

# APPLICATION FOR A PROJECT TO BE REFERRED TO AN EXPERT CONSENTING PANEL

\* = compulsory (enter N/A if not applicable)

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared Fast-track consenting guidance to help applicants prepare applications for projects to be referred.

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## PART 1: APPLICANT

### Applicant details

Person or entity making the request\*: Mike Greer Homes North Canterbury Limited and LMM Investments 2012 Limited

Contact person\*: Ross Moffatt

Job title: Director, LMM Investments 2012 Limited

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address: 80 Jacksons Road, RD2 Kaiapoi 7692

### Address for service (if different from above)

Organisation: Chapman Tripp

Contact person: Jo Appleyard / Rachel Robilliard

Job title: Partner / Senior Solicitor

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email for service: s 9(2)(a)

Postal address: Level 5, 60 Cashel Street, Christchurch Central 8013

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## PART 2: PROJECT LOCATION

*If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.*

Coastal Marine Area\*:

- ☐ does not relate to the coastal marine area
- ☐ relates partly to the coastal marine area
- ☐ relates wholly to the coastal marine area

### Site Address / Location

*Uploading a cadastral map and/or aerial imagery to clearly show the project location will help.*

Line 1: 240 Spencerville Road

Line 2:

Suburb/City: Ouruhia

Region: Christchurch

Postcode: 8083

Country: New Zealand

*If you have multiple sites or your site is geographically diverse, please enter your Site/Location below.*

Site/Location:

### Legal description

*Uploading a current copy of the relevant Record(s) of Title will help.*

Legal description(s)\*: Part Lot 2 DP5889, CB1B/387S

### Registered legal land owner(s)

Registered legal land owner(s)\*: LMM Investments 2012 Limited

### Applicant's legal interest in site

*Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project.*

Applicant's legal interest in site\*: Owner and co-developer

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## PART 3: PROJECT DETAILS

### Project name

Project name\*: Whisper Creek Residential Subdivision

### Project summary

*Please provide a brief summary (no more than 2-3 lines) of the proposed project.*

200 lot residential subdivision with a range of lot sizes and naturalised areas next to Spencerville, just north of Christchurch.

### Project details

*Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.*

Project details\*:

#### Summary

The project involves greenfield development of a 63.79 ha site at 240 Spencerville Road, located near to both Spencerville village to the northeast and the suburb of Prestons (and Christchurch City) to the south. The development aims to provide a range of lot sizes and housing types that are currently in demand in this area, with large areas of restored wetlands and open space that will provide ecological, recreational, and stormwater treatment and retention benefits.

The applicants propose subdivision of the site within the Specific Purpose (Golf Resort) Zone – Whisper Creek, namely a subdivision in the same general location as the northern Resort Community Activity Area contained in the Whisper Creek Golf Resort Development Plan in Appendix 13.9.7.2 of the District Plan. No golf resort is proposed as part of this development, however a large portion of the zone will remain as open space and could support a range of recreational activities.

The applicants are experienced land developers with a strong track record of delivering multiple lot residential development and residential housing. LMM Investments 2012 Limited operates a number of successful businesses and already holds significant working capital, and has developed strong relationships with a number of funding providers due to the successful track record with previous projects. The applicants do not anticipate any difficulty securing additional funding for this project.

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The proposed subdivision consists of:

- 30 lots within a 1.46ha comprehensive development site to enable a greater range of housing typologies including apartments and terraced townhouses;
- 50 smaller individual lots will range in size from 300m<sup>2</sup> to 400m<sup>2</sup> and generally be narrower to encourage duplex builds, with access to green space; by enabling a wide range of housing typologies and sizes through both the comprehensive development site and smaller, stand-alone lots, housing will be able to both meet the diverse housing needs of the community as well as being provided at a greater range of price points and affordability;
- Lot 188 will contain the existing home on the site;
- 117 standard lots will range in size 400m<sup>2</sup> to 1200m<sup>2</sup>;
- 20 large lots will range in size from 1400m<sup>2</sup> to 1.13ha, generally acting as a buffer to surrounding properties and located around the southern and western perimeter of the site.

The balance lot will be partially developed into an ecological sanctuary and stormwater treatment area consisting of naturalised streams, wetlands, basins and landscaped green areas. Part of this area will be vested in Christchurch City Council as Utility Reserve.

The subdivision has been designed:

- to create a coherent development area within an existing zone intended for built (golf resort) development;
- in a location where roading and three-waters servicing design solutions are readily available;
- in a location that is notably closer to Christchurch City than the majority of other greenfield housing alternatives in the Greater Christchurch area, thereby reducing greenhouse gas emissions and associated effects on climate change relative to alternative growth areas;
- to create a range of lots for residential use in keeping with the surrounding area and topography, with larger lots and associated perimeter landscaping located to manage amenity and outlook outcomes for existing neighbours;
- to enable logical connections to be formed to future development in the balance of the resort zone, along with walking, cycling, and road connections to the nearby Spencerville village and the suburb of Prestons;
- use the higher land available and the overall layout intended to enable achievement of good solar gain, thereby reducing household energy demands;
- ensure that all residential lots will not be impacted by any future flooding events by using material excavated to create the stormwater treatment and ecological area to raise site levels, in tandem with locating development on an existing raised terrace area.

Stormwater from the developed lots will generally drain to roads and then to the open space stormwater basins where it will be retained and treated by way of a first flush basin and wetland. It will then discharge into Spencer's Drain, which runs north and then finally

drains into the Styx River. Spencer's Drain is proposed to be naturalised through the site with indigenous planting. For larger storm events stormwater will drain to an attenuation basin and then back through the system after storm has passed.

Water supply will be piped from Spencerville and the wastewater from the development will be piped back to the sewer in Spencerville, and there is sufficient capacity in these systems for the proposed development. Electricity and telecommunications connections are available.

The design allows for the development of a bridleway or similar access through the site, as signalled in the Christchurch District Plan maps, by proposing an easement in-gross in favour of the Christchurch City Council. This easement runs along eastern boundary of the site from Spencerville Road to the Styx River and then along the true left side of the River for the length of the site. The width of most of the length of the proposed easement is 20 metres, however it is wider in areas where the application site has right-angle corners. The easement is shown on the subdivision consent plan. This easement also provides for the "pedestrian/cycle link/route" shown on the Development Plan for the Zone in the District Plan, which runs along the full length of the Zone adjoining the Styx River margins.

#### The District Plan framework

The Specific Purpose (Golf Resort) Zone at Whisper Creek resulted from a requested private plan change which was processed over a number of years from 2009 through to the release of decisions on the Replacement District Plan in 2017. The original concept includes a golf course, 380 room hotel and serviced apartments, golf training academy (with 160 beds), and provision for up to 150 residential dwellings. Whilst the site is currently formed as farmland, it is therefore zoned for built development, with a commensurate expectation in terms of servicing demand and changes to landscape.

