



Submission on Greater Christchurch Settlement Update – Our Space 2018-2048

Cathedral City Development Ltd

November 2018

Greater Christchurch Partnership

Submitter Details

Name: Cathedral City Development Ltd

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Resource Management and Planning
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Christchurch 8140

Email address: fiona@astonconsultants.co.nz

Phone Number: 03 3322618

Mobile Number: 0275 332213

Contact Person Fiona Aston

Hearings:

I wish speak at the hearings.

Preferred location: Christchurch City

Contact number: C/- Aston Consultants Ltd. Contact details as above.

Background:

The following background provides the context to the Submitter, Cathedral City Development Ltd's (CCDL) submission on the Greater Christchurch Settlement Update (GCSU). CCDL owns a 6.8ha block of land ('the Site') on the Port Hills adjoining and with access via the Harry Ell Drive existing residential area (see location plan below – CCDL site marked blue).



The Site is zoned Rural Port Hills and is within a Rural Amenity Landscape. It is currently planted in radiata pine which is 21 years old but not a viable forestry lot due the small size and generally unfavourable site conditions (exposure to winds, low fertility soils etc.). The trees can be removed at any time, as they are of minimal value and will not generate an economic return. Access for

any rural or forestry use is problematic, as the only access is via Harry Ell Drive and through the existing residential subdivision.

CCDL requested that the Site be rezoned Residential Large Lot (RLL) under the Christchurch Replacement District Plan Review (CRDP)¹, consistent with the zoning that applies to a number of other areas at the upper boundary of the existing Port Hills residential areas (including at Moncks Spur; Bridle Path Road and Morgans Valley, Heathcote; Pentre Terrace, Cashmere; and Worsleys Road). The minimum lot size for the RLL zone is 1500m² (a number of the existing areas have density overlays with a minimum lot size of 3000m²). The proposed development concept is attached as **Appendix A**.

The submission was supported with expert planning, geotech, servicing and landscape advice and evidence.² A copy of the submission is attached as **Appendix B**. It includes advice regarding servicing (Appendix D), geotech advice regarding the land's suitability for development (Appendix E) and a visual assessment (Appendix F). The rezoning will not give rise to any adverse more than minor (if any) adverse effects on the environment and the land is suitable for the proposed development.

As set out in closing legal submissions for CCDL (attached as **Appendix C**), the Council undertook an assessment of the merits of the submission and supported the rezoning. However, in effect it's 'hands were tied' and it was unable to recommend rezoning due to its interpretation of the 'higher order' documents i.e. Canterbury Regional Policy Statement (CRPS). This requires under Objective 6.2.1.(3) and Policy 6.3.1.(4) the avoidance of urban development (defined as residential density at greater than one household per 4 ha) outside of existing urban areas or greenfield priority areas unless expressly provided for in the CRPS; and that under Policy 6.3.9 there be no further rural residential development within Christchurch City. A suggested CRDP rule was put forward to ensure that the maximum permitted site density was under 5,000m² so that the development did not fall within rural residential development (which is defined as being 1-2 households per ha).

¹ Submission no. 2129

² Evidence can be supplied on request, and is also available on the Independent Hearing Panel website – <http://www.chchplan.ihp.govt.nz/hearing/chapter-14-residential-part-stage-2/> (CCDL)

Relief Sought:

Additions are shown in bold and underlined and deletions as strike through.

1. Amend **Our Space** Fig 16: Proposed locations of future development areas in Greater Christchurch as follows:-

Include the CCDL land as a Greenfield Priority Area – Residential on Fig 16.

2. 6.2 Schedule of future work

Amend 8 (page 34) as follows:-

Prepare a proposed change to Chapter 6 (Recovery and Rebuilding of Greater Christchurch) of the Canterbury Regional Policy Statement to:-

- address the need for additional housing development capacity over the short and medium term by amending Map A to be consistent with the relief sought in this submission (including 1. above and 3. below); and

- provide flexibility to accommodate meritorious proposals for urban development and zoning and to facilitate a responsive planning approach by amending and adding to the objectives and policies as follows (insertions in bold and underlined):-

Add new Policy 6.3.1A as below:-

Policy 6.3.1 A

(a) Enable urban development or zoning outside the Greenfield Priority, Special Housing Areas and Existing Urban Areas shown on Map A provided the following conditions are met:-

(i) Any additional land is contiguous with a Greenfield Priority Area, Special Housing area, or Existing Urban Area; and

(ii) Any additional land will integrate with the provision of infrastructure; and

(iii) Any additional land is a logical addition to the urban area and will contribute to a consolidated urban form; and

(iv) The beneficial planning outcomes for the urban development or extension outweigh any disbenefits arising from increasing the land available for urban development; and

(v) All of the criteria in Policy 6.3.11 (5)(a) to (g) inclusive are met.

Explanation:

This policy confirms the requirement for urban development to be contained within Greenfield Priority, Special Housing and Existing Urban Areas but provides some flexibility to accommodate meritorious proposals and to facilitate a responsive planning approach given the uncertainties associated with the housing and business land capacity assessments which have informed Map A, and with the primary drivers and influencers of urban development in Greater Christchurch.

6.2.1 Recovery framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:....

3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS **or which has only minor or less than minor adverse effects that will not compromise the overall CRPS urban growth management approach;**

6.3.1 Development within the Greater Christchurch area

In relation to recovery and rebuilding for Greater Christchurch:

4. 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 **or which have minor or less than minor adverse effects that will not compromise the overall CRPS urban growth management approach;**

6.3.7 Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

7. Subject to Policy 5.3.4, residential greenfield priority area development shall occur **generally** in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028.

3. Specify in **Our Space** that Fig 16 be included in District Plans rather than the Canterbury Regional Policy, thus facilitating the ability for private plan requests for changes to the same, with appropriate criteria for assessment being included in the CRPS and/or District Plans; or as a less preferred alternative, other methods to retain flexibility and 'future proofing' to

respond to meritorious housing and business development proposals which give effect to the NPS-UDC but are not recognized or provided for in **Our Space** and supporting documents.

4. Consider other amendments to the CRPS and other documents and other actions which are appropriate to facilitate a responsive planning approach to management of urban growth of Greater Christchurch.
5. Consider streamlined RMA or other processes to facilitate the amendments sought which are specific to the Submitters' land and which provide flexibility to provide for meritorious zoning and urban development, including associated policy wording. Do not use streamlined processes for implementation of the overall **Our Space** strategy and approach which has very significant implications and needs to be subject to rigorous RMA based evidential testing.

Reasons for Relief Sought:-

1. For the reasons set out above under and under the responses to the Submission Form questions below.
2. The housing and business development capacity targets, urban form outcomes, and Schedule of Future Work measures (including change to the CRPS) contained in **Our Space** will have a profound and defining effect on the Greater Christchurch settlement pattern for the next 30 years. There will be significant flow on effects for the local, regional and potentially national economies. There is an acknowledged high level of uncertainty with the housing and business development capacity targets; and the adopted approach is aspirational and untested with its focus being redevelopment and intensification of existing urban areas, underpinned by an as yet unfunded "*vision for transformation of the transport network that fosters much greater public and active transport usage, and reduced reliance on the private vehicle*".³ Despite all this, there is no s32 assessment accompanying **Our Space**.
3. The amendments sought will enable the CCDL land to be used in the most appropriate, effective and efficient way which will achieve the purpose of the Resource Management Act 1991 (the Act).

³ Open Space p 19

4. **Our Space** as notified proposes an urban growth management approach, in particular as it affects the CCDL land, which is inconsistent with and does not give effect to the Act, including Part 2 and Section 32, and other relevant statutory and non statutory matters.
5. The **Our Space** housing development capacity targets are uncertain, inaccurate and based on a flawed methodology. With respect to hillside developments, it is likely that some of the existing zoned hill areas will not be practical, economic or feasible to develop, including due to geotech, access and other physical constraints.
6. **Our Space** considers a responsive planning approach to future the management of the Greater Christchurch urban growth but does not facilitate or enable this, whereas the relief sought is this submission does.
7. **Our Space** as notified is contrary to and does not give effect to the National Policy Statement – Urban Development Capacity (NPS – UDC) in particular Policy PB1 which requires housing capacity supply to meet demand for different types, locations and price points.
8. A fixed uncontestable urban/rural boundary line for Greater Christchurch as proposed by **Our Space** is unlikely to facilitate the urban form sought by **Our Space** including for the following reasons:-
 - Overly strict limitations on peripheral growth causes excessive land price inflation that in turn has a very negative effect on housing affordability;
 - A planning regulatory regime which provides for a contestable urban/rural boundary sends an important signal to the property market that it is best to get on with development rather than “land bank” (because there is excessive capital gain due to scarcity of land supply);
 - Containment and higher land values does not facilitate intensification;
 - If the Central City and the Key Activity Centres are attractive the market will locate there by people’s choice. Generally carrots are better than sticks to achieve desired planning outcomes.
 - A contestable urban/rural boundary is not ‘laissez-faire’ and ad hoc and will not result in uncontained urban sprawl. The proposed amendments to **Our Space** and other planning documents require strategic planning including with respect to infrastructure, and an evidence base in support of any amendments to the boundary;
 - A policy of both “up and out” that ensures there are a range of development opportunities and housing choices is appropriate.

Housing Growth:

Question 1:

Our Space highlights there is significant capacity for new housing through redevelopment in Christchurch City but to accommodate housing growth in Selwyn and Waimakariri it identifies additional greenfield land around Rolleston, Rangiora and Kaiapoi.

Do you agree with this approach and why?

Response:

Our Space has a 30 year time horizon. It acknowledges that many of the primary drivers and influencers of urban development in Greater Christchurch are in a state of change and a responsive approach to planning is necessary.⁴ It also acknowledges considerable methodological difficulties with the feasible housing and business capacity assessments contained within, and which have informed the policy responses. Notwithstanding, it proposes to retain a highly inflexible non contestable fixed rural/urban boundary line, as shown on Figure 16 'Proposed locations of future development areas in Greater Christchurch'. This approach is opposed, including but not limited to, the following reasons:-

- It is the complete opposite of 'responsive' planning, and does not facilitate resilience which requires the ability to respond with options in the face of an uncertain future and/or major unforeseen events. For example, Greater Christchurch was able to respond and recovery relatively quickly from the 2010/2011 earthquake sequence because substantial areas of greenfield housing in Selwyn and Waimakariri Districts in particular (but also at Prestons and south west Halswell) were able to be brought 'on line' quickly.
- There were a significant number of red zoned houses on the Port Hills. Rezoning for replacement housing on the Port Hills in suitable locations (such as CCDL Site) is appropriate. Whilst there is some not fully developed areas of RLL zoning on the Port Hills, a choice of areas is appropriate, as the timeframes and development aspirations of different landowners will mean that not all land zoned will necessarily be available for development in the immediate term. It continues to be the intention of CCDL to commence residential development as soon as suitable zoning is confirmed.

