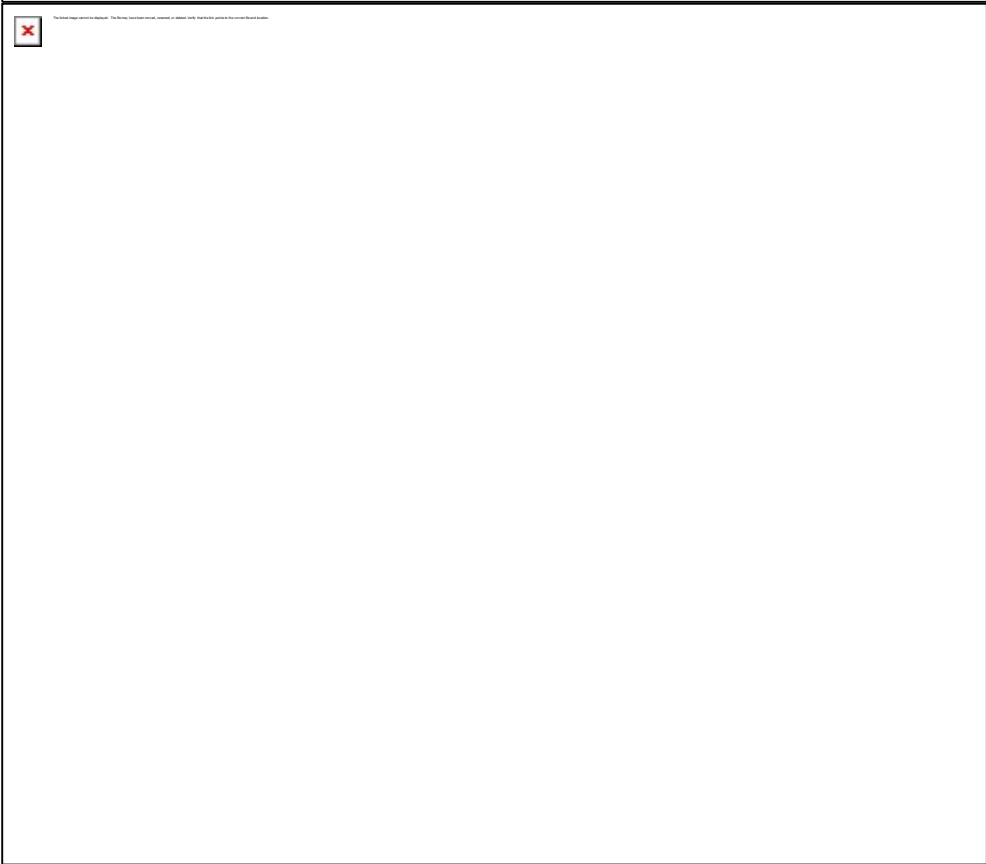
And

- b. CCC agrees that Greater Christchurch, per RPS Map A, is the 'urban environment' for the purposes of the NPS-UD.

(I understand this is ECAN's position, per its most recent evidence on the PWDP; SDCs position per the PSDP hearings; and CCC's position per the PSDP hearings and no advice to the contrary on recent resource consent or plan change applications. My evidence was on the wrong side of the PWDP's recommendation on this matter, but bluntly, I think they're wrong and their decision didn't get into the detail and still doesn't provide any clarity as to the extent of the urban environment. The relevance of the extent of the 'urban environment' is that it dictates the relevance, extent and application of the NPS-UD. Like the NPS-HPL matter above, I don't see that opening up any trickery, it just provides a Greater Christchurch lens to the application of the NPS-UD. E.g. A well-functioning urban environment should surely consider that in a Greater Christchurch context rather than just in the context of 'zoned/planned urban areas, plus other areas that may qualify based on a case-by-case assessment of character' (per the PWDP decision).

Ultimately, the Ryans Road FT application requires CCC to take a position on these 2 issues, so it's an opportune time to consider the above/attached, take a position and apply it going forward.

Hope that helps. Will check in when back from my meeting.



Jeremy Phillips
Director + Senior Planner

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From: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Sent: Tuesday, 1 July 2025 1:16 pm
To: Jeremy Phillips <jeremy@novogroup.co.nz>
Cc: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Subject: RE: Urban Environment // Highly Productive Land

Hi Jeremy

We have been having a few discussions internally, and I was wondering whether I could just give you a call to get some more clarification on what you are seeking from us.

Are you free say around 3pm today for a quick chat? I know we have a meeting scheduled but this could help advance things before then.

Regards

Sarah

-----Original Appointment-----

From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Sent: Saturday, 28 June 2025 3:22 pm
To: Stevenson, Mark; Stevenson, Mark; Oliver, Sarah; Lightbody, Kirk; Jeremy Phillips
Subject: Urban Environment // Highly Productive Land
When: Wednesday, 2 July 2025 4:30 pm-5:00 pm (UTC+12:00) Auckland, Wellington.
Where: Microsoft Teams Meeting; M3.02.8 3rd Floor (8 Seats)

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Meeting ID: 432 999 365 504 3

Passcode: qW9AZ2xK

For organizers: [Meeting options](#)

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From: Jeremy Phillips
Sent: Monday, 30 June 2025 9:22 AM
To: Oliver, Sarah
Cc: Lowe, Paul; Stevenson, Mark
Subject: RE: GCP and NPS-HPL / NPS-UD matter [Filed 30 Jun 2025 09:22]
Attachments: image001.jpg; Minute 2 - Convenor Conference Directions.pdf; image002.png; image008.png; image003.png; image007.png; image004.png; image006.png; image005.png

Hi all,

Just shooting to a meeting so quick reply as follows:

1. Wednesday 10am works for me to meet.
2. Convenor's directions attached.
3. Agree an evidential (and legally robust) basis required for any position. Adele has done a bit of work on this that is in a mostly complete draft that I'll look to share asap as I think that will help crystalise our take on this.