Following the site being rezoned, the original plan change proponent found that delivery of the development of the site for the original golf resort concept was financially challenging. The two parcels of land associated with the Golf Resort zone were consequently put up for sale, with LMM Investments 2012 Limited acquiring the eastern half of the zone. LMM Investments 2012 Limited has continued to test the original concept, especially in a Covid-19 environment where both international tourism and international education (the majority of the golf academy students), are facing significant uncertainty.

Concurrent with the significant challenges to international tourism and education posed by Covid-19, New Zealand is experiencing a rapid escalation in house prices generated in part by supply-side constraints, especially in locations within close proximity to the major centres. This proposal therefore represents a timely pivot from the use of this strategic site from one type of built development (golf resort) to an alternative use similar in scale and nature through the formation of a much-needed residential community with associated open space and ecological restoration.

The current zoning framework provides for the development of a golf resort, subject to a series of regulatory triggers as follows:

- A cap on 150 residential units, 160 academy bedrooms, and 380 resort hotel bedrooms, with a non-complying threshold if these are exceeded;
- A Development Plan, with a fully discretionary consent if not in accordance;
- No development being permitted until the Styx Rd / Marshlands Rd intersection is signalled;

- A requirement for a 'management plan' for both the golf course design and site planting to be approved. No residential units can be built until planting along the zone boundaries in accordance with the management plan has been undertaken;
- No more than 170 resort bedrooms prior to the golf course and academy buildings completed;
- A concept plan showing density and layout (however this is not required if a subdivision consent comes first).

The current zone provisions therefore seek to manage both policy outcomes i.e. ensuring there is a golf course, with the mitigation of actual effects such as screening of neighbouring properties and signalisation of a nearby intersection (which is on track for completion in March 2022).

The proposal generally aligns with the rules seeking to mitigate effects as follows:

- The subdivision is to create a range of lots for residential use in keeping with the surrounding area and topography, and also in general accordance with the Development Plan. The subdivision design is based on using the higher land available, the approach of the curved road layout contained in the Development Plan and enabling development to achieve good solar gain;
- The subdivision plan has been designed to ensure that all residential lots are outside of the Flood Ponding Management Area. This lower terrace area remains available for use for a range of open space recreation activities, along with ecological restoration;
- The site is to be accessed in accordance with a single road entrance to Spencerville Rd, as shown on the Development Plan. The key transport network pinch point at the Styx / Marshlands / Hawkins Rd intersection is currently subject to substantial upgrade works including signalisation. These works are on track to be completed by March 2022;
- Large lots have been placed adjacent to the western internal boundary, with the provision of native tree screening along this boundary, as anticipated in the Development Plan;
- Whilst a golf course is no longer proposed on the portion of the zone subject to this application, the original designer of the golf course has confirmed that a golf course is still able to be incorporated into the zone with the current proposed subdivision layout. The realisation of a golf resort in the western half of the zone is not therefore foreclosed by this application.
- The subdivision plan provides a direct internal roading connection to the western half of the zone as anticipated in the Development Plan.

Whilst the proposal therefore responds to the District Plan's effects-based rules, it remains subject to significant consenting hurdles in relation to the more policy-based provisions. The Zone policy framework (and several staging rules) are focussed on the delivery of a golf resort with ancillary housing component.

The Zone rules also present difficulties for utilising the proposed residential areas given the misalignment of the Resort Community Activity Area with the Flood Ponding Management Area, where the Flood Ponding Management Area has been amended significantly, and the Resort Community Activity Area has not been adjusted accordingly.



The Development Plan and its component Activity Areas were developed as part of Plan Change 45, which was finalised in 2011. The Resort Community Activity Area boundary was determined by the Lower Styx Ponding Area which at that time was smaller in extent. In fact the Lower Styx Ponding Area contained in the Development Plan in the notified and initial Decision versions of the Christchurch Replacement District Plan retained the original extent of the Ponding Area.

The Ponding Area in the Development Plan was later extended in accordance with the Natural Hazards chapter decision. This extension has resulted in eastern, southern and western sections of the Resort Community Area being within the Lower Styx Ponding area. This changed boundary has compromised the utilisation of the Resort Community Activity Area as subdivision and buildings within flood ponding areas is actively discouraged by the District Plan. In response to the changed Ponding Area all residential lots are proposed to be located outside the Lower Styx Ponding Area, but are not able to be fully located within the Resort Community Area.

Clearly the current proposal will not deliver a golf resort in itself. This is reflective of the changed world brought about by Covid-19 and an associated reprioritisation whereby the site is considered to be of greater value to the community - socially, economically, and ecologically - if developed with a focus on providing a greater number and range of homes with accompanying ecological restoration and open space recreational areas rather than as hotel accommodation and a golf course.

#### Chapter 6 of the Canterbury Regional Policy Statement and Map A

The current Special Purpose (Golf Resort) zone was finalised in 2011. As such it predated Chapter 6 of the Canterbury Regional Policy Statement (CRPS) (which was implemented in December 2013 via the Land Use Recovery Plan). The development of the site for a golf resort and associated hotels and housing was therefore already very much in play when the Recovery and Rebuilding of Greater Christchurch chapter of the CRPS was drafted.

The golf resort is not shown as an urban area in CRPS Map A, just as the existing Clearwater golf resort (and associated large area of housing and visitor accommodation) is not shown as being within Map A. In terms of the CRPS Chapter 6 policy framework, golf resorts are deemed to fall within the ambit of a 'rural activity', the definition of which includes "large footprint parks, reserves, conservation parks and recreation facilities". A similar approach is adopted in the CRPS for other Specific Purpose Zones such as Christchurch Prison (or Rolleston Prison and Burnham Military Camp in Selwyn District), where despite these all being a large-scale 'built' facilities, they are not included within the urban area shown on Map A.

In short, not all 'built' developments or areas are shown as being within the 'urban' area in Map A. This is not to say that they do not contain substantial urban elements – for instance Clearwater Resort is permitted to contain some 111 residential units (13.9.4.1.1 (P8), plus a further 350 hotel bedrooms (P9). The facilities anticipated within the Special Purpose (Golf Resort) Zone are therefore extensive, contain a large number of dwellings and hotel rooms, and in terms of the CRPS policy framework are anticipated within the rural area.

Given the CRPS definition, inclusion of the site within the urban area was never contemplated, as by definition it was not an urban activity. It is important to emphasise that the omission from Map A should not be interpreted as a policy signal that development of the site is not contemplated. The current Special Purpose (Golf Resort) Zone was confirmed as part of the more recent review of the District Plan. This review occurred after Chapter 6 to the CRPS was in place. Clearly the Special Purpose (Golf Resort) zoning was deemed to be an effective method for giving effect to the policy direction contained in the CRPS.