⁴ GC Settlement Update Section 6.1
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- Christchurch Council itself publicly expressed the view in its submission on the Draft LURP that *"there are some relatively minor changes to the existing urban boundary that are considered to have merit at a local level and would not in fact compromise any higher order policy direction."*⁵ (see **Appendix D**). The LURP review which resulted in the current 'version' of the statutory Greater Christchurch urban growth management strategy i.e. Chapter 6 of the CRPS focussed on the larger greenfield areas. It did not consider consequences of smaller anomalous situations where individual landowners were not given the opportunity to put their case (there were no hearings on LURP 'comments') and appeal rights were extinguished – or landowners were not even aware of the process. **Our Space** and the subsequent change to the CRPS should recognise such cases and make appropriate provision for them.
- Our Space and the CRPS are 'high level' documents which cannot realistically respond to local circumstances, land use patterns and needs which importantly inform land use planning at the local level. It needs to retain flexibility to enable appropriate response at the district level to local circumstances.

Question 2:

Our Space adopts the current planning framework that encourages a range of new housing types, especially in the central city, close to suburban centres within the City and around existing towns in Selwyn and Waimakariri.

Do you agree with this approach and why?

Response:

CCDL's seeks Residential Large Lot (or could be Port Hills Mixed Density) zoning which is appropriate given its location on the Port Hills rural/urban boundary, adjoining Victoria Park and within a Rural Amenity Landscape. Whilst at a Greater Christchurch wide level, there may be an increased demand for medium and higher density housing over time as household sizes reduce with an aging population, at a local level, other locationally specific factors such as existing amenity and character, physical land factors and servicing will often have a greater bearing on the appropriate housing response. Our Space and the CRPS need to have the flexibility to accommodate such local factors. The housing capacity assessments which have informed **'Our**

⁵ CRDP Exhibit B, Letter from CCC dated 29-5-15, page 2, section 2.3
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Space’ have been undertaken at an ‘aggregate level’ including for the entire Port Hills area and do not take into account locationally specific factors.

Question 3:

Our Space proposes to develop an action plan to increase the supply of social and affordable housing across Greater Christchurch and investigate with housing providers the different models to make it easier for people to buy their own home.

What elements should be included in this action plan?

Response:

No comment.

Business Growth

Question 4:

Our Space adopts the current planning framework that directs new commercial development (office and retail) to existing centres to retain their flexibility and vitality, especially the central city, suburban centres and town centres in Selwyn and Waimakariri.

Do you agree with this approach and why? What further measures would support such development?

Response:

No comment.

Question 5:

The Canterbury Regional Policy Statement and the District Plans for Christchurch City and Selwyn and Waimakariri Districts have already identified suitable capacity for new industrial businesses.

Do you agree or disagree this is sufficient and in the right location and why?

Response:

No comment.

Growth needs

Question 6:

The proposals in **Our Space** are informed by a Capacity Assessment that considers future demands for housing and business land, based on demographic changes and projections from Statistics New Zealand, and likely changes in our economy, including through business sector trends and impacts from technological change.

Do you agree or disagree with this evidence base and why?

Response:

See comments above. With respect to hillside developments, it is likely that some of the existing zoned hill areas will not be practical, economic or feasible to develop, including due to geotech, access and other physical constraints.

Transport and other infrastructure

Question 7:

Our Space promotes greater densities around key centres to increase accessibility to employment and services by walking, cycling and public transport. This aligns with recent transport proposals that signal more high frequency bus routes and in intention to deliver rapid transit along the northern and south-west transport corridors.

Do you agree or disagree with this approach and why?

Response:

No response, other than to note the CCDL Site is within close proximity to the Christchurch Metro Blue Line which runs up Hackthorne Road to Sign of Takahe, less than 500m (as the crow flies) from the Site.

Question 8:

Our Space aligns with broader infrastructure planning (including wastewater, water supply, stormwater, energy, telecommunications, community facilities, schools and healthcare) to help create sustainable, cohesive and connected communities.

Do you agree or disagree with this approach and why? What more could be done to integrate infrastructure planning?

Response:

No response, other than to note that there are no servicing issues with rezoning the CCDL Site for urban purposes (Residential Large Lot or Residential Hills Mixed Density).

Other

What other points do you wish to make to inform the final **Our Space 2018-2048 Greater Christchurch Settlement Update?**

Response:

No further comments other than as noted above under 'Submitter Background', 'Relief Sought' and 'Reasons for Relief'.

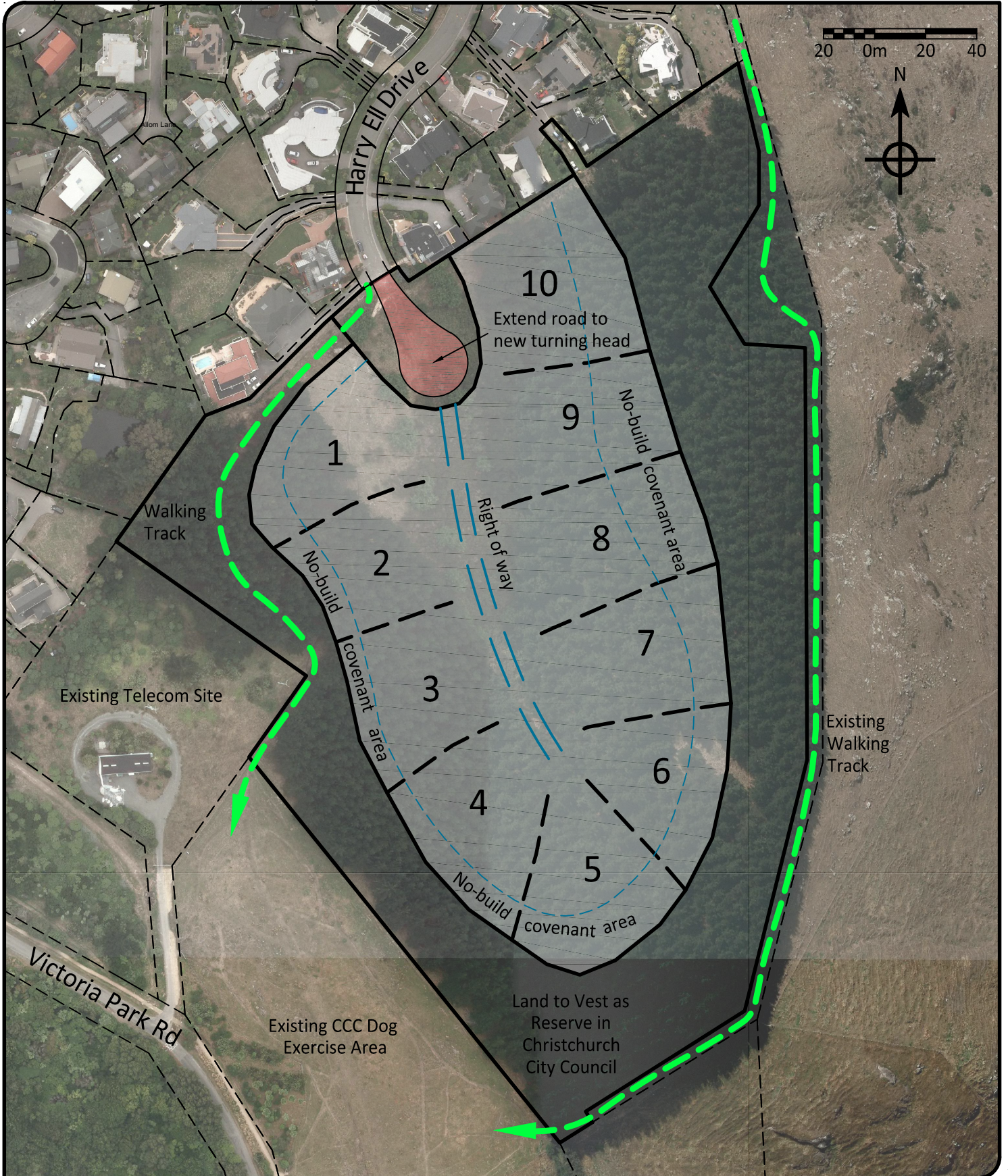
Appendices

Appendix A: Subdivision Concept

Appendix B: CCDL Stage 2 Submission – Christchurch Replacement District Plan

Appendix C: Closing legal submissions for CCDL Stage 2 Christchurch Replacement District Plan

Appendix A
Subdivision Concept



Concept Plan for Rezoning of 6.8ha Site

68 Harry Ell Drive, Cashmere
Pt Lot 1 DP 11796



www.foxsurvey.co.nz
0800 FOX SURVEY
P.O.Box 895
CHRISTCHURCH

Scale	1:2,000	Job No 0590C.01
Designed	DOF	
Drawn	PRD	
Date	28/05/15	Rev. 0

Appendix B

CCDL Stage 2 Submission – Christchurch Replacement District Plan



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Submission on Christchurch Replacement District Plan

Cathedral City Development Ltd

June 2015

Christchurch City Council

RESOURCE MANAGEMENT ACT 1991

CHRISTCHURCH CITY COUNCIL

**SUBMISSION ON THE PROPOSED CHRISTCHURCH REPLACEMENT DISTRICT PLAN
STAGE 2 2015**

Submitter Details

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Contact Person Fiona Aston

Trade Competition:

Ability to gain a trade competition advantage through this submission - No

Specific Proposals to Which this Submission Applies:

All of the Christchurch Replacement District Plan ('the Replacement Plan') but in particular:-

Proposal 14 Residential

Planning Maps 46 and 51

Submission:

Submitter

The Submitter, Cathedral City Development Ltd (CCDL) owns a 6.8ha block of land ('the Site') on the Port Hills with access via the Harry Ell Drive existing residential area (see location plan below).