Jeremy Phillips

Director + Senior Planner

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From: Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Sent: Monday, 30 June 2025 8:53 am
To: Jeremy Phillips <jeremy@novogroup.co.nz>
Cc: Lowe, Paul <Paul.Lowe@ccc.govt.nz>; Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Subject: RE: GCP and NPS-HPL / NPS-UD matter

Good morning Jeremy

Has the convener provided any written directions on these matters? Just trying to get some more context for the "needs to be established in the next 3 weeks". I have a regular catch up with ECan tomorrow and can raise this with them. I do see however how frustrating it is not to have such big policy matters not being resolved sooner with the pause on the CRPS review. Saying that – reaching a

policy position needs to go through a planning process, all we can really do is lead evidence at this stage. But I shall have a discussion on that aspect with Brent Pizzey.

Regards

Sarah

From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Sent: Saturday, 28 June 2025 3:23 pm
To: Jeremy Phillips <jeremy@novogroup.co.nz>
Cc: Lowe, Paul <Paul.Lowe@ccc.govt.nz>; Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Subject: RE: GCP and NPS-HPL / NPS-UD matter

Hi Jeremy

I am sorry for not getting back to you. Its been a busy time.

Are you available for a meeting with Sarah Oliver, Kirk Lightbody (and I) on Wednesday 2 July at 10am or 4.30pm. I assume 30 minutes is long enough. With school holidays, I will dial in.

If not, let me know other days/ times.

Thanks

Mark

Mark Stevenson

Head of Planning and Consents



03 941 5583



Mark.Stevenson@ccc.govt.nz



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz



From: Jeremy Phillips <jeremy@novogroup.co.nz>
Sent: Friday, 27 June 2025 8:52 am
To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Cc: Lowe, Paul <Paul.Lowe@ccc.govt.nz>
Subject: RE: GCP and NPS-HPL / NPS-UD matter
Importance: High

Hi Mark

Any chance we can schedule a time to catch up (briefly) on this?

The 'urban environment' issue came up in the convener conference for the Ryans Road Fast Track application earlier this week and is something that the convener (Jane Borthwick) is expecting the parties to confer on and establish their position on imminently (ideally confirming agreement). Aside from that application/process, I've noted below its relevance for a number of other plan change applications. In short, I'd ideally like confirmation that CCC's position remains that the 'urban environment' is the extent of Greater Christchurch as shown in Map A of the RPS such that the NPS-UD can be interpreted and applied in that context.

Further to the above, the conveners conference also raised the issue of whether the nearest equivalent zone for RuUF is General Rural (such that the NPS-HPL applies) or otherwise. Adele Radburnd has undertaken some analysis of this which I will share in due course, but it would be good to discuss this too.

The position of CCC, ECAN and Carter Group (as FT applicant) needs to be established in the next 3 weeks, so there is now a bit of urgency with these matters.

If possible, a brief phone call might help for me to elaborate a bit on the above, or perhaps a quick 30 minute meeting here or at your offices?

Jeremy Phillips

Director + Senior Planner

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From: Jeremy Phillips

Sent: Tuesday, 17 June 2025 9:31 am

To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Subject: RE: GCP and NPS-HPL / NPS-UD matter [Filed 17 Jun 2025 09:30]

Thanks Mark,

I'm around this morning excl 10-11am, and otherwise free around 1-2pm.

My main question was around the 'urban environment' definition, as it relates to the various plan changes that we're working on. I have a clear view on this (insofar as it being Greater Christchurch) but heard the GCP got a briefing on this from Andrew Willis. Through PWDP hearings Andrew

expressed a view that differed from what I understood to be the 'orthodox' position on this, as adopted to date by CCC, SDC and ECAN. I'm unclear what Andrew's message to the GCP was, but keen to understand what the CCC/GCP view is on this and whether anything is changing, noting its (significant) implications for assessments under the NPS-UD (and potentially NPS-HPL).

My second question, which you might be able to provide some direction on, relates to intensification along that stretch of Riccarton Road outside of the policy 3 areas. We are acting for a client looking to develop the Antonio Hall site (subject to resolution of heritage issues) and another client with a large site on the north side of Riccarton Road about 3 sites west of the policy 3 area for Riccarton (who has 'missed' inclusion due to the centre of Riccarton being taken from the Clarence/Riccarton intersection when determining the extent of the policy 3 areas). Both sites are ideal candidates for intensification (size, location, etc) but are inhibited by current zoning. Both clients are asking whether holding out for December is worthwhile in terms of the Council revisiting zoning/intensification then in a way that might assist their projects. Noting all this context, I'm keen to understand whether Council will be looking at locations like this (generally) in terms of 'upzoning', or whether there is anything specific in this location we might want to be aware of.

Cheers

Jeremy Phillips

Director + Senior Planner

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From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Sent: Monday, 16 June 2025 8:01 pm

To: Jeremy Phillips <jeremy@novogroup.co.nz>

Subject: RE: GCP and NPS-HPL / NPS-UD matter

Sorry I haven't got back to you on the following. I will call some time tomorrow if you are available

Mark

Mark Stevenson

Head of Planning and Consents



 03 941 5583
 Mark.Stevenson@ccc.govt.nz
 Te Hononga Civic Offices, 53 Hereford Street, Christchurch
 PO Box 73012, Christchurch 8154
 ccc.govt.nz



From: Jeremy Phillips <jeremy@novogroup.co.nz>
Sent: Thursday, 12 June 2025 4:52 pm
To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Subject: GCP and NPS-HPL / NPS-UD matter

Hi Mark

Could you please give me a quick call when you have a moment. Will be easier/quicker to ask than try and explain by email!

Cheers,
Jeremy

Jeremy Phillips

Director + Senior Planner

D: 03 365 5588 | M: 029 2611 310 | O: 03 365 5570

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From: Jeremy Phillips
Sent: Monday, 30 June 2025 9:28 AM
To: Sarah Oliver
Cc: Paul Lowe; Mark Stevenson
Subject: Re: GCP and NPS-HPL / NPS-UD matter [Filed 30 Jun 2025 10:02]

Hi again

It would be good to have a heads up if the urban environment issue is live too. Can you advise what ccc considers the UE is?