The CRPS policy framework clearly contemplates and provides for the development of large scale recreation facilities (and associated hotel and residential accommodation) as a rural rather than urban activity. This means that the policy direction found within Objective 6.2.1(3) to avoid urban development outside of existing urban areas or greenfield priority areas arguably does not apply to the site, provided the site development includes extensive recreation areas and the built component remains within the general extent of that contemplated by the zoning. Policy 6.3.1(4) likewise seeks to 'ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS' i.e. by definition the Resort Zone with a mix of residential, hotel, training and recreation activities is 'otherwise provided for' as it falls within the ambit of a rural activity. The explanation to Policy 6.3.1 is helpful in that it expands on the policy approach as follows "it is anticipated that established urban activities [which would include zoned activities] located outside of the identified urban area will be able to continue to operate their activities, with any expansion considered on a case-by-case basis".

This application does not therefore particularly threaten the CRPS policy framework. As set out in the application, the proposal involves substituting hotel accommodation and golf training facilities for additional housing (in largely the same area where buildings are anticipated) and substituting one form of large footprint park or reserve (a golf course) for an alternative type of reserve (namely restored wetlands and more passive open space). CRPS Policy 6.3.1 indicates that the door is open to considering such changes or expansion on a case by case basis.

As discussed in further detail below, the National Policy Statement for Urban Development provides a clear and intentional shift on how urban development around New Zealand is dealt with. The NPS-UD enables decisions that are responsive to plan changes even when the changes requested might not be anticipated by the RMA or are 'out-of-sequence' with planned land release. This means that a council may not simply disregard the suggestion for a change (such as rezoning or a resource consent) just because it has not yet turned its mind to that possibility, for example as contemplated in longer term strategy documents (such as that anticipated in OurSpace for Greater Christchurch and Plan Change 1 to Chapter 6 of the CRPS).

In this case, the Golf Resort zones have not been identified as either current or future urban areas in either OurSpace or the Regional Policy Statement, simply because the mix of residential, hotel, and recreation activity is deemed to be a rural rather than urban activity in terms of the CRPS. Housing, accommodation and commerce of an urban nature are clearly anticipated in these zones, and in light of the direction of the NPS-UD, this omission should not prevent development of the golf resort land.

#### Track record

This application has therefore sought to address the key environmental effects, whilst utilising the fast-track process to overcome the policy hurdles as the only time-effective route available to deliver much needed housing choice and numbers. This housing is able to be delivered in a location that is already anticipated to be urbanised and that is located adjacent to an existing village and that is in closer proximity to Christchurch City than the majority of alternative residential greenfield areas.

LMM Investments 2012 Limited has completed a number of different commercial property and subdivision projects over the last nine years, and is currently completing an 80 lot subdivision by May 2022, with all lots available sold.

Mike Greer Homes North Canterbury Limited is the largest home building company in the Waimakariri District, and has been for the past 10 years. Mike Greer Homes North



Canterbury Limited builds between 100 and 150 houses each year in the Waimakariri District along, and has additional capacity to build more homes than this as required, as well as having experience building a range of residential typologies. The parent company, Mike Greer Homes NZ Limited, is a leading national housing company with a track record of over 25 years of successfully completing numerous large and small residential developments throughout New Zealand.

Where applicable, describe the staging of the project, including the nature and timing of the staging

Staging of the project\*: The project will be broken into five stages that may be constructed individually or in tranches to meet market demand. As noted above, if not fast tracked the process is likely to be much longer.

### Consents / approvals required

Relevant local authorities\*: Christchurch City Council, Canterbury Regional Council

Resource consent(s) / designation required\*:

- Land-use consent
- Water permit
- Subdivision consent
- Discharge permit
- Coastal permit
- Designation
- Alteration to designation

### Relevant zoning, overlays and other features

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location

\*

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Part Lot 2 DP5889	Christchurch District Plan	Specific Purpose (Golf Resort) Zone, Open Space Water and Margins Zone	Fixed Minimum Floor Level Overlay within Flood Management Area, Flood Management Area, Flood Ponding Management Area, High Flood Hazard Management Area,	Notations of Network Waterway and Water Body Setback, Styx River is a Significant Feature, Ngā Wai Lakes Rivers and Streams, and Site of

			Liquefaction Management Area.	Ecological Significance.
Part Lot 2 DP5889	Canterbury Land and Water Regional Plan	Christchurch-West Melton Zone	Red Nutrient Allocation Zone	

### Rule(s) consent is required under and activity status

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Christchurch District Plan	5.4.1.5 RD2 earthworks in the Flood Management Area	The depth and volume of filling above ground and excavation below ground level exceeds the permitted limits.	Restricted discretionary	Site wide
Christchurch District Plan	5.4.5.3 Activities and earthworks in the Flood Ponding Management Area	Earthworks will occur in the FPMA, these have been designed so that fill is compensated for with additional ponding volume on the site. All sites have areas for building outside the ponding areas.	Non-complying	Ecological area
Christchurch District Plan	5.4.6.3 Subdivision that creates a vacant allotment within a High Flood Hazard Management Area	A balance lot will be created to take in the High Flood Hazard Area for use as open recreational and ecological space.	Non-complying	Ecological area

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Christchurch District Plan	5.5.2 Liquefaction Hazard (C1)	The proposed subdivision will create a vacant allotment (the balance lot) in the LMA.	Controlled	Site wide
Christchurch District Plan	8.5.1.4 Subdivision in an area subject to a Development Plan, 8.6.1 Minimum net area and dimension Table 4. Minimum net site area - specific purpose zones e. Specific Purpose (Golf resort)	<p>The development is not in accordance with the Whisper Creek Golf Resort Development Plan as some of the lots being created fall outside the Resort Community Activity Area and are within the Golf Course/Open Space Activity Area.</p> <p>The number of allotments proposed exceeds the 70 provided for without the sequencing set out.</p>	<p>Discretionary</p> <p>[Plus usual rules triggered by the subdivision under 8.5 and 8.6.]</p>	Site wide
Christchurch District Plan	8.9.2.1 P1 Earthworks (i) and (ii) and 8.9.2.3 RD1	<p>The proposed subdivision will require earthworks consisting of cut and fill in the order 120,000m<sup>3</sup> that will exceed the 20m<sup>3</sup> per site volume permitted in the Zone.</p> <p>The depth of filling/excavation will exceed the</p>	<p>Restricted discretionary</p> <p>[Potentially 8.9.2.4(D1) if earthworks are proposed in any of the overlay areas in 8.9.2.1 Table 9 i.e. an ecological site]</p>	Site wide

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
		0.6m maximum depth.		
Christchurch District Plan	13.9.5.4.3 (RD5)	A management plan is required to detail planting establishment and stormwater management within the golf course and open space activity area.	Restricted discretionary	Site wide
Christchurch District Plan	13.9.5.1.4 Discretionary Activities	Some of the residential sites are located outside of the Resort Community Activity Areas.	Discretionary	Residential areas
Christchurch District Plan	13.9.5.1.5 (NC5)	More than 150 residential units are proposed. Planting as envisaged in the Development Plan is not proposed for all zone boundaries.	Non-complying	Additional planting not proposed for the western site boundary
NES Soil Contamination	Clause 10 subdivision, change of use and soil disturbance	A Detailed Site Investigation showed lead contamination around one of the dwellings on the site and two fuel tanks in the farm work yard will need to be removed prior to development of the site, with some contamination of	Restricted discretionary	Existing farm yard

