

Before the Greater Christchurch Partnership Hearings Panel
at Christchurch

under: the Resource Management Act 1991, Local Government
Act 2002 and Land Transport Management Act 2003

in the matter of: Submissions in relation to the draft Our Space 2018-
2048: Greater Christchurch Settlement Pattern Update

and: **Grant Poultney**
Submitter 050

Statement of Evidence of Grant Poultney

Dated: 15 February 2019

REFERENCE: Jo Appleyard (jo.appleyard@chapmantripp.com)
Amy Hill (amy.hill@chapmantripp.com)

STATEMENT OF EVIDENCE OF GRANT POULTNEY

INTRODUCTION

- 1 My full name is Grant Osborne Poultney.
- 2 My wife and I own a 4.1ha property at 353 Worsleys Road.
- 3 My property has been omitted from residential zoning due to a mapping error made by the Christchurch City Council (CCC) in 1995. The fact of the error is not disputed by the CCC but, due to a combination of further errors and procedural factors, this mistake has never been corrected despite a number of opportunities to do so.
- 4 I seek to have this error rectified through the Our Space 2018-2048: Greater Christchurch Settlement Pattern (GCSP) process.

SCOPE OF EVIDENCE

- 5 My evidence will give a history of the matter and explain the relief that I am seeking from the Hearings Panel.

HISTORY

- 6 In 1995 a strip of land along the top of Worsleys Spur was re-zoned from a rural zoning to 'Living Hills B' zone. The District Plan rules at that time allowed for development to a minimum lot size of 3000 square metres.
- 7 For reasons that have never been satisfactorily explained, my property was omitted from the Living Hills B zone in error. The fact this was an error is not disputed by CCC Officers. The relevant officer is Ivan Thompson and I would like him to be available to answer the Panel's questions.
- 8 Unfortunately that error was compounded because the CCC never processed a promised variation to its District Plan to fix the situation. Then the CCC District Planning maps were used to generate map A in the Land Use Recovery Plan showing the limits of the urban area. This map then flowed into the Regional Policy Statement and the new Christchurch District Plan. This means my property is incorrectly classified as outside the urban limits.
- 9 The Regional Policy Statement, Chapter 6 Recovery and Rebuilding of Greater Christchurch is very directive. In understand that it has a policy (6.3.1(4)) which prevents any urban development outside the urban limit in map A.

- 10 At the CCC's suggestion, I made submissions and attended the hearings for the Christchurch District Plan review. The Hearings Panel asked Mr Thomson to attend to confirm the error. Unfortunately, regardless of the merits of the situation, the Independent Hearings Panel stated they were unable to rezone my property because it falls outside the urban limit in map A and they were required to "give effect to" chapter 6 of the RPS. The decision of the Panel was essentially that no properties which fall outside the map can be the subject of urban zoning even if there has been an error.¹
- 11 The CCC confirmed to the Christchurch Replacement District Plan Independent Hearings Panel that the omission of my property was a mapping error.² I **attach** the relevant parts of the transcript (**attachment A**), the affidavit that Mr Thomson produced for the hearing (**attachment B**) expert planning evidence that I commissioned (**attachment C**). I have also **attached** my submission to the District Plan review process (**attachment D**), which contains further evidence of my correspondence with the CCC about this issue over the past twenty years. The Panel urged me to obtain legal advice to try and get the error fixed.
- 12 Since that time I have engaged lawyers and have been involved in discussions with Environment Canterbury and the CCC to try and find ways to fix the problem. I understand that both entities accept there has been an error but we are all "stuck" on how to fix it given the constraints of the existing legislation and planning documents. The practical problem is that I do not have the money to do a private change to map A and in any event the District Plan needs changing too and currently that is precluded by legislation.
- 13 The net effect of this situation is that, while we have a section of a similar size and characteristics to our neighbours, we have been unable to develop our land to the same extent as they have because of the error in zoning. This has, over time, materially disadvantaged us in comparison to our neighbours. We wish to simply develop our land in the same way that others have done by putting two additional dwellings on our site in the area between the 140m contour line and Worsleys Road (shown on the map in **attachment E**). I note that there are now many dwellings all along

¹ Decision 17 Residential (part) (and relevant definitions and associated planning maps) – Stage 2, Independent Hearings Panel 11 March 2016, available at <http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-17-Residential-part-Stage-2.-11-3-2016.pdf>.

² Christchurch Replacement District Plan Chapter 14 (stage 2): Residential (part) Transcript of Proceedings, day 6 14 September 2015, pp746, 747, 753, available at <http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/07/Transcript-IHP-Stage-2-Residential-Master.pdf>.

the eastern and western sides of Worsleys Road and several more are being developed on the sites surrounding our property.

- 14 My wife and I are retired and are at the end of our tether in trying to find ways to resolve this issue. We have incurred significant costs both financially and in terms of time spent on this matter. We have also both suffered from significant stress as a result. Aside from the costs associated with having to participate in many planning processes such as this one, these errors have meant that we have been unable to realise the full potential of our land and develop the property in a way that is most beneficial to ourselves and our family. We have not asked for anything more than what our neighbours have been entitled to over the years. Despite numerous promises from the CCC and having engaged a series of experts over a number of years, this simple error has still not been resolved.