Cheers,
Jeremy

Sent from my iPhone

On 30 Jun 2025, at 8:53 AM, Oliver, Sarah <Sarah.Oliver@ccc.govt.nz> wrote:

Good morning Jeremy

Has the convener provided any written directions on these matters? Just trying to get some more context for the “needs to be established in the next 3 weeks”. I have a regular catch up with ECan tomorrow and can raise this with them. I do see however how frustrating it is not to have such big policy matters not being resolved sooner with the pause on the CRPS review. Saying that – reaching a policy position needs to go through a planning process, all we can really do is lead evidence at this stage. But I shall have a discussion on that aspect with Brent Pizzey.

Regards

Sarah

From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Sent: Saturday, 28 June 2025 3:23 pm
To: Jeremy Phillips <jeremy@novogroup.co.nz>
Cc: Lowe, Paul <Paul.Lowe@ccc.govt.nz>; Oliver, Sarah <Sarah.Oliver@ccc.govt.nz>
Subject: RE: GCP and NPS-HPL / NPS-UD matter

Hi Jeremy

I am sorry for not getting back to you. Its been a busy time.

Are you available for a meeting with Sarah Oliver, Kirk Lightbody (and I) on Wednesday 2 July at 10am or 4.30pm. I assume 30 minutes is long enough. With school holidays, I will dial in.

If not, let me know other days/ times.

Thanks

Mark

Mark Stevenson

Head of Planning and Consents

<image001.jpg>

<image002.png> 03 941 5583

<image003.png> Mark.Stevenson@ccc.govt.nz

<image004.png> Te Hononga Civic Offices, 53 Hereford Street, Christchurch

<image005.png> PO Box 73012, Christchurch 8154

<image006.png> ccc.govt.nz

<image007.png>

From: Jeremy Phillips <jeremy@novogroup.co.nz>
Sent: Friday, 27 June 2025 8:52 am
To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>
Cc: Lowe, Paul <Paul.Lowe@ccc.govt.nz>
Subject: RE: GCP and NPS-HPL / NPS-UD matter
Importance: High

Hi Mark

Any chance we can schedule a time to catch up (briefly) on this?

The 'urban environment' issue came up in the convener conference for the Ryans Road Fast Track application earlier this week and is something that the convener (Jane Borthwick) is expecting the parties to confer on and establish their position on imminently (ideally confirming agreement). Aside from that application/process, I've noted below its relevant for a number of other plan change applications. In short, I'd ideally like confirmation that CCC's position remains that the 'urban environment' is the extent of Greater Christchurch as shown in Map A of the RPS such that the NPS-UD can be interpreted and applied in that context.

Further to the above, the conveners conference also raised the issue of whether the nearest equivalent zone for RuUF is General Rural (such that the NPS-HPL applies) or otherwise. Adele Radburnd has undertaken some analysis of this which I will share in due course, but it would be good to discuss this too.

The position of CCC, ECAN and Carter Group (as FT applicant) needs to be established in the next 3 weeks, so there is now a bit of urgency with these matters.

If possible, a brief phone call might help for me to elaborate a bit on the above, or perhaps a quick 30 minute meeting here or at your offices?

Jeremy Phillips

Director + Senior Planner

D: 03 365 5588 | M: 029 2611 310 | O: 03 365 5570

E: jeremy@novogroup.co.nz | W: www.novogroup.co.nz

Level 1, 279 Montreal Street | PO Box 365 | Christchurch 8140

<image008.png>

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From: Jeremy Phillips

Sent: Tuesday, 17 June 2025 9:31 am

To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Subject: RE: GCP and NPS-HPL / NPS-UD matter [Filed 17 Jun 2025 09:30]

Thanks Mark,

I'm around this morning excl 10-11am, and otherwise free around 1-2pm.

My main question was around the 'urban environment' definition, as it relates to the various plan changes that we're working on. I have a clear view on this (insofar as it being Greater Christchurch) but heard the GCP got a briefing on this from Andrew Willis. Through PWDP hearings Andrew expressed a view that differed from what I understood to be the 'orthodox' position on this, as adopted to date by CCC, SDC and ECAN. I'm unclear what Andrew's message to the GCP was, but keen to understand what the CCC/GCP view is on this and whether anything is changing, noting its (significant) implications for assessments under the NPS-UD (and potentially NPS-HPL).

My second question, which you might be able to provide some direction on, relates to intensification along that stretch of Riccarton Road outside of the policy 3 areas. We are acting for a client looking to develop the Antonio Hall site (subject to resolution of heritage issues) and another client with a large site on the north side of Riccarton Road about 3 sites west of the policy 3 area for Riccarton (who has 'missed' inclusion due to the centre of Riccarton being taken from the Clarence/Riccarton intersection when determining the extent of the policy 3 areas). Both sites are ideal candidates for intensification (size, location, etc) but are inhibited by current zoning. Both clients are asking whether holding out for December is worthwhile in terms of the Council revisiting zoning/intensification then in a way that might assist their projects. Noting all this context, I'm keen to understand whether Council will be looking at locations like this (generally) in terms of 'upzoning', or whether there is anything specific in this location we might want to be aware of.

Cheers

Jeremy Phillips

Director + Senior Planner

D: 03 365 5588 | M: 029 2611 310 | O: 03 365 5570

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Level 1, 279 Montreal Street | PO Box 365 | Christchurch 8140

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From: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Sent: Monday, 16 June 2025 8:01 pm

To: Jeremy Phillips <jeremy@novogroup.co.nz>

Subject: RE: GCP and NPS-HPL / NPS-UD matter

Sorry I haven't got back to you on the following. I will call some time tomorrow if you are available

Mark

Mark Stevenson

Head of Planning and Consents

<image001.jpg>

<image002.png> 03 941 5583

<image003.png> Mark.Stevenson@ccc.govt.nz

<image004.png> Te Hononga Civic Offices, 53 Hereford Street, Christchurch

<image005.png> PO Box 73012, Christchurch 8154

<image006.png> ccc.govt.nz

<image007.png>

From: Jeremy Phillips <jeremy@novogroup.co.nz>

Sent: Thursday, 12 June 2025 4:52 pm

To: Stevenson, Mark <Mark.Stevenson@ccc.govt.nz>

Subject: GCP and NPS-HPL / NPS-UD matter

Hi Mark

Could you please give me a quick call when you have a moment. Will be easier/quicker to ask than try and explain by email!