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
		surrounding land to be remediated.		
Canterbury Land and Water Regional Plan	5.94B The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, into a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water	The area of earthworks exceeds the permitted activity thresholds.	Restricted discretionary	Onto land into Spencer's Drain
Canterbury Land and Water Regional Plan	5.93 The discharge of stormwater or Construction-phase stormwater from a reticulated stormwater system onto or into land or into or onto land in circumstances where a contaminant may enter water, or into groundwater or a surface waterbody is a restricted discretionary activity	Stormwater infrastructure will vest in the Christchurch City Council and will discharge to land and then to the Spencer Drain.	Restricted discretionary	Onto land into Spencer's Drain
Canterbury Land and	5.176 The use of land to excavate material that	Excavation of more than 100m <sup>3</sup> of material within 1m of seasonal	Restricted discretionary	Site wide

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Water Regional Plan	does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity	high groundwater.		
Canterbury Land and Water Regional Plan	5.176 The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity	Excavation of more than 100m <sup>3</sup> of material within 50m of a surface water body.	Restricted discretionary	Spencer's Drain
Canterbury Land and Water Regional Plan	5.137 The installation, alteration, extension, or removal of bridges and culverts, and the consequential deposition of substances on, in or under the bed of a lake or river, the excavation or other disturbance of the bed of a lake or river, and, in the case of culverts, the associated take, discharge or diversion of water is a permitted activity	Structure (culvert/bridge) over natural waterway/river.	Permitted	Spencer's Drain



Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Canterbury Land and Water Regional Plan	5.136 The drilling, tunnelling, or disturbance in or under the bed of a lake or river and the installation, or removal of pipes, ducts, cables or wires is a permitted activity	Installation of pipes/ducts in or under bed of natural waterway/river.	Permitted	Spencer's Drain
Canterbury Land and Water Regional Plan	5.167 The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a wetland boundary but within 5 m of the bed of a lake or river or a wetland boundary in all other land and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity	Vegetation clearance within 5m of Spencer's Drain.	Permitted	Spencer's Drain
Canterbury Land and Water Regional Plan	5.168 The use of land for earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within 5 m of the bed of a	Earthworks within 5m of Spencer's Drain.	Permitted	Spencer's Drain

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	lake or river or a wetland boundary in all other land and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity			
Canterbury Land and Water Regional Plan	5.141B Where not classified by any other Rule in this plan, the diversion or discharge of water and contaminants as a result of the excavation and disturbance of a river or lake bed, or the establishment of a structure or defence against water, is a discretionary activity	Damming, diversion & discharge of water within waterway (natural or artificial) - permanent (eg naturalisation of waterway).	Discretionary	Spencer's Drain
Canterbury Land and Water Regional Plan	5.140 Despite any other rule in this Plan, temporary structures and diversions associated with undertaking activities in Rules 5.135 to 5.139, military training activities, or artificial watercourses	Damming, diversion & discharge of water within waterway (natural or artificial) - temporary (eg for works to naturalise or install structure).	Permitted	Spencer's Drain

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	are permitted activities			
Canterbury Land and Water Regional Plan	5.119 The taking of water from groundwater for the purpose of dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use and discharge of that water is a permitted activity	Construction site dewatering.	Permitted	Site wide

#### Previous resource consent or notice of requirement applications

*Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the Act details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.*

*Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project.*

#### Previous applications made\*:

The site has been subject to two previous applications that differ significantly from the current proposal in nature and scale.

A consent application for a 70 lot subdivision was notified in 2018 due to the outcome of the development not achieving the aims of the zone (i.e. no golf resort was proposed). The notified application attracted a number of submissions, which largely related to flooding concerns (due to proposed development in the Flood Ponding Area) and land use intensification, but is on hold.

A further consent application for earthworks and subdivision only was lodged with the Christchurch City Council in 2019 but is also on hold following a decision to notify the application based on special circumstances, for the same reasons relating to the original outcomes of the zone.

If this Fast Track application is successful, these applications will be withdrawn. It is important to stress that the earlier applications differed significantly from the current proposal in a number of material ways, including the number of lots and proposed use of the balance land.

### **Consents / designations by other parties**

*Resource consent(s) / Designation required for the projects by someone other than the applicant, including details on whether these have been obtained*

Resource consent(s) / Designation by other parties\*:

### **Other legal authorisations**

*Provide details of other legal authorisations (other than contractual) required to begin the project (e.g. authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained.*

Other legal authorisations (other than contractual)\*:

### **Construction readiness**

*Please provide a high level timeline outlining key milestones, e.g., detailed design, procurement, funding, site works commencement and completion.*

*If the resource consents(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed.*

Construction readiness\*:

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From the time of approval the detailed engineering design plans can be produced, tendering and engineering approvals from Council can be undertaken concurrently and that can occur in approximately three weeks. Preparation for contract commencement will take a further two weeks. If the Project were to be constructed in a single stage the construction works could be complete within six months, with title issue to follow and construction of housing expected to occur within the following 12 to 24 months afterwards.

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## **PART 4: CONSULTATION**

### **Government ministries and departments**

*Detail all consultation undertaken with relevant government ministries and departments*

Consultation with government ministries and departments\*: N/A

### **Local authorities**

*Detail all consultation undertaken with relevant local authorities*

Consultation with local authorities\*: Christchurch City Council

### **Other persons/parties**

*Detail all other persons or parties you consider are likely to be affected by the project*

Consultation with other persons or parties\*: N/A

Detail all consultation undertaken with the above parties\*: Consultation is ongoing with the Christchurch City Council, with staff who are familiar with the site from the prior consent applications. A pre-application meeting has been requested, but due to availability of Council staff is yet to occur.

## PART 5: IWI AUTHORITIES AND TREATY SETTLEMENTS

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

### Iwi authorities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur

Iwi authority	Consultation undertaken
Te Rūnanga o Ngāi Tahu is the post-settlement governance entity representing Ngāi Tahu Whānui and an iwi authority. Te Rūnanga is made up of 18 Papatipu Rūnanga. Each of the Rūnanga hold the rights, interests and responsibilities to defined areas of land and waters within the Ngāi Tahu rohe. In the proposal area Te Ngāi Tūāhuriri Rūnanga is recognised as having rangatiratanga.	Mahaanui Kurataiao Ltd is the relevant organisation with a general mandate to represent the interests of the Papatipu Rūnanga who hold mana whenua rights and interests over the lands and waters from the Hurunui River in the north, to the Hakatere/Ashburton River in the south, and inland to the Southern Alps.  The applicant has requested input from Te Ngāi Tūāhuriri Rūnanga, via Mahaanui Kurataiao Limited and subsequently followed up. Mahaanui Kurataiao Limited has responded that it is unlikely to be able to get this application on the agenda for Ngāi Tūāhuriri to consider this year, but the applicants will continue to engage through this process in the New Year.