RELIEF SOUGHT

- 15 I seek that the Hearings Panel amend the draft Our Space 2018-2048 document so that 353 Worsleys Road is included within the Christchurch urban limits or at least the part between the 140m contour line and Worsleys Road.
- 16 This change would then flow down into the other planning documents applicable to my property such as Map A to the Canterbury Regional Policy Statement, and would then enable a District Council plan change to rezone my land and fix the error once the current moratorium on plan change is lifted.
- 17 I would like to emphasise again that both the regional council and the CCC agree that the relevant area of land would be appropriately zoned residential and there is no opposition to the merits of this proposal.
- 18 The Officer's Report has recommended no change to the Our Space document in response to my submission. The report states that the merits of any amendments to the urban limits or Map A are "more appropriately considered through an RMA process".³
- 19 As I have explained, I have tried repeatedly and have been unable to resolve this matter through an RMA process. I have had numerous dealings with ECan and CCC and their lawyers to try and fix the issue. Despite Council Officers telling me it will be fixed at the first opportunity the Council Officers here are saying something different. The CCC itself has acknowledged that it is restricted by the higher order RMA planning documents and so is unable to

³ *Draft Our Space 2018-2048: Greater Christchurch Settlement Pattern Update: Officers Report*, 11 February 2019, p57.

simply resolve this matter through a change to the Christchurch District Plan zoning without amendments to the higher-order documents which set the urban limits.

- 20 I have been corresponding with Mr Thomson at the CCC who stated he would be supportive of my property being included within the urban limits through this process and that if that happened my land could then be rezoned so that part of the property can become 'Residential Large Lot' zone. I have **attached** that correspondence (**attachment F**). The Officer's Report recommendations are therefore surprising in light of these more recent conversations that I have had with the CCC and also with ECan Officers.
- 21 I appreciate the proposal that Mr Thomson has set out in his correspondence, but I do not consider that it resolves my concerns. I seek that the residential zoning be extended slightly further east than Mr Thomson has proposed so that it covers all of the flat land on my site over to the 140m contour line (I have indicated this on **attachment E** of my evidence). This would enable me to establish two additional dwellings behind the existing house similarly to my neighbour. Being able to place the additional dwellings in the approximate locations shown on the map in **attachment E** would result in a lower impact in terms of visual effects and would put me in the same position as my neighbour, who has resource consent to put a building out towards the 140m contour line on his property.
- 22 In conclusion, I seek that the Panel reject the recommendation in the officer's report and identify the part of 353 Worsleys Road within the 140m contour as within the urban limits on Figure 16 in the Our Space document so that the appropriate changes to the Canterbury Regional Policy Statement and Christchurch District Plan can be made and the impasse that has plagued ECan officers, CCC officers and our respective lawyers to date can be unlocked.

Dated: 15 February 2019

Grant Osborne Poultney



Attachment A – Excerpts from Christchurch Replacement District Plan Hearing Transcript 14 September 2015

Page 746, line 5 to page 747, line 15

SJH: Well, in general terms, leaving aside the problem with map A and the higher order documents, you would see merit in this being rezoned as applied for?

MR THOMSON: Yes, generally I would, based on what I have learnt from Mr Malcolm's evidence, based on the fact that it was a rural-residential zone in the Heathcote District Scheme it would be a candidate for rezoning.

SJH: Well, not a candidate, there is merit in - - -

MR THOMSON: Well, it is merit, yes, it would be certainly one which I think would have a number of positive attributes supporting it.

SJH: Thank you. Yes, Ms Huria.

MS HURIA: I am sorry I do have a question, it relates to paragraph 11 of your affidavit. It talks about there was a long list of amendments to the City Plan that were seen as being needed or desirable, was Worsleys Road 353 in that long list of amendments?

MR THOMSON: Yes, it was.

MS HURIA: It was, and then you inherited the list and then the team was dealing with a significant number but was this forgotten somehow in dealing with all those other changes?

MR THOMSON: I wouldn't say it was necessarily forgotten but I think it was put to the back of the line I think would be a better way of putting it because at that stage two things were happening. One is we were getting a lot of greenfield private plan changes as a result of PC1 coming along and, secondly, we at that stage were also considering doing a district plan review. So we tried to get some priorities around these plan changes and rightly or wrongly the more strategic ones took priority.

MS HURIA: Because I do note that you do say in the middle of that paragraph the amendments that were needed or desirable but still this one wasn't seen as a priority and so wasn't processed?

MR THOMSON: No, not in terms of the rest of that list, sir, no.

MS HURIA: Okay, thank you.

SJH: Would a fairer way of putting it, Mr Thomson, given the volume of what you had and the priorities and such like, and it is not uncommon let's

face it in large scale organisations, this was something that slipped through the crack, would that be a reasonable way of putting it rather than a conscious decision by somebody? Because if there was a conscious decision the next question is where is the document to support?

MR THOMSON: Yes, exactly. It certainly wasn't a conscious decision to deliberately exclude this or with a lot of other plan changes were being done but it could have slipped through the cracks I think and perhaps if I had been aware in 2009 of the correspondence I may well have taken action myself to do it.

SJH: Understood, thank you.

Page 753, line 35 to page 754, line 15

SJH: Just one point, Mr Poultney, I am not sure if you have been here when we have had some of this discussion, but we are bound by what are described as the Higher Order documents - - -

MR POULTNEY: Yes.

SJH: - - - which include the Land Use Recovery Plan and the Canterbury Regional Planning Statement, and there is significant legal argument about the extent of our freedom to move outside the line on a map, and we have reached no decision on that and we are going to hear very extensive legal submissions on it, so you might have to bear that in mind, that we may be restricted, we just do not know yet.

MR POULTNEY: Yes, so, sir, does that mean that to get any further with this, I would have to seek legal opinion on this mistake, or can it be addressed through resource - - -

SJH: Well, that is a matter for you, it could possibly be addressed that way, I think - I do not think there is anything more any lawyer can do in this stage because we have got a large number of lawyers submitting on exactly the same point so we are going to have a lot of legal submissions and we are going to have to wrestle with that.