Cheers,
Jeremy

Jeremy Phillips

Director + Senior Planner

D: 03 365 5588 | M: 029 2611 310 | O: 03 365 5570

E: jeremy@novogroup.co.nz | W: www.novogroup.co.nz

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<image008.png>

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APPENDIX 2 – DRAFT CHAPMAN TRIPP MEMORANDUM

Memorandum

**DRAFT FOR DISCUSSION
PURPOSES ONLY**

Date: 3 July 2025
To: Novo Group Limited

From: Jo Appleyard / Tallulah Parker
Direct: +64 3 353 0022 / +64 3 353 0932
Mobile: +64 27 444 7641 / +64 21 703 767
Email: jo.appleyard@chapmantripp.com /
tallulah.parker@chapmantripp.com
Ref: 100656122/3467-5663-5448.2

ADVICE ON THE APPLICATION OF THE NPS-HPL TO THE SITE - RYANS ROAD INDUSTRIAL DEVELOPMENT

- 1 Novo Group Limited are assisting with the application for approval under the Fast-track Approvals Act 2024 (*Act*)(*Application*) by Carter Group Limited (*Carter Group*). The Application relates to the Ryans Road Industrial Development, at 104 Ryans Road and 20 Grays Road, Christchurch (*Site*). The Application has now been referred to the panel convener for determination by a panel.
- 2 The land to which the Application relates is zoned Rural Urban Fringe (*RuF*) in the operative Christchurch District Plan (*District Plan*). The Site is Land Use Classification (*LUC*) Class 2.
- 3 The purpose of this memorandum is to outline why the National Policy Statement for Highly Productive Land (*HPL*) 2022 (*NPS-HPL*) does not apply to the Site and has no relevance to the Application.

Executive summary

- 4 In summary, the NPS-HPL does not apply to the Site as the Site which is LUC Class 2 is not zoned "general rural or rural production" land for the purpose of the NPS-HPL as:
 - (a) the District Plan 'equivalent zone' to the General Rural and Rural; Production zones under the National Planning Standards is the Rural Banks Peninsula zone and the Rural Waimakariri zone; and
 - (b) the 'equivalent zone' to the RuF zone under the National Planning Standards is the Rural Lifestyle zone.

NPS-HPL – cl 3.5(7) interim definition of Highly Productive Land

- 5 The NPS-HPL requires regional councils to map highly productive land in their regional policy statements within three years of the NPS-HPL coming into force (in other words, by 17 October 2025).¹

¹ National Policy Statement for Highly Productive Land 2022, cl 3.5(1).



6 Environment Canterbury (*ECan*) has published its draft Canterbury Regional Policy Statement (*CRPS*), including mapping of HPL, which shows the Site as not being HPL.² However, the CRPS review process is on hold, and HPL mapping has not been included in an operative regional policy statement.³

7 In the interim, under clause 3.5(7), a consent authority must apply the NPS-HPL as if references to HPL were a reference to land that, at the commencement date:⁴

- (a) is
 - (i) zoned general rural or rural production; and
 - (ii) LUC 1, 2, or 3 land; but
- (b) is not:
 - (i) identified for future urban development; or
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

8 Clause 1.3(4) of the NPS-HPL further states:

- (4) A reference in this National Policy Statement to a **zone** is:
 - (a) a reference to a zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standards; or
 - (b) for local authorities that have not yet implemented the Zone Framework Standard of the National Planning Standards, a reference to the nearest equivalent zone.

9 The District Plan has not yet implemented the Zone Framework Standards for rural zones, including general rural (*GR*) and rural production (*RP*) zones; therefore, determining whether the NPS-HPL applies to the RuF zone requires an assessment of the 'nearest equivalent zone' within the District Plan.

'General rural or rural production' zone(s) in the District Plan

10 To determine the nearest equivalent zone to the GR and RP zones for the transitional HPL definition exercise, it is necessary to look at any zone descriptions, objectives, policies, activity tables and subdivision provisions of the District Plan's

² [Environment Canterbury draft HPL maps.](#)

³ NPS-HPL 2020 definition of '**highly productive land**': *means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).*

⁴ 17 October 2022.



rural zones and compare these with the zone descriptions for the General Rural and Rural Production zones in the National Planning Standards.⁵

National Planning Standards – Rural Zones

- 11 The four 'rural type' zones available for comparison in the National Planning Standards and their descriptions are as follows:
- 1.1 **General rural zone:** Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.
 - 1.2 **Rural production zone:** Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.
 - 1.3 **Rural lifestyle zone:** 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.
 - 1.4 **Settlement zone:** Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.
- 12 The GR and RP zone descriptions are similar.⁶ They are both areas used predominantly for primary production activities and intensive indoor primary production, as well as a range of activities that support primary production activities.

Rural zones in the District Plan – GR & RP 'equivalent zone'

- 13 There are five (non-quarry) rural zones within the District Plan, being the:
- Rural Urban Fringe (*RuF*) zone;
 - Rural Waimakariri (*RuW*) zone;
 - Rural Banks Peninsula (*RuBP*) zone;
 - Rural Port Hills (*RuPH*) zone; and
 - Rural Templeton (*RuT*) zone.
- 14 There is no clear description in the District Plan of the intended purpose of the different rural zones, nor are there any specific objectives or policies related to the

⁵ [National Policy Statement for Highly Productive Land: Guide to Implementation](#) at 5.