The Site

The Site is located on a broad spur – the eastern boundary is above and beyond a series of rocky outcrops with the land beyond these outcrops falling steeply into Bowenvale Valley below. The Site boundaries are clearly defined by existing topographical and land ownership features. The western eastern boundary of the Site is generally on the crest of this broad spur and adjoins the Council owned Victoria Park. There is a 5m wide access strip along the eastern boundary which CCDL vested in the Council some 30 years ago and this strip provides pedestrian access between Scarf Place/Longhurst Terrace and Victoria Park.

The land to the west is part of Victoria Park, a major Port Hills outdoor recreational area which is extensively used by the local community and wider Greater Christchurch residents. It contains childrens' play areas and an extensive network of walking and mountain bike tracks, linking to the Summit Road recreational area.

The Site is approximately between 230 to 250m amsl. It is not subject to the Summit Road Protection Act - the western boundary follows the lower boundary of the Summit Road Protection Act as illustrated below:-



The Summit Road Protection Act specifically controls structures, forestry and subdivision activities on upper slopes of the Port Hills.

The Site is currently planted in pinus radiata which is 21 years old but not a viable forestry activity due the small size and unfavourable site conditions (exposure to winds, low fertility soils etc.). The

trees can be removed at any time, as they are of minimal value and will not generate an economic return. Access for any rural or forestry use is problematic, as the only access is via Harry Ell Drive and through the existing residential subdivision. Farm and forestry related vehicle usage would not be compatible with the adjoining residential activity.

Development Proposal and Proposed Zoning

CCDL propose to develop the Site for lower density residential purposes in accordance with the proposed Christchurch Replacement Plan (pRDP) Stage 2 Residential Large Lot (RLL) zoning. This is consistent with the zoning that applies to a number of other areas at the upper boundary of the existing Port Hills residential areas (including at Moncks Spur; Bridle Path Road and Morgans Valley, Heathcote; Pentre Terrace, Cashmere; and Worsleys Road). The minimum lot size for the RLL zone is 1500m² (a number of the existing areas have density overlays with a minimum lot size of 3000m²). The proposed development concept is attached as **Appendix A**.

A generous landscaped 'edge' of native planting is proposed along the Site boundaries with Victoria Park and the eastern slopes of Bowenvale Valley (zoned Open Space Natural and Rural Port Hills respectively in the Replacement Plan Stage 2). The development will yield approximately 10-12 sections, with vehicle access via Harry Ell Drive. The developer is prepared to remove the existing pines from the Site but it is the intention in the short term to retain a significant swathe of trees to provide shelter for a broad planting of native trees and shrubs.

The development concept proposes a number of environmental enhancement measures as follows:-

Widening and mass planting adjoining the eastern access way which will enhance public enjoyment of the Port Hills environment. The access affords extensive views into Bowenvale Valley, Huntsbury Spur and the open Port Hills landscape, the city and Pegasus Bay beyond. It is also intended to vest in the Council land adjacent to the Telecom site in order to provide a further degree of separation between the Telecom facilities and any residential development.

Planning Status of Submitter's Land ('the Site')

Chapter 6 of the Canterbury Regional Policy Statement ('C6'):

The Site is not located within a Greenfield Priority Area – Residential as indicated on Map A Greenfield Priority Areas in Chapter 6 of the Canterbury Regional Policy Statement.

The Greenfield Priority Areas are intended to accommodate the increased demand for households resulting from the recent Canterbury earthquakes (along with the 'twin policy' of intensification of existing urban areas), with sufficient land rezoned to provide for housing choice, which avoids an escalation in section and house prices due to shortage of supply:-

Objective 6.2.1 – Recovery Framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

(1) Identifies priority areas for urban development within Greater Christchurch....

Policy 6.3.7 – Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

(1) Subject to Policy 5.3.4, residential greenfield priority area development shall occur in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028.

(6) Housing affordability is to be addressed through providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period....

Policy 6.3.7 – Residential location, yield and intensification

In relation to residential development opportunities in Greater Christchurch:

(1) Subject to Policy 5.3.4, residential greenfield priority area development shall occur in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028.

(6) Housing affordability is to be addressed through providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period....

CCDL has lodged a Comment on the current LURP (Land Use Recovery Plan) Review seeking amendments to C6 to include the Site as a 'Port Hills Greenfield Residential Area' and to amend Policy 6.3.11 to provide for minor extensions to Greenfield Areas and Existing Urban Areas (as was provided for under the RPS Chapter 12A policy framework which preceded Chapter 6 ('C6')). The Comment seeks to exempt Port Hills Greenfield Areas from the requirement to achieve a minimum of 15 households per ha as this is impractical and inappropriate in a hills setting. A copy of the LURP Comment is attached as **Appendix B**.

Land Use Recovery Plan

The Land Use Recovery Plan ('LURP') identifies greenfield priority areas for new residential subdivisions to meet anticipated demand to 2028 (as shown on Map A of C6)¹. Action 19 requires Christchurch City Council *"to enable in the next review of its district plans, to provide for development of the greenfield areas shown on Map A, appendix 2, that are not already zoned for development in accordance with Chapter 6 of the Regional Policy Statement."*

As discussed above, the Submitter recently lodged a Comment on the LURP Review seeking that amendments to the LURP (which includes C6 of the RPS (Appendix 1) to facilitate urban development of the Site. The amendments sought may be necessary to enable the CCDL development proposal to proceed. This is by virtue of Policy 6.3.1 (4) which is *"ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A"*. The Site is not a greenfield priority area or existing urban area.

However, it is considered that the proposed amendment to the Port Hills urban/rural boundary is of a minor nature which is not of regional significance and is therefore not inconsistent with the LURP and will give effect to C6.

Christchurch City Operative Plan

The Site is zoned Rural Hills (RuH) in the Operative Plan. The minimum lot size for subdivision and a dwelling is 100 ha.

Christchurch Proposed Replacement District Plan

Scope of Review: The Christchurch Operative District Plan is currently under review, under the Canterbury Earthquake Recovery Order 2014.

All aspects of the District Plan are under review, including provisions relating to the Port Hills residential areas. The Review is being undertaken under special streamlined and accelerated legislation promulgated to address planning needs arising as a result of the recent earthquakes. By definition, all elements of the Review are 'earthquake related'.

With respect to housing, provision is to be made for a wide range of housing types and locations, including but not limited to smaller more affordable housing in existing areas (to be facilitated through infill and intensification).

The accelerated process is to provide a rapid solution to the destruction of housing stock in a way that also provides an appropriately managed choice of living styles for displaced communities. There have been numerous high quality houses in the Port Hills area (particularly towards Sumner), which have been 'red zoned' and where rebuilding is not permitted. Rezoning for replacement housing on the Port Hills in suitable locations (such as the Site) is appropriate. Whilst there are a number of other not fully developed areas of RLL zoning on the Port Hills, a choice of areas is appropriate, as the timeframes and development aspirations of different landowners will mean that not all land zoned will necessarily be available for development in the immediate term.

It is the intention of CCDL to commence residential development as soon as the RLL zoning is confirmed.

Zoning: The Site is zoned Rural Port Hills (RuPH). The minimum lot size for subdivision and a dwelling is 100 ha.

Provision is made in the Rural Urban Fringe Zone (RUFZ) for establishing a dwelling on an existing 'undersize' site (as at 2 May 2015) (the minimum lot size in the RUFZ for subdivision and a dwelling is 4ha). A similar rule should apply allowing for a dwelling on existing 'undersize' sites in the other Replacement Plan rural zones (as set out in the Relief Sought below).

Relevant Objectives and Policies:

The development concept (**Appendix A**) is entirely in accordance with the Replacement Plan objectives and policies. Of particular relevance are 8.1.1.3 Policy – Environmental Compensation and 14.1.5.7 Policy – Residential development on the Port Hills (see **Appendix C**).

Amendments are sought to the Replacement Plan 17.1.1.5 Policy 5 - Density and distribution of rural dwellings to provide the policy context for a dwelling on 'undersize' sites in all rural zones including the RuPH Zone.

Relevant Planning Framework

Submissions must be assessed under the provisions of the Resource Management Act 1991, including Part 2 and Section 32 (Requirements for Preparing Evaluation Reports), the Replacement Plan Strategic Directions decision; and the Order in Council ('OIC').

Schedule 4 of the OIC includes a 'Statement of Expectations' for the Replacement District Plan.

This includes that the Replacement Plan:-

(c) provides for the effective functioning of the urban environment of Christchurch district, reflecting the changes resulting from the Canterbury earthquakes, including changes to population, land suitability, infrastructure and transport.

(d) facilitates an increase in the supply of housing, including by-

(ii) ensuring the district plan has capacity to accommodate up to 23 700 additional dwellings by 2028 (as compared with the number of households in the 2012 post-earthquake period); and

(iii) providing for a wide range of housing types and locations.

(e) ensures sufficient and suitable development capacity and land for commercial, business and residential activities.

In addition, it must be an efficient and easy to use document and must:-

(a) Clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to significantly reduce (compared with existing district plans)-

(i) Reliance on resource consent processes; and

(ii) The number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and

(iii) The requirements for written approval and notification.

Proposal 3: Strategic Directions and Outcomes

The Role of the Strategic Directions and outcomes chapter of the Replacement Plan , is to provide the “*strategic context*” for the district plan and “*the overarching direction*” for other chapters “*through high-level objectives and policies for the district as a whole*” ¹

For the purposes of preparing, changing, interpreting and implementing the Replacement Plan, all other objectives within the Strategic Directions Chapter are to be expressed and achieved in a manner consistent with objective 3.3.1 and 3.3.2. The objectives and policies in all other Chapters of the District Plan are to be expressed and achieved in a manner consistent with the objectives in the Strategic Directions and Outcomes Chapter of the Replacement Plan.

¹ (pg25, para 76– Decision 1 Strategic Directions and Strategic Outcomes (and relevant definitions) 26th February 2015)

The key Strategic Directions and Outcomes objectives which are of relevance to this submission are:

Objective 3.3.1 – Enabling recovery and facilitating future enhancement of the district. This is to be achieved in a manner that both meets the community's needs, including for economic development and investment certainty; and sustains the important qualities and values of the natural environment.