But if we did conclude that way, you would then need to take legal advice as to your way forward I think

Attachment B – Affidavit of Ivan Thomson

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN HEARINGS PANEL**

IN THE MATTER of the Resource Management
Act 1991 and the Canterbury
Earthquake (Christchurch
Replacement District Plan)
Order 2014

AND

IN THE MATTER of the Residential (Part) Stage
2 Proposal

AFFIDAVIT OF IVAN THOMSON REGARDING 353 WORSLEYS ROAD

Sworn */s/* September 2015

 **Simpson Grierson**
Barristers & Solicitors

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I, **IVAN THOMSON**, Team Leader, City Planning at Christchurch City Council, swear:

1. I hold the position of Team Leader, City Planning at Christchurch City Council (**Council**). I have been in this role for 6 years. I hold a Master's Degree in Urban and Regional Planning (M.Phil) from Reading University in England. I have 32 years' post graduate experience in urban and regional planning and resource management. I am a Fellow Member of the New Zealand Planning Institute.
2. I am authorised to make this affidavit on behalf of the Council. I confirm that the content of this affidavit is based on my personal knowledge or inquiries I have personally made.
3. My role in the proposed Replacement District Plan (**pRDP**) has primarily been in the realm of team leadership rather than providing technical direction, although I was a member of an internal Council Technical Advisory Group set up to provide guidance to Chapter Leaders on the form and content of their chapters, including definitions. I provided evidence at the Stage 1 definitions hearing.
4. I was the project leader for developing the objectives and policies for urban growth in the Operative City Plan and recommending new areas for peripheral development. I was also the reporting planner at many of the urban growth hearings following the notification of the City Plan. These included those hearings on submissions supporting or opposing new urban zonings on the Port Hills, and specifically Worsleys Spur, Westmorland, and cashmere Valley for which there were a number of submissions seeking or opposing new Living Zones.
5. I have read the relevant parts of Mr Mountfort's evidence¹, and Mr Poultney's statement in support. I have also read Mr Poultney's original submission and attachments, as well as the relevant parts of the transcript.

Background

6. Mr Mountfort in his evidence sets out the zoning history of the now Living HB (Hills – very Low Density) Zone (**Living HB**) and I generally agree with his description of events in paragraphs 4.1 through to 4.7, although I have comments below on aspects of his evidence at paragraphs 4.3 and 4.4. As Mr Mountfort correctly states, the former Rural Worsleys Road Zone in the Heathcote County District Scheme was, except for 353

¹ Statement Of Evidence of David Laurence Mountfort on Behalf of Grant Poultney



Worsleys Road, notified in the proposed 1995 City Plan with a combination of Living HB and Rural Hills Zoning, as shown on Planning Map 60A (a copy of the map is attached to Mr Poultney's submission #2190). The hearings of submissions relating to land at Westmorland, Cashmere Valley and Upper Worsleys Spur were held in March and July 1998, and I was the reporting officer for those hearings. There were no submissions on either the proposed Living HB or Rural Hills zones on the eastern side of Worsleys Road and therefore my planning report did not discuss the merits of the proposed zone (including for 353 Worsleys Road, or any of the adjacent land parcels along the eastern side of Worsleys Road).

7. I do not recall the reason why the site was excluded from the Living HB Zone. I cannot be certain that this site was specifically included, however from the notified version of the planning maps it was not. Mr Andrew Craig (then the Council's Senior Landscape Planner) and myself visited the area before the 1995 proposed City Plan was notified and determined the upper boundaries for development on the upper parts of the Spur, mainly on landscape grounds. There were infrastructure issues to consider but, when reading my report on other submissions, these servicing matters were not the major consideration for the decisions affecting the location, scale and intensity of development on the Worsleys Road spur. 353 Worsleys Road, nor the adjacent land parcels along the eastern side of Worsleys Road, were addressed in my officer's report as there were no submissions on them.
8. I visited the area on 11 September 2015 to reacquaint myself with the site, but the landscape has been modified considerably over the past 20 years.

Mr Mountfort's evidence

9. I note that in paragraph 4.3 Mr Mountfort states that "*unfortunately Mr Poultney was not aware of the notification of the City Plan and did not lodge a submission or check the plan until about 2000, when he approached the Council to see what could be done*". I note that Mr Poultney in his statement in support² implies that Council officers knew about the omission in 1995 and undertook to rectify the situation then, presumably through a Council submission on the proposed plan or variation. I do not want to make anything of this other than to say that I certainly was not aware of, or cannot recall, this matter being raised around the notification of the Plan, or through to decisions and the plan becoming fully operative in 1999.

² Submitter 2190 5 September 2015

Two handwritten signatures are located at the bottom right of the page. The first signature is a stylized, cursive 'M'. The second signature is a more complex, scribbled signature.

10. With regard to paragraph 4.4 of Mr Mountfort's evidence I was, until recently, unaware that various Council officers informed Mr Poultney that a drafting error had occurred. I note that the initial correspondence involved Mr Peter Eman who was the officer who assisted the Hearings Panel in drafting its decision on urban growth matters in the Worsleys Road area. Mr Mountfort (paragraph 4.4) refers to a meeting I had with Mr and Mrs Poultney (which took place on 28 May 2015) where I "*confirmed that this was an error in the 1995 Plan and not a deliberate change*". I note in the transcript at Line 41 of Mr Mountfort's evidence that I "*confessed*" to the error. I believe that this misrepresents what I said. I recall saying I had visited the site and struggled to think why we hadn't included it - or words to that effect. I agreed that based on the email correspondence they presented to me that there must have been a 'drafting' error but at that 28 May meeting I was of the understanding that the emails related to the proposed City Plan as amended by decisions in 1999. Having looked at the background more closely that is clearly not the case. The exclusion of 353 Worsleys Road occurred at the time of notification of the proposed City Plan in 1995.