⁶ So similar that the GR and RP zones have been variously adopted by different districts for rural zones of a similar type, that is they seem to be used interchangeably. See for instance Whangarei District Council that adopted the RP Zone as its main rural zone, and Selwyn District Council that adopted the GR Zone.



specific zones that provide insight. Section 7 of Appendix 4 of the Section 32 for the Rural Chapter discusses in some depth the differences between parts of the rural environment with similar character, land use and values that were subsequently grouped together to describe the rural environment and inform future management.

- 15 For the purpose of determining what zone is nearest equivalent to a GR or RP zone, the key determining factor is the extent to which primary production activities are enabled and anticipated in the zone and the extent to which the zone is managed primarily for this purpose. The rural zones within the District Plan permit a range of primary production activities, but the extent to which they are enabled (in particular by the subdivision and minimum dwelling site size standards) and anticipated (having regard to the pattern of land use and the competition for and price of land) varies between zones.
- 16 In consideration of the above values and the policies and objectives of the District Plan, the RuBP and RuW are the nearest equivalent zones to the GR and/or RP zones. These zones are enabled, anticipated and managed for primary production activities more so than any other rural zones within the District Plan. This is evidently clear, in particular, by the large minimum subdivision standards in these zones and the function of the zones as described in Chapter 17 of the District Plan.

Rural-urban Fringe Zone – ‘equivalent zone’

- 17 In contrast, the RuF is managed predominantly for its amenity and character urban-rural contrast and for appropriate peri-urban uses, including an allowance of dwellings on 4ha lots. Having undertaken a review of the policies and objectives and a desktop review of the actual permitted activities being undertaken in the RuF, we note:
 - 17.1 The Section 32 report notes that traditional farming is no longer dominant; the area is valued for rural amenity and open character, shaped by lifestyle development and subdivision. The primary planning focus of the zone is to manage rural living and prevent de facto urban development that undermines growth planning. The land is heavily fragmented, dominated by lifestyle blocks, rural-residential use, and urban fringe activities.
 - 17.2 Policy 17.2.2.4 (Function of rural areas) seeks to '*Ensure the nature, scale and intensity of subdivision, use and development recognise the different [characteristics] of rural land in the Christchurch District*' and supports an interpretation that subdivision, use and development standards (including lot sizes) are a key determinant of a zone's *primary function*.
 - 17.3 A significant range of non-rural activities are permitted in the zone, including forms of retail and manufacturing, residential activities, recreation activities, emergency service facilities, vet facilities, poultry hatcheries, and visitor accommodation. Farming and rural produce retail are also permitted.
 - 17.4 Intensive farming is also contemplated in the zone but as a restricted discretionary activity rather than a permitted activity, with specific regard



needing to be given to the sensitivity of the surrounding environment, and the extent to which adverse effects on residents can be avoided.⁷

- 17.5 A 4ha minimum net site area applies—the smallest of any rural zone in the District Plan (with other rural zones having a minimum net site area varying from 20 hectares to 100 hectares).⁸
- 18 The RuF zone comprises a mixture of uses, predominantly made up of rural lifestyle properties, smaller farming units, as well as some small commercial offerings (particularly towards Marshlands). We understand that demand for rural lifestyle properties in the RuF zone close to the city has elevated the land value to a level where rural lifestyle represents the highest and best use in many cases, meaning we can expect to see a continued proliferation of 4-hectare properties within the RuF zone as permitted activities.
- 19 Based on the above review, we conclude that the nearest equivalent zone to the RuF zone in the National Planning Standards is the rural lifestyle zone. This is on the basis that a significant proportion of the zone is able to be, and is in fact used for residential purposes, and the rules allow for the creation of 4-hectare allotments (which is generally accepted as a lot size that does not support primary productive use). We note a relevant excerpt from a 2018 MacFarlane Rural Business assessment referenced by a Waimakariri District Council officer in a memo to the hearings panel for the Proposed Waimakariri District Plan, which says:⁹
- there are very few agricultural or horticultural farming practises that would justify a farming business of 4ha (with the exception of very intensive vegetable production or glasshouse operations), even if they are operated to the highest level. The reality is that most properties under 10ha have been purchased for lifestyle purposes and the majority of the household income is derived off farm. Furthermore, once the house and amenities are deducted from the total area, the effective farming area on a 4ha property could be as low as 2ha. Whilst in theory a group of 4ha properties could be operated in conjunction to achieve scale, this is unlikely to be successful given owners will often have differing priorities and the fact that the small paddock sizes will limit operational efficiency.*
- The NPS-HPL does not apply**
- 20 For the reasons explained above, we consider that for the purpose of the Application, the Site is not zoned GR or RP and therefore the NPS-HPL does not

⁷ Refer to *Wakatipu Equities Limited v Queenstown Lakes District Council* [2023] NZEnvC 188 at [57] and [65].

⁸ Rural Waimakariri Zone and Rural Quarry (McLeans Island) Zone: 20 hectares. Rural Port Hills Zone: 100 hectares. Rural Banks Peninsula Zone: 40 or 100 hectares depending on location.

⁹ Memorandum from Mark Buckley, S42A Reporting Officer for Rural Zones, 30 June 2023.



apply to the Application under the interim definition of HPL. Additionally, we note that this aligns with ECan's draft CRPS HPL mapping.

A handwritten signature in blue ink, appearing to read 'Jo Appleyard'.

Jo Appleyard / Tallulah Parker

Partner / Senior Solicitor

draft

APPENDIX 3 – NOVO GROUP MEMORANDUM

3 July 2025

MEMO

Novo Group Limited
Level 1, 279 Montreal Street
PO Box 365, Christchurch 8140
0 - 03 365 5570
info@novogroup.co.nz

TO: Jeremy Phillips, Director & Senior Planner
FROM: Adele Radburn, Senior Planner
PROJECT REF: 0021050

NPS- HPL TRANSITIONAL DEFINITION

Introduction

1. You have asked for a planning policy assessment as to what zones, if any, contained in the Christchurch District Plan, can be considered the “*nearest equivalent*” to the General Rural or Rural Production zones in the National Planning Standards, for the purposes of interpreting and applying the directions of the National Policy Statement on Highly Productive Land.
2. This is to determine whether the NPS-HPL has any relevance to the urban rezoning of the subject land (“Land”) which
 - a. is currently zoned Rural Urban Fringe in the Christchurch District Plan;
 - b. is subject to Land Use Capability Class 1-3 soil as mapped in the NZ Land Resource Inventory; and
 - c. is not otherwise identified for future urban development or subject to a council initiated or adopted notified plan change.