### Treaty settlement entities

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur

Treaty settlement entity	Consultation undertaken
N/A	N/A

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

Treaty settlements\*: N/A

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## **PART 6: MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

### **Customary marine title areas**

*Section 18(3)(c) of the Act details that the project must not include an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.*

*Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project*

Customary marine title areas\*: N/A

### **Protected customary rights areas**

*Section 18(3)(d) of the Act details that the project must not include an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.*

*Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project*

Protected customary rights areas\*: N/A

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## **PART 7: ADVERSE EFFECTS**

*In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.*

*Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions*

Adverse effects on the environment\*:

The Assessment of Effects on the Environment that will accompany the applications for resource consent required for the proposal will be prepared in accordance with Schedule 6 of the Fast Track Consenting Act. A number of technical assessments have been completed for the previous consent applications, albeit for a smaller number of lots. These technical assessments will be updated and further assessments commissioned.

The following presents a general description of the anticipated and known adverse effects of the proposal on people and the environment, in sufficient detail to inform the Minister's decision on this application for referral. The analysis has been prepared with input from the appropriate specialists.



**Three waters infrastructure:** There will be no significant three waters infrastructure upgrades required beyond that already anticipated in order to support the site's Special Purpose Golf Resort zoning.

Stormwater is able to be disposed of to the nearby Styx Drain, following appropriate first flush treatment. Integral to the residential development proposal is the restoration and formation of a large wetland / open space area that will provide ecological and recreational benefits and will also enable the management, detention, and treatment of stormwater, prior to discharging into adjacent existing water courses.

Potable water supply will be via a connection to an existing Council reticulated 200mm water main located at the intersection of Spencerville Road and Lower Styx Road. This will be a restricted supply which can be supplemented by the capture and reuse of roof water by individual dwellings as part of the building consent process.

Wastewater will likewise connect to the existing council reticulated network that has sufficient capacity. The connection is to be via a low-pressure sewer system with each dwelling to include their own low pressure pump unit as part of the building consent process.

These works are modest in scale and there are standard engineering design solutions available. No new pump stations or complex new pieces of network infrastructure or head works are necessary.

Power and communications infrastructure is already readily available in this locality through existing networks located along the adjacent road corridors.

**Natural hazards:** Any adverse effects associated with natural hazards can be adequately avoided or mitigated. A Geotechnical Investigation has been carried out by Tonkin & Taylor. There is low potential for liquefaction, due to the nature of the soils and the level of groundwater, with a large portion of the site confirmed as being Technical Category 1. A smaller portion of the site has been identified as TC2 land, with this area either being incorporated into open space/ wetland, or able to be remediated through proven engineering solutions.

A portion of the site is identified as being within a Flood Management Area. This requires future dwellings to achieve a minimum internal floor level of at least 12.3m above Council datum. This floor level requirement is conservative and is set to account for a 0.5% AEP (1 in 200 year) tidal event concurrent with a 5% AEP (1 in 20 year) rainfall event, and concurrent with a 1m rise in sea level, plus a further 400mm freeboard allowance. The 12.3m requirement can be readily met through a combination of construction-phase earthworks (that avoid any net loss of capacity within the adjacent flood ponding area), combined with standard foundation design and construction.

**Soil Contamination:** The site is not included on the Canterbury Regional Council Listed Land Use Register as being a HAIL site. Based on the historic use of the site for pastoral farming, the applicant has commissioned both a Preliminary Site Investigation by Tonkin & Taylor and a Detailed Site Investigation ('DSI') by Malloch Environmental. These studies have confirmed that the majority of the site is suitable for use for residential housing. Discrete areas adjacent to past farm buildings and associated diesel tanks require remediation through the excavation and removal of small volumes of contaminated soil to an approved disposal facility.

**Transport:** Access to the site is via a new intersection to Spencerville Road. Spencerville Road is a collector road with an 80kph speed limit. The subdivision application anticipates that the northern shoulder of Spencerville Road will be widened to provide at least 6m of

sealed surface between the centre line and edge of seal for approximately 70m each side of the new intersection.

In terms of the wider network, the Council is currently undertaking works to the Styx/ Marshlands/ Hawkins Rd intersection. This is the key intersection that connects the traffic generated by the site (and Spencerville Rd via Styx Road) to Marshlands Road as the main road corridor into Christchurch. Site works are actively underway and involve the widening and strengthening of the Styx River bridge and the installation of traffic signals, thereby rectifying what is currently a 'pinch-point' in the network. These works are ongoing, and are currently programmed to be completed by March 2022.

Positive transportation outcomes will be achieved in respect of accessibility, reduced greenhouse gas emissions, and resilience to climate change by way of good connectivity to the transport network and improved proximity to Christchurch relative to the majority of other greenfield residential development blocks in the Greater Christchurch sub-region.

**Landscape and visual effects and amenity values:** The project is considered to have acceptable landscape effects in the context of the existing zoning which anticipated a change from a rural/ pastoral landscape to a resort.

The subdivision has been designed with larger lots located around the periphery of the site to provide an appropriate visual transition from surrounding farmland, and where these lots will have ample room to establish trees and garden plantings. A Landscape Concept has been prepared by Earthwork Landscape Architects and a double row of native tree species is proposed within these large lots where they share an internal boundary interface with two existing lifestyle properties to the west of the application site to provide screening. The ongoing maintenance of this screening can be secured via a consent notice on the titles of these lots. The proposed dwellings will all be one to two stories in height, apart from the possibility of a low-rise apartment block in the middle of the site, well away from neighbouring properties.

The proposal likewise includes the enhancement of a large area of open space that will provide significant amenity for both residents and visitors. Public pedestrian and cycle access to this open space is proposed to be secured via an easement in favour of the Christchurch City Council (or through potentially vesting this area in Council as reserve).

**Ecological effects:** An ecological assessment by Wildlands has been undertaken for the site. This assessment has identified that the site does not currently contain any significant natural areas or high ecological values, reflecting its historic development as a farm, where the land is currently formed as improved pasture with exotic shelterbelt plantings. Canterbury Grass Skinks were identified as being present on the site, with the proposal having the potential to enhance habitat for this species and where construction phase activities can be managed to mitigate risks to this species.

The site does however have significant restoration potential. Parts of the site on the upper, drier terraces and around the western margins of the site can be planted in dry forest and shrubland species to provide both ecological benefits and to provide screening around the site periphery. The lower terrace can be restored with wetland plantings with enhanced riparian planting along the margins of the Styx River and existing drainage channels integrated with the stormwater treatment and detention systems. Overall the proposal will have positive ecological effects relative to both the site's current condition and the alternative use of it being developed as a golf resort.