Correspondence from Council officers post 2000

11. I do not dispute that Council officers have informed the Poultneys that a Variation or Plan Change process would be undertaken to bring 353 Worsleys Road into the Living HB Zone. I can confirm that a proposed change was on a long list of amendments to the City Plan that were seen as being needed or desirable (some 257 as at 2005), many of which arose out of the 1999 decisions on the City Plan. I inherited this list when becoming City Planning Team Leader in May 2009, (following the resignation of Mr David Mountfort Team Leader City Plan) by which time the team was dealing with a significant number of private plan changes (and Council Plan Changes) which took priority.
12. There have been opportunities to 'correct' the boundary up until the notification of Proposed Change 1 (PC1). I note that Mr Mountfort states, as part of PC1 the urban boundary on the Port Hills was inserted on to the regional planning map without further evaluation and many submitters used this opportunity to endeavour to get their land included within the PC1 "urban limits". Ultimately however, the Minister withdrew PC1 and replaced it with the Land Use Recovery Plan (LURP), which included a new CRPS Chapter 6. The LURP was also open for public submissions, but I accept there would have needed to been an 'earthquake recovery' reason for amending the urban limit.



Conclusion

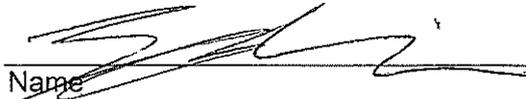
13. I cannot be certain that the exclusion of 353 Worsleys Road from the Living HB Zone in 1995 was an error in drafting (a mapping error), but based on the information before me I conclude that it is likely it was. Looking at the situation today, I can see why Mr and Mrs Poultney and certain staff considered there was a drafting error. Irrespective of whether it was or was not, the zoning went through a submission process when the 1995 proposed plan was notified and, as no submissions were received, the zoning of the property remained unchanged.

Signature of deponent:



Ivan Thomson

Sworn at Christchurch on 14th September 2015
Before me:


Name

Erin Gerring

Solicitor

Signature

Christchurch

A Solicitor of the High Court of New Zealand

**Attachment C – Planning evidence submitted to Christchurch
District Plan Review Process**

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

IN THE MATTER of

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

AND

IN THE MATTER of

**the Residential Stage 2 (part)
Proposal**

**STATEMENT OF EVIDENCE OF DAVID LAURENCE MOUNTFORT
ON BEHALF OF GRANT POULTNEY
SUBMITTER 2190
5 SEPTEMBER 2015**

1. INTRODUCTION

- 1.1. My full name is David Laurence Mountfort. I am the sole director of Mountfort Planning Limited. My expertise is in planning and resource management. I have been in this current position since October 2009.
- 1.2. I hold a Bachelors of Laws degree (Canterbury University) and a post graduate diploma in Town Planning (Auckland University). I am also an accredited Hearings Commissioner and the majority of my current work is as a Hearings Commissioner.
- 1.3. I have been practising since 1978. Prior to setting up my company in 2009, my most recent position was as the Team Leader (City Plan) for the Christchurch City Council, from 2002-2009. My main responsibilities there were the completion to operative stage of the Proposed City Plan, which was then at the stage of Environment Court appeals and the preparation and processing of some significant variations and plan changes dealing with issues such as retail distribution, flood hazard, airport issues and urban growth. Similarly, following the amalgamation in 2007 I was involved with the appeals process for the Banks Peninsula District Plan. During that time I was also one of the core members of the multi-agency team which prepared the Greater Christchurch Urban Development Strategy 2006 and Proposed Change 1 (Urban Growth) to the then Canterbury Regional Policy Statement. The latter document has formed the basis, in modified form, for Chapter 6 of the currently operative Regional Policy Statement 2013. Prior to that I spent 20 years in various positions at the Gisborne City and then Gisborne District Council, culminating as District Planner from 1992-2002, and before that I held a position in the Town and Country Planning Division of the Ministry of Works and Development.
- 1.4. In almost 37 years as a practicing planner and more recently as a Hearings Commissioner I have been involved in a very wide range of urban and rural planning work, in both the plan making and planning consents fields. I have assessed any proposals on behalf of clients and Councils and presented evidence to many Council and Environment Court hearings.
- 1.5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 1.6. The key documents I have used, or referred to where relevant, in forming my view while preparing this brief of evidence are:
 - (a) the relevant submissions;
 - (b) the Stage 2 Residential Chapter of the pRDP;
 - (c) the evidence in chief and rebuttal evidence of Council witnesses.

2. SCOPE

- 2.1. This evidence is in support of the submission by Mr Grant Poultney which seeks the inclusion of his property at 353 Worsleys Rd, Cashmere in the Rural Large Lot zone.
- 2.2. My evidence covers the following matters
 - The site
 - Background and zoning history
 - Suitability of the site for limited further development
 - Constraints to development
 - The Canterbury Regional Policy Statement
 - Relationship with Submission 2362

- 2.3. As this evidence is being prepared out of sequence I have had the opportunity of reading the evidence in chief and rebuttal evidence of the City Council witnesses on Mr Poultney's submission.