Context

3. The NPS-HPL requires regional councils to map highly productive land in their regional policy statements within three years of the NPS-HPL coming into force (in other words, by 17 October 2025).¹ ECAN has published its draft Canterbury Regional Policy Statement, including mapping of HPL, which shows the subject land as not being highly productive², but the CRPS review process is on hold and therefore these maps currently have no weight.

¹ National Policy Statement for Highly Productive Land 2022, cls 3.5(1).

² [Draft CRPS Maps](#)



4. In the interim period, before maps are formally included in the CRPS, land must be *treated* as highly productive land for the purposes of the NPS-HPL if at the commencement date of 17 October 2022, it:
- *is zoned General Rural or Rural Production; and*
 - *is LUC 1, 2, or 3; but*
- but is not:*
- *identified for future urban development; or*
 - *subject to a council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*
5. Clause 1.3 (4)(b) of the NPS-HPL states that “a reference in the NPS-HPL to a zone is:
- (a) a reference to a zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standards; or
- (b) for local authorities that have not yet implemented the Zone Framework Standard of the National Planning Standards, a reference to the nearest equivalent zone”³.
6. Christchurch City Council has not yet implemented the Zone Framework Standards for rural zones, therefore determining whether the NPS-HPL applies to the Land requires an assessment as to what the nearest equivalent zone in the Christchurch District Plan is to the General Rural (**GR**) and Rural Production (**RP**) zones. If the Rural Urban Fringe Zone is considered the “nearest equivalent zone” to the GR or RP zones, then the NPS-HPL would apply to the subject land. If it is not the nearest equivalent, it would not apply.
7. To be clear, in my view, the assessment of zone equivalence:
- Does not involve a planning assessment of the actual function and land use composition of the different zones**, other than as is reflected in the district plan provisions themselves. That assessment was undertaken as part of the last District Plan Review and led to the identification of the rural zones in the operative District Plan; and
 - Does not ask us to find the nearest equivalent National Planning Standard Zone to the operative DP zones.** This would be a different exercise to identifying what zones are nearest equivalents to the GR or RP zones. The operative DP rural zones may not be an obvious or good fit for the three main rural NPS zones (GR, RP, RL) or Settlement Zones but it is not a requirement to make them fit by allocating one of the new zones at this time.
 - (related to (b) above) **Does not require consideration of what National Planning Standard zones the operative District Plan rural zones might become** when the Council comes to implement the National Planning Standards. That is an assessment for a future time and where Council can choose to adopt any of the standard rural zones (with or without precincts, overlays, and other

³ i.e. in the same way that CCC needed to select the (single) nearest equivalent zone (if any) when it implemented the Policy directions of the NPS-UD.



provisions to manage parts of the zone differently), or to rezone⁴ rural land to other zones in the planning standards including open space, future urban, natural open space or even an urban (residential, business or other) zone. The Council may also choose to split an existing zone into two or more zones. These are all circumstances anticipated by the Government for councils implementing the National Planning Standards⁵.

Approach to Assessment

8. To determine the nearest equivalent zone to the GR and RP zones for the transitional HPL definition exercise, it is necessary to look at any zone descriptions, objectives, policies, activity tables and subdivision provisions of the District Plan's rural zones and compare these with the zone descriptions for the General Rural and Rural Production zones in the National Planning Standards.⁶

National Planning Standards – Rural Zones

9. The National Planning Standards descriptions for the General Rural and Rural Production zones are as follows:

General Rural zone: Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

Rural Production zone: Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

10. The two zone descriptions are very similar⁷; they are both areas used:
 - a. predominantly for primary production activities and intensive indoor primary production; and
 - b. for a range of activities that support primary production activities including associated rural industry, and
 - c. for other activities that require a rural location.
11. The key distinction is that the RP Zone specifies reliance on “*the productive nature of the land.*” While this wording suggests a link to soil quality, government guidance for the National Planning Standards⁸ clarifies that the RP Zone is intended to recognise areas where productivity is *not* tied to soil capability (e.g. LUC classification). For example, In

⁴ Provided they have not already concluded the land to be highly productive under the NPS-HPL, limiting the option of urban rezoning.

⁵ [Guidance for Zone Framework and District Spatial Layers Standards](#) page 2.

⁶ [National Policy Statement for Highly Productive Land: Guide to Implementation](#), page 15.

⁷ So similar in fact that the GR and RP zones have been variously adopted by different districts for rural zones of a similar type, that is they seem to be used interchangeably. See for instance Whangarei District Council that options the RP Zone as its main rural zone, and Selwyn District Council that adopted the GR Zone.

⁸ [Guidance for Zone Framework and District Spatial Layers Standards](#) page 8.



Christchurch, the Avoca or Horotane Valley areas might support a RP zoning because productivity there is driven by their microclimates rather than soil versatility.

12. **The key question to answer to determine the 'nearest equivalent zone' is therefore, which of the operative district plan rural zones is managed and anticipated primarily for 'primary production activities' and can therefore be seen as the nearest equivalent to a GR or RP zone?**

Christchurch District Plan Objectives and Policies

13. Unfortunately, there is no clear description in the Christchurch District Plan of the intended purpose or function of each of the Plan's rural zones, including the Rural Urban Fringe zone. Nor are there any specific objectives or policies related to that zone that provide any insight.