**Urban design and urban form:** The project is considered to provide an appropriate standard of urban design and urban form and will deliver a well-functioning urban environment as sought by the NPS-UD. In particular, the proposal will:

- Provide a variety of homes that meet the needs, in terms of type, price, and location, of different households.
- Provide good accessibility between housing, employment, community facilities, natural spaces, and recreation opportunities, noting the site's proximity to both the existing village and recreational opportunities at Spencerville and the new Prestons subdivision and associated primary school and retail centre located approximately 4.5km to the south.
- Provide an opportunity for additional housing in a location that is much closer to Christchurch CBD than most of the alternative greenfield residential sites that are currently zoned for such purposes in Lincoln, Rolleston, Prebbleton, Rangiora, and Kaiapoi, thereby enabling new housing to be provided in a location that will result in reduced greenhouse gas emissions compared to those that would otherwise be generated by alternative greenfield locations.
- Makes this provision in a manner that provides for large lots around the site periphery to manage landscape effects for neighbours, whilst providing within the site a range of lot sizes and the ability to locate higher density lots in close proximity to extensive areas of open space, thereby enabling housing choice (and price points) in a manner where future resident amenity is still high.
- Support the competitive operation of land and development markets by adding greater competition into the Greater Christchurch residential land market, with the corresponding reduction in housing costs being a contributing factor to a 'well-functioning urban environment'.
- Achieve resilience to the likely current and future effects of climate change through: the site's distance from the coastline and the location of the part of the site intended for housing being set on a higher terrace where internal floor levels can be readily achieved at a height that meets conservative 1 in 200 year tide events coinciding with a 1 in 20 year rainfall event and a 1m rise in sea level. The site is likewise located on ground where liquefaction risks can be readily managed.

**Reverse sensitivity:** The site is not located near any strategic infrastructure or intensive farming activities. The site is already zoned for residential and resort purposes, therefore any reverse sensitivity effects are already in play. Such effects are mitigated through the combination of large lots around the site periphery and the provision of the extensive areas of open space proposed between the houses and the nearest large farm to the east.

**Loss of agricultural production:** The site currently has a Special Purpose Golf Resort zoning and therefore the change from farmland to some form of built development is anticipated. The current proposal will not result in any greater loss of farmland or versatile soils beyond that already anticipated by the zoning.

**Economic effects:** Economic benefits will arise in the form of additional employment, income and expenditure generated by the proposal, and reduced unemployment and underemployment. The project will also increase competition and choice in residential housing markets in a manner that is strongly and directly consistent with the NPS-UD.

The economic costs of the project are considered acceptable. Utility costs will not arise in a manner that requires cross-subsidisation by other ratepayers, residents or businesses within the Christchurch District, and transportation costs will be internalised to future residents, or externalised in respect of potential road accidents, congestion, greenhouse

gas emissions (which are likely to be less than alternative greenfield residential development sites within the Greater Christchurch sub-region).

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## **PART 8: NATIONAL POLICY STATEMENTS AND NATIONAL ENVIRONMENTAL STANDARDS**

*General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard*

General assessment in relation to NPS and NES\*:

**New Zealand Coastal Policy Statement:** The New Zealand Coastal Policy Statement is not relevant to the site, given the large distance between the site and the coastal environment.

**National Policy Statement for Renewable Electricity Generation:** With regard to the NPS for Renewable Electricity Generation 2011, the project does not involve nor is it located in the proximity of a renewable electricity generation activity. Similarly, the project site is not located in close proximity to any main electricity transmission lines nor is there a substation within the site, meaning the NPS for Electricity Transmission 2008 is not relevant.

**National Policy Statement for Freshwater Management:** The National Policy Statement for Freshwater Management (NPSFM) came into effect on 3 September 2020. It is part of the central government's Essential Freshwater package, which aims at stopping further degradation of New Zealand's freshwater resources, making immediate improvements and reversing past damage. The Essential Freshwater package also recognises the move towards a holistic, ki uta ki tai approach to management of the natural environment. The NPSFM recognises that protecting the health of freshwater bodies also protects the health and well-being of the wider environment. On the basis that the proposed activities of earthworks, dewatering and discharge might result in potential effects on the underlying aquifer and surface waterbodies, the NPSFM is relevant.

The objective of the NPSFM is to ensure that freshwater is managed to prioritise first the health and well-being of waterbodies and fresh water ecosystems, then the health needs of people, and finally the ability of people and communities to provide for their social, economic, and cultural well-being now and into the future. The NPSFM contains 15 supporting policies that set out how to implement this objective.

In regards to this application the relevant waterbodies and freshwater ecosystems is considered to be Styx Drain, Styx River and groundwater. The health and wellbeing of Styx River will not differ from its current form as earthworks will occur outside of the bed and appropriate erosion and sediment control measures will be installed to ensure sediment run off does not enter the bed and will be directed within the site boundaries. The proposed earthworks will not impact on the health needs of people.

Due to the depth of excavation for the installation of services it is likely groundwater may be encountered and as such dewatering is likely to occur. The groundwater quality will not change as a consequence of these works. Dewatering will occur on a temporary basis by way of creating a dry work environment for the installation of services. It is considered that there will be no impacts of dewatering on the surrounding active bores in regards to groundwater quality or quantity and thus the health needs of people.

Stormwater from the developed lots will drain to roads and then to the ecological area reserve where it will be treated and retained within the reserve. The treatment is by way of a first flush basin and wetland. Spencer's Drain is proposed to be naturalised through the site with indigenous planting, enhancing the wellbeing of the waterway. The proposed activities will enable a 200 unit residential development to occur on the site and thus providing for people and communities and enable social, economic and cultural wellbeing now and into the future.

### **National Environmental Standards for Freshwater**

These National Environmental Standards regulate activities that pose risks to freshwater and its ecosystems, prescribing standards for activities in or around natural watercourses and wetlands. Given there are no wetlands on the subject site, these National Environmental Standards have limited relevance to the Proposal. The Styx Drain does not meet the definition of 'natural watercourse' under the standards, and no regulated works to the Styx River are planned to occur.

**National Policy Statement for Urban Development:** Noting the above, the National Policy Statement for Urban Development 2020 (NPS-UD) which took effect on 20 August 2020 is of principal relevance to this project. With regard to the term 'urban environment', the NPS-UD defines an 'urban environment' as being an area of land that is or is intended to be predominantly urban in character; and is or is intended to be part of a housing and labour market of at least 10,000 people. Spencerville is part of the Greater Christchurch urban area, and forms part of the Christchurch housing and employment market. The site is and therefore part of the "urban environment".

The project is consistent with the objectives and policies of the NPS-UD, noting that the proposal will retain a relatively compact urban shape and well-functioning urban environment (refer to response in Part 7 above). In particular the proposal enables a change from one type of urban activity (resort) to another (residential housing), rather than a change from rural to urban zoning. The site is able to be serviced adequately and will allow for both land use and transport efficiencies.

The NPS-UD provides a clear and intentional shift on how urban development around New Zealand is dealt with. Policy 8 in the NPS-UD specifically provides for the consideration of out of sequence and unanticipated proposals that provide significant development capacity and contribute to well-functioning urban environments.