3. THE SITE

- 3.1. The site at 353 Worsleys Rd is at the upper end of the formed part of Worsleys Rd. The property contains 4.1ha. The road in this vicinity runs up a spur, with housing on large lots along the northern side of the spur. Recently development at higher intensities has commenced on the southern side of the spur, adjacent to the Westmoreland suburb to the west. The dwelling house on the site is the highest house in Worsleys Rd. Above it the sealed road continues a short distance to the Council water reservoir which services this area, and beyond that is formed as a recreational track up to the Summit Rd. The crest of the spur is gently sloping but falls off into steep valleys.

4. PLANNING HISTORY

- 4.1. The strip of housing on the northern side the spur including the submitter's site was established under the former Heathcote County District Scheme. The area was zoned as Worsley's Road Rural. A copy of the planning map is attached to the submission. The submitter's site was included in that zone and is the last site at the uphill end of the zone (lower right on the map). The ordinances for the zone allowed for one house per lot as a predominant use in the language of the time and the present house was erected under those provisions.
- 4.2. This district scheme was replaced in the Christchurch City Plan, publicly notified in 1995. The City Plan partially adopted the Worsley's Rd Rural zone, as the Living Hills B zone. The strip of land along the top of the spur was included in the LHB zone but not the steeper lower slopes. The rules allowed for development at a minimum lot size of 3000m². For some reason which has never been satisfactorily explained the submitter's property was left out of the LHB zone and zoned entirely as Rural Hills. The land at the top of the spur where the house is situated is almost identical in form, slope, and landscape characteristics to the neighbouring sites which were included in the LHB zone. Like them it contains one house, with a sealed road to the gate and a Council provided water supply.
- 4.3. Unfortunately Mr Poultney was not aware of the notification of the City Plan and did not lodge a submission or check the plan until about 2000, when he approached the Council to see what could be done.
- 4.4. It was then discovered that leaving the site out of the LHB zone was simply a drafting mistake. This is confirmed in correspondence at the time with Mr Geoff Stuart and Mr Peter Eman, copies of which are attached in the submission. The Council even offered to correct the error in a plan variation it was preparing to deal with a number of minor errors. Unfortunately, for reasons unknown it did not include this matter in that variation, which was subsequently prepared and introduced. A later email, dated in 2012 from Peter Eman summarises this whole process and is included as Appendix 1 to this evidence. In a recent personal comment to Mr Poultney another Council planner, Mr Ivan Thomson again confirmed that this was an error in the 1995 Plan error and not a deliberate change.
- 4.5. When Proposed Change 1 to the Canterbury Regional Policy Statement was being prepared in 2007, growth limits were introduced to ensure Christchurch and its satellite towns developed in deliberately selected areas. In this vicinity, as there was no area selected for new growth beyond what was already zoned, the limit was set at the existing boundary between the Living Hills B and the Rural Hills zones. Those responsible were completely unaware of the mapping error in the 1995 City Plan or the consequences this would have for Mr Poultney, as discussed below.
- 4.6. When the Replacement District Plan was being prepared, again the existing rural boundary was adopted. The Living Hills B zone has become the Residential Large Lot zone. The minimum lot size is now 1500m² according to rule 14.12.3.2 and there are rules relating to road boundary setbacks, and colour and reflectivity.

- 4.7. Again, because earlier boundaries were simply carried over, the Poultney property has been excluded. There appears to have been no deliberate examination of where the boundary of the true Rural zone should lie since whenever the Heathcote County district scheme was prepared, some time prior to 1991. The boundaries appear to have simply been carried over with each review, although as noted with a simple drafting error in the 1995 version.

5. SUITABILITY OF THE SITE FOR LIMITED FURTHER DEVELOPMENT

- 5.1. In my opinion the site does not differ in any material respect from the rest of the sites in this vicinity. In that regard I am referring to the cluster of large lot housing sites developed as the Worsleys Rd Rural Zone under the then-current Heathcote County District Scheme. This site was part of that zone as outlined above. It has a generous area of gentle slopes near the crest of the spur and the road. It has a Council water supply, sealed road frontage and wastewater pipeline to the property frontage. It has one existing house on it. That house is already prominently visible from areas of Christchurch City. In all those matters this site closely resembles its near neighbours that were also developed under that original zoning on Worsleys Spur.
- 5.2. I note that the property immediately below, at 351 has recently been granted consent for two further allotments to be created. That property is in my opinion very similar to the Poultney property in all material respects.
- 5.3. Mr Poultney seeks the ability to subdivide 2 further house sites, on the flatter parts of the site near the top of the spur, behind his existing house. He does not wish to subdivide or develop the steep lower slopes.

Constraints to development

- 5.4. In its evidence and rebuttal on this submission, the Council has identified a number of constraints to development of this property, and therefore opposes it. Those constraints are conveniently set out on page 35 of Attachment B of Ms Oliver's evidence in chief where she summarises her own opinions and those of other experts. The same matters are very briefly discussed in the evidence in chief of these witnesses.
- 5.5. **Landscape.** In the Appendix B summary, Mr Craig is said to support new dwellings being located on the upper slopes only. That is exactly what Mr Poultney proposes and what is currently occurring on the next door site at No. 351. I note that in the general part of his own evidence in chief Mr Craig advocates and illustrates what he calls a "complementary contrast" model, where transition from residential to rural is "abrupt and lucid" and "more or less maintains the current proportion of rural and urban" (emphasis added). I accept that housing in the requested location would be visible from other areas, as are the existing houses in this vicinity. I rely on Mr Craig's evidence to demonstrate that this is not an unacceptable landscape outcome.
- 5.6. **Wastewater services.** In her evidence in chief Ms Brigit O'Brien dismissed the submission in one very brief paragraph, which I set out in full.
- However, wastewater services are limited. While there is a pressure main at the neighbouring property at 351 Worsleys Road that was installed in 2014, this was only sized to service the current properties and the Council has no plans to upgrade this pipe. I therefore oppose the rezoning of this property.*
- 5.7. In fact the pipeline extends to the gate at 353, a fact that Ms O'Brien has acknowledged in her rebuttal evidence.
- 5.8. It is my understanding that utility services are not usually designed so precisely or exactly as this, and that there are too many potential variables to do so. I refer to and rely on an email from Mr Andrew Tisch, a wastewater services engineer consulted by Mr Poultney which is set out in Appendix B to this evidence. Mr Tisch identifies a number of ways in which a viable and appropriate wastewater solution for this property might be found for this property using this pipeline. I do not put this forward as conclusive proof that this is what

