
Christchurch City Councillors reject Government's housing intensification rules

In a bold move, Christchurch City Council Councillors have voted (10:5) not to publicly notify the proposed Housing and Business Choice Plan Change (Plan Change) recommended by Council officers as a response to the mandatory requirements regarding residential intensification. In doing so, the Councillors have effectively opened the door to the potential appointment of a Commissioner to implement the Plan Change in the Council's stead.

The proposed Plan Change is required under the Resource Management Act 1991 (**RMA**) to, among other changes, incorporate the Medium Density Residential Standards (**MDRS**) within the District Plan to enable more intensified housing through the city. The requirement is aimed at accelerating and strengthening the outcomes for our urban centres anticipated by the National Policy Statement on Urban Development 2020 (**NPS-UD**). Notification of the Plan Change was required by law to occur on 20 August 2022. Christchurch City Council had already delayed notification of the Plan Change previously for Covid-19 related reasons.

Implementing the MDRS through the Plan Change would have allowed up to three homes of up to 12m high to be built in most residential areas of the city (with certain exceptions), without the requirement for resource consent. The Plan Change would have had immediate effect upon its public notification.

The Plan Change faced resistance from many members of the community, and was unpopular around the Councilor table from the start with Deputy Mayor Andrew Turner beginning his remarks by stating:

"Christchurch isn't Auckland. Christchurch does not need Auckland's solutions to problems that Christchurch doesn't have"

However, despite views of this nature being reasonably widely shared the Councillors (and the Council as an organisation) have no statutory ability to simply decide not to implement the required MDRS changes. As such, in declining to approve the Plan Change, there is now a real risk that Hon Nanaia Mahuta (as the Minister for Local Government) will utilise the powers available to her under the Local Government Act 2002 and appoint a Commissioner or a Crown Manager to implement the Plan Change on the Council's behalf. With local body elections on the horizon, if a Commissioner is appointed, the Minister may also decide to postpone the upcoming Council election. In wider fallout there could be ramifications for the Greater Christchurch Partnership (of which the Council is a member) and its relationship with the Crown under its Urban Growth Partnership.

If a Commissioner or Crown Manager is appointed, their role is not necessarily limited to simply

notifying the required Plan Change - it could extend to all of the Council's functions and duties, as well as, in the case of the appointment of a Commissioner, the exercise of the Council and its members powers under the Local Government Act and any other enactment. There is also a risk that if an appointment of this nature were to occur, Councillors will no longer have any input into the content of the Plan Change, and the Change may ultimately be notified with less Qualifying Matters than those recommended by Council officers. This risk was clearly articulated by current councillor Dr Melanie Coker in her speech on the Change:

"I want to vote no, not to notify to give the proverbial finger to the government and let them take full responsibility. I also want to vote yes to notify to try our best to protect our character and heritage areas and trees in our suburbs."

Certainly a bold move on the part of Christchurch City Council to reject a statutory direction which may have wide reaching consequences. It will be interesting to see how the Government reacts to this stand and whether the decision to reject the Plan Change will be of long-term benefit to Christchurch or will instead result in an even more enabling plan change being notified.

We are closely observing this process as it unfolds and will be providing regular updates – watch this space!

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