In the local context in particular, housing capacity is insufficient to meet local needs for housing, additional urban growth is required in response, and the proposal will supply significant development capacity that will alleviate this shortfall. Spencerville has limited opportunities for urban growth based on the existing constraints on the periphery of the township. With regard to consolidated urban form, the proposal is a logical area for urban development adjacent to Spencerville. Accordingly, the timing and sequencing of development is appropriate. The internal and external connectivity of the proposal provides a well connected and well functioning urban environment in close proximity to an urban centre.

**National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health:** The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) is a nationally consistent set of planning controls and soil contaminant values. The NES-CS does not include specific objectives and policies, but is used as a tool to implement the purpose of the RMA by ensuring that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.



The NES-CS does apply to the land proposed for residential development and resource consent is required for subdivision, change of use and disturbing soil. As noted above, the applicant has commissioned both a Preliminary Site Investigation and a Detailed Site Investigation ('DSI'). These studies have confirmed that the majority of the site is suitable for use for residential housing. Discrete areas adjacent to past farm buildings and associated diesel tanks require remediation through the excavation and removal of small volumes of contaminated soil to an approved disposal facility.

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## **PART 9: PURPOSE OF THE ACT**

*Your application must be supported by an explanation of how the project will help achieve the purpose of the Act, that is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".*

*In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.*

*Project's economic benefits and costs for people or industries affected by COVID-19*

Economic benefits and costs\*: The project will provide a significant supply of housing in an area that currently has minimal supply and significant demand, assisting with housing affordability and increased competition for the wider market. The project will provide additional employment, income and expenditure to the local area including increased economies of scale, increased competition, reduced unemployment and underemployment, and increased quality of central government provided services. It will also increase levels of economic activity and population in the area. The project will provide a choice in residential housing markets, in a manner that is strongly and directly consistent with the NPS-UD.

The economic costs of the project are considered acceptable. Utility costs will not arise in a manner that requires cross-subsidisation by other ratepayers, residents or businesses, and transportation costs will be internalised to future residents. Therefore, the project is not considered to give rise to economic externality costs.

*Project's effects on the social and cultural wellbeing of current and future generations*

Social and cultural wellbeing\*: Unaffordable housing has had a profound impact on New Zealand society and has directly contributed to the growing poverty gap in the country. This project will provide a diverse range of housing types and options – the affordability of which will vary in a manner that encourages diversity.

Currently, there is no or very limited land available for residential growth in both the immediate Spencerville area and the wider area in northeast Christchurch. It is imperative that planning is forward thinking and enabling, to ensure that there is appropriate and adequate residential development capacity for current and future generations. This project would go some way to providing the needed land in the area for residential growth into the future.

Concurrent with the significant challenges to international tourism and education posed by Covid-19, New Zealand is experiencing a rapid escalation in house prices generated in part by supply-side constraints, especially in locations within close proximity to the major centres. This proposal therefore represents a timely pivot from the use of this strategic site



from one type of built development use (golf resort) to an alternative through the formation of a much-needed residential community.

*Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case*

Speed of progression\*: If this project is successful in this fast-tracking application, from the time of approval the detailed engineering design plans can be produced, tendering and engineering approvals from Council can be undertaken concurrently and that can occur in approximately three weeks. Preparation for contract commencement will take a further two weeks. If the project were to be constructed in a single stage the construction works could be complete within six months, with title issue to follow and construction of housing expected to occur within the following 12 to 24 months afterwards.

If this project is unsuccessful in this fast-tracking application, the timing of the commencement is significantly less certain. The applicant understands that the Council is under significant resourcing constraints and that internal processing of consents is slow. The consent application for earthworks and subdivision of 70 lots by LMM Investments 2012 Limited was lodged on 23 September 2019, but a notification decision was not made until 29 October 2020. Arguably, the speed of such processes in some way or another has contributed to the current housing crisis, and is a significant deterrent to investors.

Progressing a resource consent through the normal RMA route would be time consuming (given inevitable public notification and the likelihood of appeals). More importantly, any such application would face significant consenting barriers in terms of alignment with the now outdated zone policy framework such that achieving a positive consent outcome is considered to be low.

The alternative procedural option to a resource consent is to pursue a private plan change. This is the typical RMA process route available when existing zoning (and policy framework) no longer align with the needs of the community or the most appropriate use of the land in question. Undertaking a private plan change is likely to take around two years in process (and potential appeals), however can be much longer, noting the 7 year timeframe under which the existing zoning was developed. The feasibility and timing of a private plan change will also be affected by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

### **Public Benefit**

*Whether the project may result in a 'public benefit'*

*Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.*

*Employment / job creation*

Employment / job creation\*: The project will create jobs and increase employment in the region. A significant amount of work will be made available, particularly with regard to the construction of the project. In addition, the residential development will bring expenditure, incomes and employment opportunities for local businesses and residents within the local and also Christchurch City businesses and residents.

Insight Economics have estimated that the project will have a direct employment effect of 357 people years and a total employment (direct, indirect and induced) of 1,298 people-years (or 649 people employed full-time for 2 years).

Set out by project stage, Insight Economics estimate:

- In 2022, about 2.6 direct FTE jobs will be created in the planning/design/consent stages, with a further 1.4 FTEs created indirectly in sectors that support planning/design/consent.
- In 2023, 47 direct FTE jobs will be created in the land development and local infrastructure stages, with a further 69 FTE jobs created indirectly in sectors that support earthworks and local infrastructure.
- In 2024, 271 direct FTE jobs will be created in house construction, with a further 500 FTE jobs created indirectly in sectors that support house construction.

The report from Insight Economics is attached as a supporting document to this application.

#### *Housing supply*

Housing supply\*: The application will provide house sites for 200 additional dwellings.

The site is located near to both Spencerville village to the northeast and the suburb of Prestons (and Christchurch City) to the south. The development aims to provide a range of lot sizes and housing types that are currently in demand in this area, with large areas of restored wetlands and open space that will provide ecological, recreational, and stormwater treatment and retention benefits.

There has always been, and continues to be, very strong buyer demand for standalone housing, particularly from families wanting larger sections. There is a lack of standalone residential sections for sale within the Christchurch city area, with the majority of supply coming from the Halswell area to the south of the city where supply is fast coming to an end. There is also particular demand in the north of the city, as a preferred location for purchasers. At present, buyers are having to look further out at locations such as Lincoln, Rolleston, Rangiora and Woodend in order to secure a section. Many of these buyers would rather be in the city, however the lack of available sections makes this unrealistic and instead they are faced with a significant commute into the city each day. This is consistent with the findings of the Greater Christchurch Housing Development Capacity Assessment Update (2021) report.

This application seeks to deliver much needed housing choice and numbers in a location that is already anticipated for built development, adjacent to an existing village and that is in closer proximity to Christchurch City than the majority of alternative residential greenfield areas.