should be done. This was preliminary work by Mr Tisch and he may come up with other suggestions. My purpose is only to demonstrate that it is premature to so dismiss Mr Poultney's proposal at this stage without a proper in depth analysis. On my advice, Mr Poultney is proposing that development on his property be made restricted discretionary, so that matters such as this can be properly analysed, not summarily dismissed with so little consideration.

- 5.9. I do not know if Ms O'Brien is aware that only 2 additional houses are proposed, or whether she was concerned that the whole property might be developed with a correspondingly larger wastewater output. Also, I am informed that the original houses on Worsleys Spur have private wastewater systems. The sewer serving this area was not put in until 2014 and there are apparently very few houses that have been connected to it at this stage.
- 5.10. **Traffic** Mr Andrew Milne criticises the site because access is only likely to be available by car, and because it could have a cumulative effect on congestion at the intersection at the bottom of the hill where the arterial Cashmere Rd crosses with Worsley and Hoon Hay roads. In these respects the property is no different from all the others on Worsleys Rd. additional traffic that could arise from two new houses would be infinitesimal compared to the dozens of vehicles already or about to down Worsleys Rd at the peak hour and the hundreds or thousands of peak hour movements on Hoon Hay and Cashmere Roads. I note there is also further land zoned for development at the base of the spur which is currently advertised for sale with the potential for about 95 houses. I consider Mr Milne's comments should be considered in the light of what is already happening or likely to with regard to traffic to put his comments into their proper perspective. I consider the transport effects of this proposal to be trivial.
- 5.11. **Stormwater** Like the other Council witnesses Mr Brian Norton dismisses the site summarily in a single paragraph.
- This land is very steep and drains to Worsleys Drain which does not have sufficient capacity to convey current stormwater flows and experiences major siltation issues at the base of the slope in Worsleys Valley. This site has no effective means of controlling stormwater discharge or mitigating the effects of increased runoff and erosion. I recommend that this submission be rejected.*
- 5.12. He appears to be unaware that Mr Poultney is not proposing to develop the steeper slopes. He also does not acknowledge that the much of the silty stormwater he refers to is being channelled onto the submitters property by deep rutting that has formed on Worsleys track above the houses as a result of uncontrolled activities by recreational four wheel drivers. Photographs of this are attached to Mr Poultney's own evidence. The Council would be able to remedy this situation to an extent by preventing the 4WD access and remediating the ruts.
- 5.13. Water falling directly on the land is going to continue to find its way down the hill whether or not the property is developed. The amount of rainfall falling onto the site will not increase. Development can have the effect of concentrating runoff and causing earlier discharge, because of the hard surfaces created. The volume of runoff will not be increased and its concentration and peak flows should be able to be mitigated by development. It is my understanding from Mr Tisch that roof water in these situations is usually required to be captured in rainwater tanks and is mostly used for irrigation, and any overflow is able to be discharged to gullies which can be suitably reinforced by planting or rock protection.
- 5.14. **Geotechnic** Mr Ian Wright briefly mentions the site in the attachment to his evidence, citing uncertainty and the lack of any site specific report. He makes no specific recommendation. I accept and agree with his comment. This could be addressed as part of a restricted discretionary application as proposed by Mr Poultney. It would also be attended to as a matter of course under a subdivision or building consent application.

Conclusion on physical constraints

- 5.15. My conclusion on the 5 physical constraints put forward by the Council witnesses is that they either do not apply in the circumstances, (traffic and landscape) or could be made subject to discretionary activity status (wastewater, stormwater and geotechnic).

6. CHAPTER 6 OF THE REGIONAL POLICY STATEMENT

- 6.1. In her planning evidence Ms Oliver relies on Chapter 6 of the operative Regional Policy Statement and in particular Policy 6.3.1. I set out the policy below.

Policy 6.3.1 – Development within the Greater Christchurch area In relation to recovery and rebuilding for Greater Christchurch

In relation to recovery and rebuilding for Greater Christchurch:

(1) give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;

(2) give effect to the urban form identified in Map A (page 64) by identifying the location and extent of the indicated Key Activity Centres;

3) enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of 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;

(5) provide for educational facilities in rural areas in limited circumstances where no other practicable options exist within an urban area; and

(6) avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres.

- 6.2. It is subclauses (1) and (4) which could be interpreted by some as providing an absolute limit to any further development of residential housing outside this urban limit. The subject site is of course just outside the line, which runs along its north-western boundary.