Objective 3.3.2 – Clarity of language and efficiency.

Efficiency is to be achieved by minimising transaction costs and resource consents associated with the Replacement Plan processes; the extent of development controls and design standards (generally adopting a targeted approach); and requirements for notification and written approvals.

Section 32

The current zoning and associated rules (Rural Port Hills, minimum lot size for subdivision and a dwelling 100ha) leaves small pockets of land such as the Site in limbo ...with no practical use and having negligible value. This 6.8ha is a small area of land that is not suitable for any agricultural use and the current forestry use is uneconomic and not sustainable. No form of housing or residential use is possible under the current planning rules.

If this land is not zoned for some sort of residential development then it will continue to remain a site with no use and of limited value. The Site can readily be developed to reflect the principles of the Urban Design Protocol with values of character, context, connectivity etc, as is per the proposed development concept (**Appendix A**).

The Stage 2 zoning of the Site as Residential Large Lot (RLL) is considered to be the most appropriate way to achieve the purpose of the Resource Management Act and the objectives of the Replacement Plan, including in terms of its efficiency and effectiveness compared to retaining the current Rural Port Hills zoning.

Suitability for Rezoning for Greenfield Residential Purposes

The Site is suitable for development for residential purposes immediately, as part of Stage 2 of the Replacement Plan.

Location:

This proposed rezoning of the Site to RLL is consistent with the zoning that applies to a number of other areas at the upper boundary of the existing Port Hills residential areas as discussed above.

Possible Subdivision Concept:

A proposed development concept is attached as **Appendix A**, and is discussed above.

Servicing:

Attached as **Appendix D** is a letter from Fox Surveyors which confirms that there are no servicing constraints to development of the Site at either RLL densities (approximate yield 10-12 sections).

Geotech Status:

Tonkin and Taylor have undertaken a preliminary 'walk over' of the Site and advise that there are unlikely to any geotech or other natural hazard constraints to development of the Site, under the provisions of s106 of the Resource Management Act 1991 (see **Appendix E**).

Other Potential Development Constraints:

Landscape constraints:

Andrew Craig, landscape architect has assessed the landscape and natural values of the Site (**see Appendix F**) and concluded that favourable conditions exist on Site for the proposed rezoning with respect to– contiguousness, remediation, modest size, the lack of significant site features, good access and the enhancement opportunity involving planting most of the site with indigenous re-vegetation. Further enhancement as a result of the proposed rezoning of the Site will accrue from the removal of the pine plantation thereby improving landscape coherence and consistency – that is, adopting the prevailing land cover character of both the urban and rural environments.

It is noted that the chief cost is lessening of the ONL, where in this case the primary landscape value is loss of vegetated open space. However, it is considered that this is not of a particularly high quality due to the presence of pine plantation which almost entirely occupies the Site.

Further, the area lost from the ONL will be small relative to its overall extent.

Andrew Craig considers that there will be no adverse amenity effects arising from development following re-zoning. The reason is that modern housing on large lots will be high quality. The large lots will further enable large scale planting which will further provide amenity.

Overall, it is considered that the land use and its effects arising from the proposed re-zoning will, on balance, be appropriate in landscape terms given the circumstances discussed above.

Relief Sought:

- 1) Amend Map 46 and 51 of the Replacement Plan to rezone the Site (as shown on the location plan on page 3 of this submission) Residential Large Lot (RLL).
- 2) Change the status of Rule 17.8.2.6 D4 (one residence on a site in existence as at 2 May 2015 with a net area of greater than 1 ha but less than 4 ha) from discretionary to controlled and specify that any such consent shall not require affected party approvals and shall be non notified.
- 3) Add equivalent rules providing for one residence on existing 'undersize' sites i.e. lots smaller than the permitted minimum area, in the Rural Banks Peninsula, Rural Waimakariri, and Rural Port Hills Zones as a controlled activity with matters over which Council reserves control as set out in amended Rule 17.8.2.6 below.
- 4) Amend Rule 17.8.2.6 to matters over which Council reserves control, not assessment matters as follows:-

17.8.2.6 Residential activities on existing small sites

a. ~~Whether the The~~ density, location and design of the residential activity ~~will~~ **having regard to the maintain~~en~~ance** rural character and amenity values. ~~taking into account~~

~~i. the effects of a residential unit on the site contributing to a change in the rural character and amenity values towards a more urban character;~~

~~ii. the extent to which the site is capable of providing an identified building area that complies with relevant Built Form Standards;~~

~~iii. the extent to which the current use of the site is for a rural activity and its ability to continue;~~

~~iv. the extent to which the site will be compromised for any future urban activities or combined with surrounding sites to enable a larger development to occur; ...~~

4. Amend 17.1.1.5 Policy 5 – Density and distribution of rural dwellings as follows:-

17.1.1.5 Policy 5 - Density and distribution of rural dwellings

a. Ensure a density and distribution of rural dwellings that will:

- i. **retain maintain** a rural working environment;
- ii. support a consolidated urban form and rural settlements;
- iii. encourage retention of larger sites;
- iv. prioritise the use of existing sites or amalgamation of multiple small sites;
- v. avoid creating new sites less than 4ha in the Rural Urban Fringe Zone;
- vi. enable use of existing sites **for dwellings less than 4ha for rural dwellings in the Rural Urban Fringe Zone where it will not result in large lot/rural residential development;**

Other

Any consequential, further or alternative amendments to the Replacement District Plan to be consistent with the above and to give effect to the intent of this submission and the interests of the Submitter.

Reasons for Relief Sought:

1. For the reasons outlined above.
2. The proposed rezoning of the Site to RLL will give effect to the strategic directions and objectives and policies of the Replacement Plan.

3. The notified Replacement Plan provisions are inconsistent with and do not give effect to the Resource Management Act 1991, including Part 2 and Section 32 or other relevant statutory and non statutory matters including the Order in Council (in particular those parts of Schedule 4 Statement of Expectations set out above under 'Relevant Planning Framework'), LURP and C6 of the Canterbury Regional Policy Statement.
4. The Section 32 Evaluation Report in support of the provisions of the Replacement Plan including those sought to be changed by this submission is inadequate.
5. Erecting a dwelling on an existing title as at 2 May 2015 in all rural zones should be provided for, and as controlled not discretionary. These titles are existing and relate to a pre-existing subdivision pattern only, so there is no risk of such consents resulting in a 'cluster' of large lots or rural residential lots (noting these terms are not explained or defined in the Replacement Plan). Controlled status is consistent with the Strategic Directions Objective 3.3.2 (a) ie minimize transaction costs and resource consent processes and the number, extent and prescriptiveness of development controls. In the Waimakariri, Rural Port Hills and Rural Banks Peninsula Zones, whilst existing titles can be larger than 4 ha, the productive potential of undersize lots remains very limited due to the generally poorer soil quality and growing conditions in these 'harsher' environments. Residential 'lifestyle' use of such lots is generally the only viable and sustainable use for the land. Providing for a dwelling on existing undersize titles will not result in a major cumulative change to the character of the existing rural environment, as the number of existing 'undersize' lots without an existing dwelling is limited.

We wish to be hearing in support of this submission

If others make similar submissions we will consider presenting a joint case with them.



.....
(Signature of applicant or person authorized to sign on behalf of the applicant)

Date: June 12, 2015

Appendices:

Appendix A Development Concept

Appendix B LURP Comment

Appendix C Relevant Replacement Plan Objectives and Policies

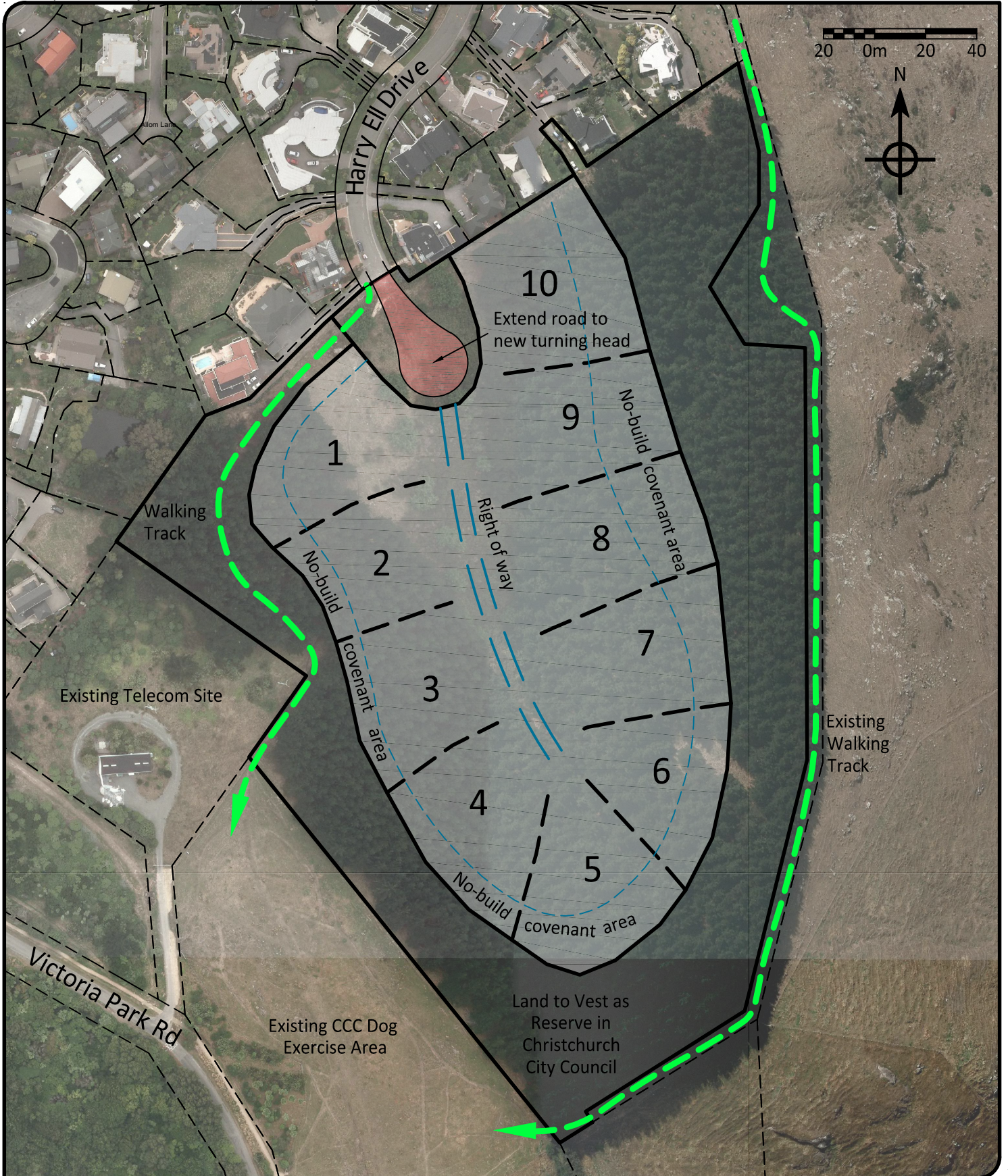
Appendix D Letter from Fox Surveyors regarding servicing