Objectives

14. The Strategic Directions Chapter provides the overarching outcomes for rural zones in Christchurch. **Objective 3.3.16 (A productive and diverse rural environment)** states the main outcome being:

- a. *A range of opportunities is enabled in the rural environment, primarily for rural productive activities, and also for other activities which use the rural resource efficiently and contribute positively to the economy.*
- b. *The contribution of rural land to maintaining the values of the natural and cultural environment, including Ngai Tahu values, is recognised.*

15. Within the Rural Zone Chapter, there is a single objective for the whole of the rural environment:

Objective 17.2.1.1 The Rural Environment

- a. *Subdivision, use and development of rural land that:*
 - i. *Supports, maintains and, where appropriate, enhances the function, character and amenity values of the rural environment and, in particular, the potential contribution of rural productive activities to the economy and wellbeing of the Christchurch District.*
 - ii. *Avoids significant, and remedies or mitigates other reverse sensitivity effects on rural productive activities and natural hazard mitigation works;*
 - iii. *Maintains a contrast to the urban environment.*
 - iv. *[not relevant].*

16. The above objectives reflect the outcome of the Section 32 evaluation for rural zones, which established the current resource management framework for the rural environment in Christchurch. The objectives generally seek to maintain the rural zones for their function (in particular the potential for rural productive activities), character and amenity values, natural and cultural values and for maintaining a contrast to the urban environment.



17. The Rural Section 32 report makes plain that the management regime for the rural environment was largely predetermined by higher order documents (namely the CRPS)⁹, that directed a focus on maintaining a consolidated pattern of urban development, limiting rural residential development, retaining land for rural productive activities (farming, plantation forestry, intensive farming and quarrying), maintaining the function of a working environment (including management of reverse sensitivity) and maintaining a contrast with the urban environment¹⁰.
18. The implementing policies give effect to that direction, with different emphasis given to different rural zones depending on their main functions.

Rural Policies

19. Chapter 17 includes a range of policies aimed at enabling a range of activities on rural land (Policy 17.2.2.1), managing the effects on rural values (including character and amenity) (Policy 17.2.2.2) and to recognise that character and amenity values vary across the district (Policy 17.2.2.3).
20. The policy emphasis on managing rural character and amenity is a strong theme in the Chapter 17 policies and the Section 32 evaluation that informed them, particularly for the rural plains. This was informed by evidence that showed *“that primary production activities in Christchurch, particularly on the rural plains, are no longer the dominant land use activity”*¹¹ and the economic value of rural plains land was low (from a productive perspective), such that *“rural land management practices in these areas should focus more strongly on other factors / values such as rural amenity values, rural character, open space issues and environmental protection and management”*¹². Whilst it was acknowledged in the evaluation that the opportunity or ability for primary production in the future has not been totally foreclosed on rural land, significant constraints existed due to the dominance of lifestyle development, land fragmentation and inflated land prices.
21. The Section 32 report describes how, from a policy and functional perspective, most of the city’s rural zones are not valued primarily for their rural productivity; rather, they are managed for their broader functions and values associated with the rural environment such as amenity, landscape, biodiversity, water management and recreation¹³. This is reflected in the policies which focus on many of those aspects.
22. Policy 17.2.2.4 (Function of Rural Areas) seeks to ‘ensure the nature, scale and intensity of subdivision, use and development recognise the different [characteristics and values] of rural land in Christchurch District supporting an interpretation that subdivision, use and development standards (including lot sizes) are a key determinant of a zone’s primary function. The policy very broadly sets out the function of rural areas, without being specific about zones. We can infer though that clause (i) through (v) reference the five (non-quarry) rural zones with the reference to rural flatland surrounding the main

⁹ [Rural Section 32 Report](#), page 32.

¹⁰ [Rural Section 32 Report](#) Page 16, Appendix 3 and elsewhere.

¹¹ Rural Section 32 Report, [Appendix 4](#), page 60

¹² Ibid page 61

¹³ Ibid, page 4, 5 and 68



Christchurch urban area relating to both the RuUF and RuW zones¹⁴. The policy refers to 'rural productive activities' being key functions for the Banks Peninsula rural environment and the rural flat land surrounding the main urban area. Given that the s32 evaluation concludes that the horse has already bolted for rural production in the RuUF zone but is still viable to some extent in the RuW, it is inferred that the reference to 'rural flatland' is largely directed at the RuW zone, and the RuUF only to the extent that existing rural productive activities might still be undertaken. The policy also highlights the specific eco-system services role of the Waimakariri rural land and the natural character of the Port Hills.

23. Significantly, the only rural zone to have its own policy focused on maintaining and enhancing the quality of the working environment, is the Rural Banks Peninsula Zone (Policy 17.2.2.8). This is consistent with the Section 32 evaluation that describes this part of the rural environment as a 'rural working landscape' where 'rural productive land use, based around pastoral farming', dominates the landscape¹⁵.
- 24. In my view, the detailed analysis of the section 32 report that established the management framework for rural zones leads me to determine that only the RuBP zone functions primarily as a productive rural environment. Whilst objectives and policies permit primary production / rural production activities in all rural zones, the Section 32 acknowledges that other than for Banks Peninsula, the productive value of rural land in Christchurch has been diminished to such a great extent that its rural productive values are not strongly protected or managed through the district plan. Rather, the district plan seeks to manage other characteristics of the rural environment including rural character and amenity, landscape and natural values (including ecosystem services) with non-rural land uses limited by the strong urban consolidation objectives of the CRPS.**

Methods – zoning and rules

25. A comparison of the relevant policies and rules applicable to the existing rural zones identifies some key distinctions and assists to identify the nearest equivalent zones to the GR and RP zones.
26. The Christchurch District Plan includes five (non-quarry) rural zones:
- a. Rural Urban Fringe (RuUF) Zone
 - b. Rural Waimakariri (RuW) Zone
 - c. Rural Banks Peninsula (RuBP) Zone
 - d. Rural Port Hills (RuPH) Zone
 - e. Rural Templeton (RuT) Zone

¹⁴ This is clear from the description of rural flat land in the Section 32 report, [Appendix 4](#) – page 5

¹⁵ S32, [Appendix 4](#), page 67.