- 6.3. Firstly, I note that it is questionable whether the policy even applies to this situation. The policy specifically addresses recovery and rebuilding. This proposal is not a recovery or rebuilding project. Chapter 6 had its origins in Proposed Change 1 to the former Regional Policy Statement in 2007. At that time it addressed general urban growth issue for the greater Christchurch Area. However since the Canterbury Earthquakes it has been modified and its purpose changed to deal with earthquake recovery needs only. It no longer deals with general urban growth issues.

- 6.4. Secondly it is worth considering the mandate for a regional council to become involved in land use planning. That is found in section 30 (1) (b) of the Resource Management Act 1991 which sets out the functions of a regional council under the RMA. It reads

(b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:

- 6.5. As one of the principal authors of the original Change 1 which has now evolved into Chapter 6, I would be one of the first to agree that Chapter 6 as a whole is fully in accordance with that mandate. It was created to manage the adverse effects of unplanned or poorly planned urban growth on a large scale affecting at least the sub region around the Greater Christchurch metropolitan area. Poorly managed urban growth on a large scale has the potential to cause serious environmental, social and economic effects. Change 1 was originally prepared to find ways of providing for anticipated urban growth out to 2041, providing for all the housing, business, cultural, social and recreational needs and the necessary infrastructure. This was done as a regional exercise to enable the three territorial councils, the New Zealand Transport Agency and the Canterbury Regional

Council to work co-operatively in managing growth in an integrated way. Following the Canterbury Earthquakes it has been adapted to provide for earthquake recovery only. The main consequence of that is to shorten the planning horizon, as some of the land originally identified for future growth out to 2041 has been needed for immediate replacement of red zoned areas. In my view this was an appropriate response, as there was a need for a rapid response to the earthquake's destruction of so much housing, and if unplanned or poorly planned such a response could have widespread and long term adverse effects. Plan Change 1, and especially its new urban growth areas on Map A provided a very convenient and well-informed basis for such a response.

- 6.6. It does not follow that every small-scale infringement of the line on map A is automatically of regional significance. I do not consider the creation of two additional housing sites right beside the Map A line on Worsleys Spur to be a matter of regional significance. This is particularly so when the site has only been excluded from Map A because of a drafting mistake in 1995, and when any actual adverse effects on the ground, such as the 5 constraints already discussed above can so easily be managed by the City Council. Had that mistake not occurred, the submitter's site would have automatically been inside the Map A line.
- 6.7. In my opinion, to invoke the RPS in this case now amounts to unnecessary micromanagement that serves no real resource management purpose. The submission seeks a very minor departure from the line which is insignificant to the real purpose of the RPS. In the absence of any substantive effects strictly enforcing this policy would be form for form's sake.
- 6.8. Ironically, I note that the Christchurch City Council itself is concerned about the perceived lack of flexibility in the RPS. Opening legal submissions on behalf of the Council refer to the Council's concerns expressed through the current review of the Land Use Recovery Plan.
- 6.9. My view is further reinforced when I consider the fundamental sustainable management purpose of the Resource Management Act set out in Section 5. Allowing this submission would enable the property owners to promote their own economic welfare. Adverse effects on the environment could be avoided, remedied or mitigated through the restricted discretionary process. There would be minimal effect on life supporting capacity or the needs of future generations. In my view, allowing this submission would better achieve the purpose of the Act than rejecting it.

7. SUBMISSION 2362

- 7.1. This submission by the McVicar family covers a group of 6 sites immediately adjacent to the Poultney site, immediately uphill from it. Like the Poultney site it is in the Rural Port Hills zone and outside the RPS Map A line. The submission seeks inclusion of the sites in the Residential Large Lot Zone. Because of the proximity of the two submission sites, the similarity of their terrain and the identical relief sought, it may be thought that these two submissions should be considered together with the same outcome.
- 7.2. In my opinion the two submissions are not as similar as might first appear. The McVicar site is much larger, with a correspondingly greater yield. There are no existing houses on these sites. The sites are not clustered close to existing houses, but instead would extend the strip of housing significantly further uphill with potentially greater landscape effects. The sites were not originally included in the Rural Worsleys Rd zone in the Heathcote district plan.
- 7.3. I have no view as to whether or not the McVicar submission should be allowed. However in my opinion it should be considered on its own merits, independently of the Poultney submission as the differences between the two sites are significant enough that different outcomes are possible.

8. RELIEF SOUGHT

- 8.1. The evidence of Mr Poultney puts forward a requested form of relief, that his site be included in the Residential Large Lot zone but with further development of no more than two additional house sites as a restricted discretionary activity with the Council's consideration restricted to landscape and infrastructure (water supply, wastewater and

stormwater disposal. I drafted this relief for Mr Poultney. On further reflection, it may be that it could be further modified to achieve its purpose and better fit within the framework of the plan. For example it would not be necessary to include the whole of the site in the LLR zone and the steeper lower slopes could be excluded. Geotechnic issues could be added to the matters for consideration. It may even be that restricted discretionary status is not needed at all, as landscape does not appear to be an issue, traffic is in my view irrelevant, and the wastewater, stormwater and geotechnic issues could be dealt with at subdivision and building consent stage.

- 8.2. I would be prepared to work with the Council officers to redraft these provisions should that be helpful.