Appendix E Preliminary Geo tech letter

Appendix F Landscape Assessment

Appendix A

Proposed Development Concept



Concept Plan for Rezoning of 6.8ha Site

68 Harry Ell Drive, Cashmere
Pt Lot 1 DP 11796



www.foxsurvey.co.nz
0800 FOX SURVEY
P.O.Box 895
CHRISTCHURCH

Scale	1:2,000	Job No 0590C.01
Designed	DOF	
Drawn	PRD	
Date	28/05/15	Rev. 0

Appendix B

LURP Comment

COMMENT ON LAND USE RECOVERY PLAN REVIEW

Environment Canterbury

PO Box 345

CHRISTCHURCH 8140

By email only: LURP@ecan.govt.nz

Name: Cathedral City Holdings Ltd

Address for Service: Aston Consultants

PO Box 1435

Christchurch 8140

Attn. Fiona Aston P 03 332213 / 0275 332213

E fiona@astonconsultants.co.nz



(Signature of applicant or person authorised to sign on behalf of the applicant)

Date: May 29, 2015

Topic Areas: Direction and Coordination, Communities and Housing

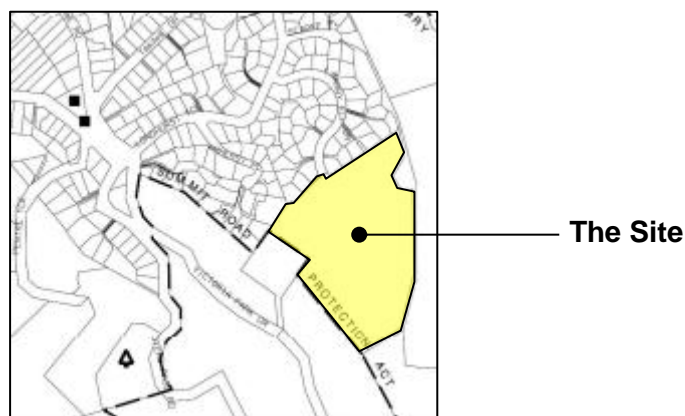
Introduction/The Site

This Comment is made on behalf of Cathedral City Holdings Ltd (CCHL) who own a 6.8ha block of land ('the Site') on the Port Hills with access via the Harry Ell Drive existing residential area (see location plan below). The Site is currently planted in radiata pine which is 21 years old but not a viable forestry lot due the small size and generally unfavourable site conditions (exposure to winds, low fertility soils etc.). The trees can be removed at any time, as they are of minimal value and will not generate an economic return. Access for any rural or forestry use is problematic, as the only access is via the Harry Ell Drive and through the existing residential subdivision. Farm and forestry related vehicle usage would not be compatible with the adjoining residential activity.

The Site is located on a broad spur – the eastern boundary is above and beyond a series of rocky outcrops with the land beyond these outcrops falling steeply into Bowenvale Valley below. The Site boundaries are clearly defined by existing topographical and land ownership features. The western eastern boundary of the Site is generally on the crest of this broad spur and adjoins the Council owned Victoria Park. There is a 5m wide access strip along the eastern boundary which CCHL vested in the Council some 30 years ago and this access strip provides between Scarf Place/Longhurst Terrace and Victoria Park.

The land to the west is part of Victoria Park, a major Port Hills outdoor recreational area which is extensively used by the local community and wider Greater Christchurch residents. It contains childrens' play areas and an extensive network of walking and mountain bike tracks, linking to the Summit Road recreational area.

The Site is 230 to 250m amsl. It is outside the area subject to Summit Road Protection Act - the western boundary follows the lower boundary of the Summit Road Protection Act as illustrated below:-



The Summit Road Protection Act specifically controls structures, forestry and subdivision activities on upper slopes of the Port Hills.

Development Proposal and Proposed Zoning

CCHL propose to develop the Site for lower density residential purposes in accordance with the proposed Christchurch Replacement Plan (pRDP) Stage 2 Residential Large Lot (RLL) zoning. This is consistent with the zoning that applies to a number of other areas at the upper boundary of the existing Port Hills residential areas (including at Monks Spur; Bridle Path Road and Morgans Valley, Heathcote; Pentre Terrace, Cashmere; Worsleys Road; Redmund Spur, Cashmere Road; and Kennedys Bush). The minimum lot size for the RLL zone is 1500m² (a number of the existing areas have density overlays with a minimum lot size of 3000m²).

The proposed development concept is attached as **Appendix A**. A generous landscaped 'edge' of native planting is proposed along the Site boundaries with Victoria Park and the eastern slopes of Bowenvale Valley (zoned Open Space Natural and Rural Port Hills respectively in the pRDP Stage 2). The development will yield approximately 10-12 sections, with vehicle access via Harry Ell Drive. The developer is prepared to remove the existing pines from the Site but it is the intention in the short term to retain a significant swathe of trees to provide shelter for a broad planting of native trees and shrubs.

The development concept proposes a number of environmental enhancement measures as follows:-

- Widening and mass planting adjoining the eastern access way which will enhance public enjoyment of the Port Hills environment. The access affords extensive views into Bowenvale Valley, Huntsbury Spur and the open Port Hills landscape, the city and Pegasus Bay beyond.
- It is also intended to vest in the Council land adjacent to the Telecom site in order to provide a further degree of separation between the Telecom facilities and any residential development.

A submission will be filed on Stage 2 of the pRDP seeking RLL zoning for the Site.

Suitability for Residential Development

Attached as **Appendix B** is a letter from Fox Surveyors which confirms that there are no servicing constraints to development of the Site at either RLL densities (approximate yield 10-12 sections).

Tonkin and Taylor have undertaken a preliminary 'walk over' of the Site and advise that there are unlikely to any geotech or other natural hazard constraints to development of the Site, under the provisions of s106 of the Resource Management Act 1991 (see **Appendix C**).

Landscape and Natural Values

Andrew Craig, landscape architect has assessed the landscape and natural values of the Site (see **Appendix D**) and concluded that favourable conditions exist on Site for prospective rezoning with respect to– contiguousness, remediation, modest size, the lack of significant site features, good access and the enhancement opportunity involving planting most of the site with indigenous re-vegetation. Further enhancement as a result of the proposed rezoning of the Site will accrue from the removal of the pine plantation thereby

improving landscape coherence and consistency – that is, adopting the prevailing land cover character of both the urban and rural environments.

It is noted that the chief cost is lessening of the ONL, where in this case the primary landscape value is loss of vegetated open space. However, it is considered that this is not of a particularly high quality due to the presence of pine plantation which almost entirely occupies the site. Further, the area lost from the ONL will be small relative to its overall extent.

Andrew Craig considers that there will be no adverse amenity effects arising from development following re-zoning. The reason is that modern housing on large lots will be high quality. The large lots will further enable large scale planting which will further provide amenity.

Overall, it is considered that the land use and its effects arising from the proposed re-zoning will, on balance, be appropriate in landscape terms given the circumstances discussed above.

Relevant Objective and Policy Framework

Objective 6.2.1 of Chapter 6 of the Regional Policy Statement ('C6'), (Appendix 1 of the LURP) is:-

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:....

(4) protects outstanding natural features and landscapes including those within the Port Hills from inappropriate subdivision, use and development.

The Operative City Plan identifies the distinctive natural and landscape features of the Port Hills, as outstanding and of national importance. The proposed Christchurch Replacement District Plan (pRDP) chapter relating to Natural and Cultural Values will be notified as part of Stage 3, in July. It is expected that the 'rural' Port Hills will continue to be identified as outstanding.

The proposed zoning is consistent with C6 and pRDP objective and policy framework with respect to the Port Hills which seek to ensure that development of greenfield land has a backdrop of a natural landform or vegetation; avoids buildings and structures on significant and outstanding skylines; is of a density that provides ample opportunity for tree and garden planting to reduce the visual dominance of buildings within the hillside landscape; integrates well with existing residential areas and where possible provides connections to public open

space; and where adjoining significant and outstanding natural landscape, remains compatible with these areas (Appendix E) The concept of environmental compensation is to be applied, where net benefit would arise from a subdivision proposal occurring within outstanding natural features and landscapes, as is the case here.

Canterbury Regional Policy Statement Chapter 6 Policy Amendment: Minor Changes to Greenfield Priority Areas

Chapter 12A of the RPS, which preceded Chapter 6 ('C6') included Policy 12: Resolution of Urban Limits. This provided for minor changes to urban limits at the time of rezoning land and preparing an ODP (see **Appendix F**). Policy 12 was not included in the LURP version of the RPS (Chapter 6) for unknown reasons.

It is essential there is flexibility in the application of the Urban Limit ('UL')/Greenfield ('GF') land policies to allow for minor urban extensions which are practical and appropriate and not of regional significance. The merits of such cases should be determined at the district level, including through the current Christchurch Replacement District Plan process. This may not be possible under the current RPS policy framework due the very specific wording of Policy 6.3.1 (see discussion below under 'Amendments to LURP').

The RPS is generally understood to be a 'higher order' strategic planning document and there are cases of landowners (including clients of Aston Consultants) who were not aware of, and hence, did not participate in the RPS review process (which was in any case 'truncated' by actions under Canterbury Earthquake Recovery Act legislation, including the LURP) in relation to the inclusion of their land as GF/within the UL.