27. Section 7 of Appendix 4 of the Section 32 for the Rural Chapter discusses in some depth the differences between parts of the rural environment with similar character, land use and values that were subsequently grouped together to describe the rural environment and inform future management. The relevant points from this report are summarised in the table below.

Figure 1: Summary of Zone Functions

Rural Banks Peninsula Zone	<ul style="list-style-type: none">• Only rural zone with a specific policy providing direction about zone's intended function and outcomes.• Specifically references the 'rural working environment'• S32 also describes it as a 'rural working landscape' where "rural productive land use, based around pastoral farming, dominates the landscape".• Large minimum subdivision standard 40ha (below the 160m contour), 100ha above the contour).• Strongest rural production orientation than any other zone in the DP.
Rural Waimakariri Zone	<ul style="list-style-type: none">• Policies specifically refer to rural production (flat land)• S32 and Policy 17.2.2.4 references its management for ecosystem services including flood management and groundwater recharge functions.• Role for providing for recreational and other assets that require a rural location.• Provides for primary production (including quarrying & farming) on sites sufficiently large to sustain viable rural businesses.• Large minimum subdivision standard 20ha.
Rural Port Hills Zone	<ul style="list-style-type: none">• Managed predominantly for its landscape and recreation values and for plantation forestry.• Minimum subdivision standard is large (40-100ha), to protect landscape values rather than to support rural productivity.• S32 report notes that it does not contain quality soils.
Rural Urban Fringe Zone	<ul style="list-style-type: none">• Policy 17.2.2.4 mentions rural productive and recreational activities in the 'flatland rural area' which includes Waimakariri.• The s32 report notes traditional farming is no longer dominant (and often uneconomic); the area is valued for rural amenity and open character shaped by lifestyle development and subdivision.• The land is heavily fragmented, dominated by lifestyle blocks, rural-residential use, and urban fringe activities.• Key management goal: maintain rural character, avoid further fragmentation, and support urban consolidation.• Flatland rural areas offer potential for future urban growth, local food production, and ecosystem services.• Main planning focus is to manage rural living and prevent de facto urban development that undermines growth planning.• A 4ha minimum net site area applies—the smallest of any rural zone in the Christchurch District Plan
Rural Templeton	<ul style="list-style-type: none">• Bespoke zone that provides for agricultural-based office park on a former (urban) hospital site.



28. The above comparative zone analysis leads me to a conclusion, that for the purpose of determining what zone is nearest equivalent to a GR or RP zone, the key determining factor is the extent to which primary production activities are enabled and anticipated in the zone and the extent to which the zone managed primarily for this purpose. Almost all zones permit a full range of primary production activities but the extent to which they are enabled (in particular by the subdivision and minimum dwelling site size standards) and anticipated (having regard to the pattern of land use and the competition for and price of land) varies between zones. **Reviewing all relevant provisions in the round, I conclude that the Rural Banks Peninsula Zone and Rural Waimakariri Zones are the nearest equivalent zones to the GR and / or RP zones.** These zones are enabled, anticipated and managed for primary production activities more so than any other rural zone. I am swayed in particular by the large minimum subdivision standards in these zones and the function of the zones as described in Chapter 17 of the District Plan.
29. In contrast, the Rural Port Hills is managed predominantly for its landscape and natural values and the Rural Urban Fringe Zone for its amenity and character, urban -rural contrast and for appropriate peri-urban uses including dwellings on 4ha lots. Again, I consider the minimum subdivision standard to be a key factor, noting that rural production is generally considered uneconomic on small lots. I note a relevant report by an agricultural expert that informed the Waimakariri District Plan Review commented that:¹⁶
- “There are very few agricultural or horticultural farming practises that would justify a farming business of 4ha (with the exception of very intensive vegetable production or glasshouse operations), even if they are operated to the highest level. The reality is that most properties under 10ha have been purchased for lifestyle purposes, and the majority of the household income is derived off farm. Furthermore, once the house and amenities are deducted from the total area, the effective farming area on a 4ha property could be as low as 2ha. Whilst in theory a group of 4ha properties could be operated in conjunction to achieve scale, this is unlikely to be successful given owners will often have differing priorities and the fact that the small paddock sizes will limit operational efficiency”.*
30. I conclude that even if the RuUF Zone could be considered similar to the generic GR and RP zone descriptions, it cannot, be considered the nearest equivalent zone for the reasons set out above.
31. On this basis, I conclude that the RuUF cannot be considered the nearest equivalent zone to the GR or RP and therefore that it cannot meet the transitional definition in the NPS-HPL.

Conclusion - The NPS-HPL does not apply

32. For the above reasons, I consider that for the purpose of the application, the land is not zoned General Rural or Rural Production and therefore the NPS-HPL is not relevant to the proposed urban rezoning under the current definition of highly productive land.

¹⁶ Waimakariri District Plan Review: Rural Production Advice – Rural Land Zoning (November 2018), Jamie Gordon, Macfarlane Rural Business.

APPENDIX 4 – APPLICANT’S ESTIMATED TIMEFRAME

	Task	Working Days	Date
1.	Panel Commencement	N/A	28 July 2025
2.	Invite comment from relevant parties	10 W/D after Step 1	11 August 2025
3.	Comments close (ss 53 & 54)	20 W/D after Step 2	8 September 2025
4.	Comments close for Applicant (s 55)	5 W/D after Step 3	15 September 2025
	Draft decision is to approve		
5.	Draft conditions and <u>decision to participants</u> issued for comment (s 70)	10 W/D after Step 4	29 September 2025
6.	Ministers invited to comment (s 72)	12 W/D after Step 4	1 October 2025
7.	Participant comments on draft conditions (excluding Applicant) (s70)	5 W/D after Step 5	6 October 2025
8.	Applicant comment on draft conditions (s 70(4))	5 W/D after Step 7	13 October 2025
9.	Comments from Ministers (s 72)	10 W/D after Step 6	15 October 2025
10.	Decision Release (s 79)	5 W/D after Step 8	20 October 2025