MfE Guidance notes that criteria for a development adding significantly to development capacity could include:

- Significance of scale and location;
- Fulfilling identified demand;
- Timing of development (i.e. earlier than planned land release); or
- Infrastructure provision.

The MfE Guidance also notes that the criteria should not undermine competitive land markets and responsive planning by setting unreasonable thresholds and that the criteria

should have a strong evidence base. There is an acute residential house shortage in Spencerville, and more generally in Greater Christchurch, evidenced by rising house prices. The proposed development will provide a variety of homes that meet the needs of different households, provide good accessibility between housing, employment, community facilities, natural spaces, and recreation opportunities, provide additional housing in a location that is much closer to Christchurch CBD than most of the alternative greenfield residential sites and supports the competitive operation of land and development markets by adding greater competition into the Greater Christchurch residential land market, with the corresponding reduction in housing costs being a contributing factor to a 'well-functioning urban environment'. Accounting for the above, the proposal is considered to 'add significantly to development capacity'.

*Contributing to well-functioning urban environments*

Contributing to well-functioning urban environments\*: In addition to the reasons set out in the response to Part 7, the project will contribute to well-functioning urban environments by (among other things):

- Providing a variety of house sizes and lot sizes to provide choice;
- Locating higher density with higher amenity areas;
- Contributing to an active transport network by providing for the bridleway anticipated in the Christchurch District Plan maps;
- Prioritising walking and cycling with a mix of on-road, separate, and off-road facilities to promote active transport modes;
- Creating streets with a high level of amenity;
- Providing a large quantity of greenspace and facilities appropriate for the future population;
- Integrating the green and movement networks to create a high level of connectivity, amenity and active travel options; and
- Use of low impact design techniques including grass swales and soakage pits.

*Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity*

Infrastructure and productivity\*: As already noted, the project will provide economic benefits to the local area, Christchurch City and the wider Canterbury region through, among other things, the creation of jobs and increase in employment.

It will also provide significant greenspace and active transport connections for the wider area. The design allows for the development of a bridleway or similar access through the site, as signalled in the Christchurch District Plan maps, by proposing an easement in-gross in favour of the Christchurch City Council. This easement also provides for the "pedestrian/cycle link/route" shown on the Development Plan for the Zone in the District Plan, which runs along the full length of the Zone adjoining the Styx River margins.

*Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity*

Improving environmental outcomes\*: Some of the improved environmental outcomes, that will be beneficial for the whole area not just those in the development, include the

introduction of riparian planting, providing a quantity of greenspace and facilities appropriate for the future population and others in the area to use and integrating the green and movement networks to create a high level of connectivity, amenity and active travel options.

The project will also seek to reduce both embodied and operational emissions – these are outlined below.

#### *Minimising waste*

Minimising waste\*: Contractors will minimise waste during construction, recycling material where possible. The existing house and its setting will be retained, while the existing farm buildings are not able to be re-used on site.

Where possible, contractors will be encouraged to minimise their impact on the environment through the choice of building materials, including environmentally friendly products from recycled or renewable sources. This extends to assessing their supply chain in respect of manufacturing and distributing products in both socially and environmentally reasonable ways.

*Contributing to NZ's efforts to mitigate climate change and transition more quickly to a low emissions economy (in terms of reducing NZ's net emissions of greenhouse gases)*

Climate change and emissions\*: The project will seek to reduce both embodied and operational emissions. This will be achieved in a number of ways including:

- Providing for additional housing in a greenfield location that is much closer to Christchurch City (with associated reduction in commuter journeys) than the majority of zoned greenfield alternatives in the outer townships such as Kaiapoi, Rangiora, and Rolleston;
- Ensuring that low carbon materials are used during the building phase (for example through encouraging greater use of timber);
- Minimising paved areas in the development as much as possible;
- Minimising the use of fossil fuel in the buildings;
- Encouraging the uptake of solar on buildings through the design of buildings as 'solar ready';
- Encouraging energy efficient building design;
- Ensuring residential homes are 'EV ready' through adequate electrical capacity provision in garages;
- Considering communal gardens or composting facilities; and
- Planting trees and shrubs as part of the development (i.e. enabling carbon sequestration through biological processes).

Positive transportation outcomes will be achieved in respect of accessibility, reduced greenhouse gas emissions, and resilience to climate change by way of good connectivity to the transport network and improved proximity to Christchurch relative to the majority of other greenfield residential development blocks in the Greater Christchurch area.

It is noted that while there is currently limited public transport provision for the site, public transport establishment is dependent on population and demand. Therefore, additional public transport for the site will not occur until the residential population exists.

*Promoting the protection of historic heritage*

Promoting the protection of historic heritage\*: N/A

*Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change*

Strengthening environmental, economic and social resilience\*: Resilience to climate change will be achieved through: the site's distance from coastal areas and utilisation of land for residential development away from low lying areas susceptible to sea-level rise and storm surges; creation of stormwater capacity; and the potential for building and landscape design to address increased mean temperatures or amplification of heat extremes.

Extending the infrastructure network and providing for additional houses in the middle of a national housing crisis will contribute to Christchurch City's and the wider Canterbury region's resilience.

*Other public benefit*

Other public benefit\*: There are multiple public benefits this project will deliver. It is well reported that New Zealand has a housing crisis which the current government is looking to fix with various policy changes. The most significant public benefit is that this project will deliver 200 residential lots/units in total, a range of housing densities, and all associated infrastructure necessary for the same. The project also has provision for first home builders and this is consistent with the government's policy of building more homes for this market. As stated the project will 'add significantly to development capacity' for the north of the city.

*Whether there is potential for the project to have significant adverse environmental effects*

Significant adverse environmental effects\*: This project is not expected to result in any significant adverse environmental effects.

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## **PART 10: CLIMATE CHANGE AND NATURAL HAZARDS**

*Description of whether and how the project would be affected by climate change and natural hazards*

Climate change and natural hazards\*: Resilience to climate change will be achieved through the site's distance from coastal and avoidance of low lying areas; the land's resilience to heavy rainfall events/frequency, and the potential for building and landscape design to address increased mean temperatures or amplification of heat extremes. The proposal will ensure that all residential lots will not be impacted by any future flooding events by using material excavated to create the stormwater treatment and ecological area to raise site levels, in tandem with locating development on an existing raised terrace area

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## PART 11: TRACK RECORD

### Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions

\*

Local authority	Compliance/ Enforcement Action and Outcome
N/A	N/A

## PART 12: DECLARATION

### Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
  - Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
  - Further information may be requested at any time before a decision is made on the application.
  - Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
  - Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).
- I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested. \*



*By typing your name in the space provided, you are electronically signing this application form and certifying the information given in this application is true and correct.*

Signature\*:

Date\*:

### **Checklist**

*Where relevant to your application, please provide a copy of the following information.*

- Correspondence from the registered legal land owner(s)
- Correspondence from persons of parties you consider are likely to be affected by the project
- Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement
- Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area
- Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary marine rights area