The LURP Review should re-introduce a C6 policy which provides for minor changes to urban limits/GF areas. Suggested wording is set out under 'Relief Sought'.

Resource Management Act Section 32 'Test'

The current zoning and associated rules (Rural Port Hills, minimum lot size for subdivision and a dwelling 100ha) leaves small pockets of land such as the Site in limbowith no practical use and having negligible value. This 6.8ha is a small area of land that is not suitable for any agricultural use and then no form of housing or residential use is possible under the current planning rules.

If this land is not zoned for some sort of residential development then it will continue to remain a site with no use and of limited value. The site can easily developed to reflect the principles of the Urban Design Protocol with values of character, context, connectivity etc, as is per the proposed development concept (**Appendix A**).

The proposed RLL rezoning and development concept is the most appropriate way to achieve the purpose of the Resource Management Act, including in terms of its efficiency and effectiveness compared to retaining the current Rural Port Hills zoning.

Earthquake Recovery and the Christchurch Replacement District Plan

The Christchurch Operative District Plan is currently under review, under the Canterbury Earthquake Recovery Order 2014. The Schedule 4 Statement of Expectations includes that the Replacement Plan:

(c) provides for the effective functioning of the urban environment of the Christchurch district, reflecting the changes resulting from the Canterbury earthquakes, including changes to population, land suitability, infrastructure, and transport:

(d) facilitates an increase in the supply of housing, including by—...

(ii) ensuring that the district plan has capacity to accommodate up to 23 700 additional dwellings by 2028 (as compared with the number of households in the 2012 post-earthquake period); and...

(iv) having regard to constraints on environmental and infrastructure capacity, particularly with regard to natural hazards; and

(v) providing for a wide range of housing types and locations:

(e) ensures sufficient and suitable development capacity and land for commercial, industrial, and residential activities:

All aspects of the District Plan are under review, including provisions relating to the Port Hills residential areas. The Review is being undertaken under special streamlined and accelerated legislation promulgated to address planning needs arising as a result of the recent earthquakes. By definition, all elements of the Review are 'earthquake related'.

With respect to housing, provision is to be made for a wide range of housing types and locations, not just smaller more affordable housing in existing areas (to be facilitated through infill and intensification), which appears to be a focus of the LURP Review¹.

The accelerated process is to provide a rapid solution to the destruction of housing stock in a way that also provides an appropriately managed choice of living styles for displaced communities. There have been numerous high quality houses in the Port Hills area (particularly towards Sumner), which have been 'red zoned' and where rebuilding is not permitted. Rezoning for replacement housing on the Port Hills in suitable locations (such as

¹ LURP Review pages 1 and 6

the Site) is appropriate. Whilst there are a number of other not fully developed areas of RLL zoning on the Port Hills, a choice of areas is appropriate, as the timeframes and development aspirations of different landowners will mean that not all land zoned will necessarily be available for development in the immediate term.

It is the intention of CCHL to commence residential development as soon as the RLL zoning is confirmed.

Amendments to the LURP

The purpose of the LURP is to help achieve the vision of the Recovery Strategy for Greater Christchurch by providing direction for residential and business land use development to support recovery and rebuilding across metropolitan greater Christchurch in the next 10–15 years.²

No person must make a decision or recommendation that is inconsistent with the Recovery Plan³.

A district plan must give effect to a regional policy statement.⁴

Amendments to the LURP which includes C6 of the RPS (Appendix 1) may be necessary to enable the above development proposal to proceed. This is by virtue of Policy 6.3.1 (4) which is “*ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A*”. The Site is not a greenfield priority area or existing urban area. Further, Policy 6.3.6 (b) requires that development within greenfield areas in Christchurch City achieves a residential net density of 15 households per ha average over the whole of an Outline Development Plan (ODP) area (ODPs for greenfield areas are required under Policy 6.3.3). The RLL zone will not achieve the required density, if the Site is included as a greenfield priority area on Map A.

However, the proposed amendment to the Port Hills urban/rural boundary is of a minor nature which is not of regional significance and is therefore not inconsistent with the LURP and will give effect to C6.

The matter of ‘consistency’ with the LURP is addressed in the pRDP Strategic Directions and Outcomes Decision. The Panel found that:-

Even where the Replacement Plan is dealing with the same subject matter as provisions of the LURP, the Replacement Plan is not required to treat the subject matter in precisely the

² LURP Executive Summary page 6

³ Section 23 Canterbury Earthquake Recovery Act 2011

⁴ Section 75 3c) Resource Management Act 1991

same way. 'Not inconsistent with' is a phrase that provides reasonable allowance for interpretation and judgement as to how it should be applied in the context.⁵

Notwithstanding the above, for the avoidance of doubt, amendments to the LURP are requested to give effect to this Comment as follows:-

- 1) Amend Map A of Chapter 6 of the Canterbury Regional Policy Statement (Appendix 1 of the LURP) by inclusion of the Site as a 'Port Hills Greenfield Residential Area'.
- 2) Amend Policy 6.3.7 (3) (b) as follows (amendments in bold and underlined):-

(3) Intensification developments and development in greenfield priority areas shall achieve at least the following residential net densities averaged over the whole of an ODP area (except where subject to an existing operative ODP with specific density provisions):

(a) 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District;

*(b) 15 household units per hectare in greenfield areas in Christchurch City, **excluding Port Hills greenfield priority areas;***

- 3) Add to Policy 6.3.7 (b) Principal Reasons and Explanations:

With respect to the Port Hills Greenfield Priority Areas, the appropriate residential density will be determined by the district plan, having regard to the existing pattern of zoning and development and the need to ensure development complements the natural landform and character of the Port Hills.

- 4) Add new Policy 6.3.11 as below and re-number existing Policy 6.3.11 as Policy 6.3.12.

Policy 6.3.11 Minor Extensions of Greenfield Areas and Existing Urban Areas

(a) During the process of completing district plan changes or reviews (including privately requested changes), territorial authorities may make minor amendments to provide for urban zoning outside the Priority Greenfield Areas and existing urban areas shown on Map A provided all the following conditions are met:

(i) Any proposed extension or reduction is of a minor nature, generally around 10 ha or less; and

(ii) Any additional land is contiguous with an existing urban areas or identified greenfield priority area as shown on Map A

Explanation:

⁵ Replacement Plan Strategic Directions & Outcomes Decision paragraph 61

This policy confirms the requirement for urban development to be contained within the Greenfield Areas shown on Map A, but provides for minor extensions to Greenfield Areas or existing urban areas. In such cases, the territorial authority will determine whether an Outline Development Plan is necessary having regard to the purpose and content of Outline Development Plans as set out in Policy 6.3.3. Policy 6.3.7 will apply on the basis that the urban extension(s) are classed as 'greenfield areas'.

- 5) Such additional, alternative or consequential relief as will give effect to the intent of this Comment.

Appendices

Appendix A Development Concept

Appendix B Letter from Fox & Associates re Servicing

Appendix C Letter from Tonkin & Taylor re Site Suitability in relation to Natural Hazards

Appendix D Landscape Assessment (Andrew Craig)

Appendix E Relevant Replacement Plan Objectives and Policies

Appendix F Chapter 12A Policy 12 Resolution of Urban Limits

Appendix C

Relevant Replacement Plan Objectives and Policies

Replacement Plan (version dated 14/5/15)

8.1.1 Objective Natural and Built Environments

a. Significant natural features, landscapes, indigenous biodiversity and ecosystems, springs, significant trees, and historic heritage are protected or enhanced through the subdivision process.

8.1.1.1 Policy – Natural features and landscapes

a. Ensure that subdivision and associated works shall achieve the long term protection and enhancement of:...

ii. outstanding natural features and landscapes, significant features and landscapes, important ridgelines;

iii. significant indigenous vegetation and / or indigenous fauna, including sites of ecological significance.

8.1.1.3 Policy - Environmental Compensation

a. Apply the concept of environmental compensation where net benefit would arise from a subdivision proposal occurring within outstanding natural features and landscapes, significant natural features and landscapes, sites of ecological significance, and in relation to heritage items and settings, and significant trees.

14.1.5.7 Policy - Residential development on the Port Hills

Ensure that the development of greenfield land on that part of the Port Hills facing the Christchurch main urban area complements the natural landform and character of the hillside by ensuring that development:

(i) has a backdrop of a natural landform or vegetation when viewed from the flat land and coastline/coastal environment;

(ii) avoids buildings and structures on significant and outstanding skylines;

(iii) is of a density that provides ample opportunity for tree and garden planting to reduce the visual dominance of buildings within the hillside landscape

(iv) integrates well with existing residential areas and where possible provides connections to public open space;

(v) has regard to the location and scale of the principle building to reduce its visual dominance on the landscape;

(vi) if adjoining significant and outstanding natural landscape, conservation and biodiversity areas, remains compatible with these areas; and

(vii) where possible provides access to mahinga kai and places of cultural significance.

Appendix D

Letter from Fox Surveyors regarding Servicing



To the Hearings Panel

LAND USE RECOVERY PLAN

CONCEPTUAL DESIGN AND SERVICING OF SITES

195 Peterborough St, Christchurch 8013
PO Box 895, Christchurch 8140

0800 FOX SURVEY
0800 369 787

info@foxsurvey.co.nz
www.foxsurvey.co.nz

For: Cathedral City Holdings Ltd (CCHL)

Date: 29th May 2015

Prepared by: David Fox - Surveyor and Land Development Consultant

INTRODUCTION

I was responsible for the design and development of the 100 or so sections adjoining Harry Ell Drive back in the 1980's.

Harry Ell drive was constructed up to the rural zone boundary that existed at that time and which is still the residential /rural zone boundary at this point in time.

The balance land beyond the end of Harry Ell Drive is just a small block of land 6.8ha that is zoned rural. A cul-de-sac turning head was never constructed when we were undertaking the residential development back in the 1980's because it was envisaged by both CCHL and the Council obviously that Harry Ell Drive would be extended for some sort of residential use.

This 6.8ha site is not suitable for any valid or useful agricultural activity. It would be a sheer waste of resources for this land asset to just sit as waste land and not be used for some productive purposes. I believe that the conceptual proposal that we have produced for this land is the best use to which it could be put.

1. Development Concept

The intention is to extend Harry Ell Drive some 40 to 50 meters further up the slope and construct a turning head so that traffic on this road can turn in a normal traffic movement fashion.

A wide right of way could be constructed into the centre of the area identified for residential purposes. The right of way would be generous in width and have a very easy gradient.

The house sites would need to be located within a defined central portion of the site. The residential large lot (RLL) zoned sites would leave plenty of space for extensive and major planting.

A significant strip of land around the perimeter of this 6.8ha site would be gifted to the Council and this would enable a high degree of connectivity between the adjoining properties and pedestrian networks in the wider area.

2. Services

Enquiries were made at the City Council as to what the position was with services. I can confirm that both sewer capacity and domestic water supply services are available to serve this minor residential development. Storm-water treatment and storm-water disposal can be addressed on site. In summary the proposed development can be fully serviced.

3. Geo-tech and Landscape issues

A geo-tech consultant was engaged to provide a brief report on a site which clearly has no geo-technical issues he agreed this was so.

The landscape architects rather complex report came to the conclusion that there is no reason from a landscape point of view why the development should not proceed.



David Fox

Director

Fox & Associates Ltd

J:\ADMIN\DOF\DOF Misc\Land use recovery plan CCHL.docx

Appendix E

Preliminary Geotechnical Opinion

Fox Associates
Po Box 895
Christchurch, 8140

Attention: David Fox

Dear David

Geotechnical Opinion for Plan Change Submissions. Harry Ell Drive, Cashmere

This letter provides Tonkin & Taylor's preliminary opinion on geotechnical and slope hazards issues related to the possible subdivision of land owned by Cathedral City Developments Ltd at the south end of Harry Ell Drive, Cashmere. T&T's opinion was requested by David Fox of Fox Associates, with respect to proposed plan change submissions.

The parcel of land (Pt Lot 1, DP11796, 6.8003ha) is a triangle approximately 300m wide by 300m long, approximately defined by an area of pine tree plantation south of Harry Ell Drive.

We are familiar with the subject land which is bounded on the west by the Victoria Park dog park and the east by a public walkway along the crest of the western side slope of Bowenvale Valley. The land slopes gently down to the east and northeast from the crest of the main Victoria Park ridge line. Loess soil overlies volcanic rock on the 1(V):4(H) to 1(V):10(H) slopes. An incised erosion gully drains from southwest to northeast across the middle of the site.

There are no existing rock fall, or medium to large landslide hazards evident on, or adjacent to the site. Normal Port Hills slope hazards including loess soil erosion (tunnel gully), areas of seepage, and small scale landslip can all be mitigated by civil engineering design that follows the principals of 'good hillside practice' for cuts, fills, drainage and retaining structures.

In T&T's opinion the proposed development is feasible from a geotechnical perspective. We expect, subject to an appropriate assessment, that a properly engineered development will meet the test of Section 106 of the RMA, in being 'not likely to accelerate, worsen or result in material damage to the land'.



This letter has been prepared for the benefit of Fox Associates with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

Yours Sincerely



Barry McDowell

Senior Engineering Geologist

Reviewed for Tonkin & Taylor Ltd by:

Grant Lovell

Principal, Business Leader - Land

MIPENZ, CPEng (Civil & Geotech)

28-May-15

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Appendix F

Landscape Advice

LAND USE RECOVERY PLAN REVIEW – LANDSCAPE ADVICE

For: Cathedral City Holdings Ltd
Date: 29 May 2015
Prepared by: Andrew Craig – Landscape Architect

INTRODUCTION

The landholder seeks to rezone for low density (10 x 1500m² lots) residential purposes land currently zoned Rural Port Hills.

The 6.8 hectare site is located above the existing residential area at Cashmere. The land is currently zoned rural with an 'Outstanding Natural Landscape' overlay.

Vehicle access is via Harry Ell Drive. Pedestrian access is from adjoining Elizabeth and Victoria Park. A public walkway runs along the eastern boundary of the site.



Figure 1 *The site – within yellow dashed line – at the top end of Cashmere as viewed from the Central City.*

What is the landscape character of the existing environment?

The landscape character of the site is summarised as follows:

- 1 The site is entirely rural as it is devoid of any buildings or any other significant structures.
- 2 Landcover (vegetation) is entirely exotic comprising mostly pines (*Pinus radiata*), Rank grass and woody weed species (broom for example) are also present – see Figure 2 photograph.



Figure 2 *Landcover within the site.*

- 3 Native vegetation is present but very scant (mostly Karo - *Pittosporum crassifolium*).
- 4 Physical features include boundary fences, a short formed vehicle track and walking tracks.
- 5 Arising from the above points the landscape of the site is modified to a moderate degree, and therefore exhibits moderately high natural character.
- 6 There are no significant natural features within the site such as salient rock outcrops, water courses or bodies and native vegetation.
- 7 Topographically the site is more or less located at the apex of the Cashmere Spur. Land gradient steepens markedly to the east and flattens to very gentle gradients toward the apex.

- 8 There are no recognised (in the operative City Plan and proposed Replacement Christchurch District Plan) heritage features (buildings, sites or trees) and no significant ecological sites.
- 9 Amenity is moderate on account of rural character, moderate naturalness, open space and vegetation.

Are there any landscape constraints?

As mentioned, there are no significant or salient landscape features within the site. None of the vegetation is significant or important – indeed the prevailing pine forest degrades landscape character and amenity.

Also as mentioned, the site is regarded as part of a wider ONL overlay that applies to most of the Port Hills rural area. Rezoning for residential purposes will result in the irrevocable loss of that part of the ONL comprising the site. In my opinion the landscape character of the site is such that its contribution to the overall ONL is at the low end. That is, other parts of the ONL where rock outcrops, remoteness, native vegetation and distinctiveness are more significant compared to current site conditions.

What are the relevant Christchurch Replacement District Plan objectives and policies?

In the following discussion the objectives and policies relevant to landscape outcomes of the Christchurch Replacement District Plan are identified and briefly considered.

Replacement Plan (version dated 14/5/15)

8.1.1 Objective Natural and Built Environments

a. Significant natural features, landscapes, indigenous biodiversity and ecosystems, springs, significant trees, and historic heritage are protected or enhanced through the subdivision process.

It is apparent that regarding the listed features the Objective does not preclude the possibility of subdivision involving the features listed. Of these the only one of relevance is the ‘...landscapes ...’ as all others are absent from the site. The effects on the ONL will be discussed next as this is a concern raised in the following policy.

8.1.1.1 Policy – Natural features and landscapes

a. Ensure that subdivision and associated works shall achieve the long term protection and enhancement of:...

ii. outstanding natural features and landscapes, significant features and landscapes, important ridgelines;

The ONL component of the site will be diminished as will its naturalness due to the introduction of residential activity. Or to put it another way, the site will be further modified. It is my opinion that the landscape effects are not just confined to the site; that is the wider context of the site is an important consideration. Within that (the Rural Port Hills) the site is relatively insignificant arising from its modest extent (6.8ha). Further it is contiguous with the existing residential area and so will appear as a relatively minor extension to it. Or to put it another way, the site is not an isolated entity within the rural Port Hills. Nonetheless, I acknowledge that diminishment of the ONL is a landscape cost. I further understand, regarding RMA s6(b), that subdivision within ONLs can be entertained provided it is not inappropriate.

The policy however, is not only concerned with protection, but also enhancement. Enhancement will result via a remediation process entailing the removal of the existing pine plantation. Further enhancement will involve the creation of a native vegetation buffer enclosing the site along its rural boundary.

iii. significant indigenous vegetation and / or indigenous fauna, including sites of ecological significance.

None of the features listed exist on site.

8.1.1.3 Policy - Environmental Compensation

a. Apply the concept of environmental compensation where net benefit would arise from a subdivision proposal occurring within outstanding natural features and landscapes, significant natural features and landscapes, sites of ecological significance, and in relation to heritage items and settings, and significant trees.

The ‘...net benefit...’ will result from the aforementioned native vegetation buffer and the removal of the pine plantation mono-culture. This will result in enhancement of the existing

walkway along the eastern boundary of the site and proposed pedestrian access linking Elizabeth Park (and ultimately Victoria Park) with Harry Ell Drive.

14.1.5.7 Policy - Residential development on the Port Hills

Ensure that the development of greenfield land on that part of the Port Hills facing the Christchurch main urban area complements the natural landform and character of the hillside by ensuring that development:

(i) has a backdrop of a natural landform or vegetation when viewed from the flat land and coastline/coastal environment;

The landscaped buffer will provide a vegetated backdrop. Selected pines will be retained however to ensure such a backdrop exists from the outset of development while the native planting matures.

The landform backdrop will exist from most vantage points, but it is acknowledged there will be some points from where dwellings will intrude the skyline. To help minimise this potential effect, future home owners will be required to locate dwellings away from the spur apex.

(ii) avoids buildings and structures on significant and outstanding skylines;

The most important Port Hills skyline is that of the summit ridge as it forms the backdrop to the City. Many spurs radiate from the ridge including that of Cashmere. It too is an important ridge¹ but not to the same degree as that of the summit. As for all spurs their landscape significance lessens more or less in correspondence with decreasing elevation. Or to put it another way, the landscape generally becomes increasingly modified, particularly on the spurs where most Port Hills residential activity occurs.

(iii) is of a density that provides ample opportunity for tree and garden planting to reduce the visual dominance of buildings within the hillside landscape

The 10 large lots proposed (1500m²) in combination with buffer planting of the balance land (4.8ha) will enable and therefore ensure there is ample opportunity for tree and garden

¹ The Banks Peninsula section of the operative City Plan specifically identifies on its planning maps important ridges. These however are outside of the area of concern.

planting, thereby reducing building dominance. This effect will improve as vegetation matures over time.

(iv) integrates well with existing residential areas and where possible provides connections to public open space;

The site is contiguous with the existing residential area and so will be integrated with it. Site design will include the aforementioned walkways which will connect others beyond the site. Vehicle access will involve cul de sac extension of Harry Ell Drive thereby formally terminating the road.

Further integration will involve the native buffer planting reinforcing that in the adjoining Elizabeth Park and Victoria Park beyond.

(v) has regard to the location and scale of the principle building to reduce its visual dominance on the landscape;

Principal buildings will be the dwellings. The site plan has been designed in such a way that these are optimally located so as to minimise potential adverse effects. At the subdivision stage this will include the identification of building platforms so as to ensure desired outcomes are achieved.

(vi) if adjoining significant and outstanding natural landscape, conservation and biodiversity areas, remains compatible with these areas; and

(vii) where possible provides access to mahinga kai and places of cultural significance.

The relationship between the proposed residential zone and surrounding rural ONL land will fundamentally remain the same as the current situation – that is; residential activity abuts the rural ONL. The only difference is that the boundary is shifted, while in generic terms the adjoining activity stays the same.

Nearby places of cultural significance – Elizabeth, Victoria and Bowenvale Parks and Cracroft Reserve (incorporating the *Sign of the Takehe*) will access enhanced due the presence of existing and proposed pedestrian access through the site – see Figure 3 map below.

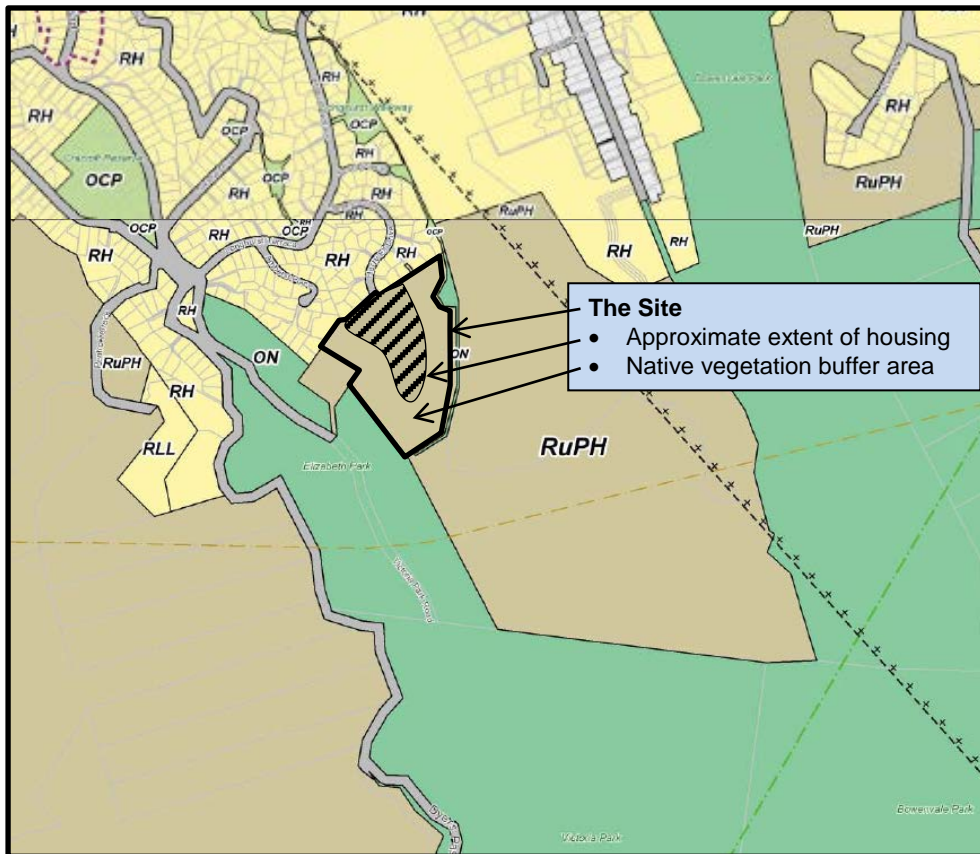


Figure 3 The location of the site is identified on the above combined Stage 2 Planning Maps 46 & 51

What are the landscape advantages and disadvantages?

In the following discussion the advantages (benefits to the landscape) and disadvantages (costs to the landscape) of re-zoning are identified and considered.

Advantages

1 *Remediation*

The current land use is entirely devoted to exotic pine plantation forest. This is a mono-culture that is not conducive to providing for native fauna; particularly birds such as bellbird and wood pigeon which occur in the area. Re-zoning would result in removal of the pine plantation and introduction of native vegetation (in the form of a managed transition) within the buffer area surrounding the site along its rural boundary. This buffer would be vested in Council therefore providing a permanent unassailable urban / rural boundary. Residential activity will also

result in diverse vegetation which better serves wildlife than the current pine plantation.

2 *Enhancement*

Removal of the pine plantation to be replaced by low density housing will better achieve the contrast between rural and urban Port Hills landscape. This will also aid apparent coherence of both the rural and residential environments where the quality of each is defined by the contrast between them.

The native plantings within the buffer area will extend and reflect existing patterns of native vegetation occurring in nearby Victoria Park.

3 *Contiguosness*

Future dwellings will be contiguous with the existing residential area and so will appear as a continuation of it. Consequently current development patterns will be maintained, even though their extent is altered. For this reason residential activity within the site would not be unexpected – that is, it would not be out of keeping with existing patterns. Consequently there would be little or no adverse associative effect.

4 *Pedestrian access*

An existing pedestrian accessway exists along the east boundary of the site. Subdivision will include additional pedestrian access alongside the northern boundary linking Harry Ell Drive to Victoria Park. The combination of these walkways with the native planting within the buffer area will enhance people's appreciation of the Port Hills environment and the presence of wildlife while better enabling recreation.

Disadvantages

1 *Diminished Outstanding Natural Landscape*

The subject site is currently within the Rural Port Hills zone which carries an 'Outstanding Natural Landscape' (ONL) overlay. It is therefore subject to RMA s6(b) which seeks protection of such landscapes from inappropriate subdivision, use or development. Rezoning will result in a relatively minor reduction of the ONL area.

2 *Diminished rural area*

As for the ONL, rezoning will result in some loss of the rural landscape. This will be confined to the new lots, and excludes the proposed buffer area which will remain rural in character.

3 *Skyline intrusion*

From certain vantage points dwellings will intrude the skyline. This effect currently occurs in many areas throughout the Port Hills.

Conclusion

In landscape terms there are clearly costs and benefits arising from the proposed re-zoning. As is the case with all land use proposals, context is the key consideration. As identified and considered in the foregoing discussion it is evident that there exist favourable conditions – contiguousness, remediation, modest size, the lack of significant site features, good access and the enhancement opportunity involving the planting most of the site with indigenous re-vegetation. Further enhancement will accrue from the removal of the pine plantation thereby improving landscape coherence and consistency – that is, adopting the prevailing land cover character of both the urban and rural environments.

The chief cost is lessening of the ONL, where in this case the primary landscape value is loss of vegetated open space. As mentioned, this is not of a particularly high quality due to the presence of pine plantation which almost entirely occupies the site. Further, the area lost from the ONL will be small relative to its overall extent.

There will be no adverse amenity effects arising from development following re-zoning. The reason is that modern housing on large lots will be high quality. The large lots will further enable large scale planting which will further provide amenity.

Overall, it is my opinion that the land use and its effects arising from the proposed re-zoning will, on balance, be appropriate in landscape terms given the circumstances discussed above.

Andrew Craig
Landscape Architect
29 May 2015

Appendix C

Closing legal submissions for CCDL Stage 2 Christchurch Replacement District Plan

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act
1991 and the Canterbury
Earthquake (Christchurch
Replacement District Plan)
Order 2014

AND

IN THE MATTER of the Proposed Christchurch
Replacement District Plan

SUBMITTER Cathedral City Development
Limited

(Submitter 2129)

**CLOSING LEGAL SUBMISSIONS
ON BEHALF OF CATHEDRAL CITY DEVELOPMENT LIMITED**

16 SEPTEMBER 2015

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May it please the Panel:**1. INTRODUCTION**

1.1 These closing submissions are made on behalf of Cathedral City Development Limited (Submitter 2129) (**CCDL**) in respect of the proposal for the Residential Chapter (part) in the Proposed Christchurch Replacement Plan (**the Replacement Plan**).

2. SITE-SPECIFIC REZONING REQUEST

2.1 CCDL adopts the legal submissions made on behalf of Castle Rock Limited in relation to broader policy and statutory considerations.

2.2 Putting aside for one moment the higher order policy issue, the Council has undertaken an assessment of the merits of this request and now supports the rezoning of this site.

2.3 Ms Sarah Oliver confirmed during questioning that the initial issues around servicing have now been resolved; and also confirmed that the Council's landscape expert, Mr Craig, essentially agrees with Mr Head when it comes to landscape considerations.¹

2.4 The Council's position with respect to CCDL is that, but for Ms Oliver's interpretation of higher order policy matters, the Council would have no problems from a planning perspective in rezoning that site.²

2.5 There is no evidence that the rezoning of the CCDL site would have a cumulative effect (actual or potential). Nor is there any precedent issue associated with allowing this specific rezoning request. In my submission, in comparison with an application for resource consent, it is questionable whether the issue of precedent arises for consideration in these proceedings.

2.6 Counsel for the Council identified some possible options to enable rezoning of the CCDL site at paragraph 4.15 of Ms Scott's closing legal

¹ Transcript, page 158, lines 34-43.

² Transcript, page 159, lines 3-7.

submissions. This has been given consideration and is addressed below.

- 2.7 Ms Aston included in her evidence a suggested Replacement Plan rule to ensure that the maximum permitted site density was under 5,000m² so that the development did not fall within rural residential development (which is defined as being 1-2 households per ha). This is outlined in **Attachment A** and is intended to ensure consistency with Policy 6.3.9 of the CRPS. Although not the preferred option, if considered necessary, an alternative rule is also provided that enables a dwelling to be established on the existing undersized title which is 6.8ha in area and would ensure no possible conflict with Objective 6.2.1(3) or Policy 6.3.1(4) of the CRPS.

Date: 16 September 2015



J M Crawford

Counsel for Cathedral City Development Limited

Attachment A – pRDP – Rules

Preferred Relief:

14.12.3.2 Site Density

Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Standard
<u>f</u>	<u>Cashmere Outline Development Plan in Appendix 14.10.36</u>	<u>1,500m² with a maximum net site area of 4,900m².</u>

Possible Alternative Relief:

14.12.3.2 Site Density

Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Standard
<u>f</u>	<u>Cashmere Outline Development Plan in Appendix 14.10.36</u>	<u>One dwelling per certificate of title existing on 2/5/15</u>