9. CONCLUSION

- 9.1. There are very unusual circumstances that have given rise to this submission. Had the City Council not made the drafting error in the first place, or had it honoured its promise to rectify the error, this matter would not be before the Hearing Panel at all as the property would have been included in the Residential Large Lot Zone and Map A of the RPS automatically. The situation arises not from reasoned consideration of the best zoning of this site, but because of a simple error in plan drafting.
- 9.2. In my opinion the site at 353 Worsleys Rd is very similar to neighbouring sites immediately adjacent down Worsleys Rd. Like those sites the house at No. 353 was established under the provisions of the Heathcote County Plan as a predominant use. Visually the site relates well to the other houses nearby. The physical constraints identified in the Council evidence, are either not present (landscape, traffic), or can be managed through a restricted discretionary activity process (wastewater, stormwater and geotechnic). It is premature to reject the site because of these constraints because at this stage not enough is known.
- 9.3. Policy 6.3.1 of the Regional Policy Statement read in isolation would appear to rule out the relief sought. However in my opinion it should not be read in isolation as to do so would achieve no valid resource management purpose and would not even achieve the overall purposes of the RPS itself. Allowing the submission would in my opinion better achieve the purposes of the Resource Management Act than rejecting it.

D.L. Mountfort

David Mountfort

7 September 2015

Appendix 1 Email correspondence from Council to Mr Poultney re drafting error

Amega Wire

From: Eman, Peter [Peter.Eman@ccc.govt.nz] 941 8955
Sent: Friday, 20 July 2012 11:14 a.m.
To: Douglas, Dion
Cc: amega@callplus.net.nz
Subject: FW: 353 Worsleys Rd
Attachments: Worsleys Rd 353 Duty Planner- Zoning query.tr5

Categories: Yellow Category

Hi Dion,

I passed on your name to Grant Poultney as an initial contact to discuss the possibility of a resource consent to subdivide his Rural Hills property. He will probably call you early next week.

There has been quite a history to this site. It was part of the "Worsleys Road Rural Zone" in the Heathcote District Plan. In the review of the City Plan the top part of the properties in that zone (i.e. closest to Worsleys Road) were all zoned LHB, except for Grant's property. As you'll see in the attachment below, it appears that there was no reason for excluding Grant's property and that it was simply a drafting error. We've had it in our list of 300 future plan changes for years, but it has never been actioned. This rather unique set of circumstances would appear to take the subdivision application outside of the circumstances that would apply to other Rural properties, at least to the extent of his property that probably should have been zoned LHB. But I've asked him to discuss the prospects of a subdivision application with you, or whoever you refer him to.

I note that he may also wish to pursue subdivision/housing on some of the rest of his land as well. He advises that some of his neighbours have managed to get consent for similar proposals. I'm not in a position to comment on that aspect of any application.

Give me a ring if you wish to discuss this further.

Regards
Peter

Appendix 2 Preliminary advice re Wastewater services

From: Andrew Tisch [<mailto:andrew.tisch@e2environmental.com>]

Sent: Friday, 4 September 2015 5:30 p.m.

To: Grant Poultney

Cc: lindsay.blakie@e2environmental.com

Subject: RE: wastewater at 353 Worsleys rd.

Hi Grant

I have made some progress this afternoon – managed to get hold of Bridget O'Brien at CCC and Chris at Ecoflow Ltd. I have focussed on the capacity of the Worsleys Rd sewer pipe and how it relates to the possibility of CCC granting approval for your connection. I have assumed that you will address the issue of existing rights to your connection. I may get time to look at it next week if you would like me to - let me know.

Bridget O'Brien

- Reiterated that CCC believes there is insufficient capacity at peak times. But she said that since I am the third person to ask, she is getting the network remodelled for capacity, just to be sure. She hoped the results would be available late today. She agreed to send me them (if she has time)
- I asked if you could do off-peak pumping using the IOTA controller (fitted to E1 Ecoflow pumps -see below for a discussion on IOTA). She said (paraphrasing) yes in theory, but wanted to fully understand the issues arising such as: reliability, fail safe (pump failure, insufficient storage, what happens if sewerage builds up and overflows), what the consequence of multiple owners doing off site pumping is and how is off peak pumping enforced (what if someone disables the system)?
- There is currently an \$80/year maintenance service that CCC may (is already? Will confirm) going to charge across the entire ratepayer base

Chris at Ecoflow –Discussion on IOTA

IOTA is a remote, telemetry (using wireless technologies) controlled and monitored system fitted to the E1 sewer pumps

- You can elect to get it to pump as sewerage comes in; or adjust it to store and pump when a certain water level is reached; or do 'Store Mode' - when a storm is imminent (and stormwater is getting into downstream gravity pipes) it stores until after the event has passed.
- Pumping can be adjusted for low volumes flows in small households, or greater volumes for large families. It can be staggered to avoid peaks when there is a whole series of households pumping at the same time.
- Extra storage can be added
- Fail safe systems 1– high water level float triggers pumping.
- Fail safe systems 2- can be set up to email, txt or alarm in the event of: pump failure, imminent sewerage overflow (water level build up).
- Fail safe systems 3 – (I think –but I'll check next week) can alert if system is immobilised or tampered with

My general impression is that if modelling shows there is capacity for all additional blocks requesting connection, during peak times, CCC would not oppose connection. If it could be achieved off peak, using IOTA, there would be hurdles but these could probably be overcome when Bridget is satisfied that her concerns can be allayed.

Your thoughts?

Andrew Tisch – Principal Engineer

Attachment D – Submission #2190 on Christchurch Replacement District Plan



The proposed **Christchurch Replacement District Plan**

Stage two Submission Form

For more information about the Proposed Christchurch Replacement District Plan go to: proposeddistrictplan.ccc.govt.nz

Submissions must be received no later than **Monday 15 June 2015.**

RECEIVED
BY: 12 JUN 2015

1 Make your submission:

Online: proposeddistrictplan.ccc.govt.nz

Email: dpreview@ccc.govt.nz

Post: District Plan Submissions
Christchurch City Council
PO Box 73001 Christchurch 8154

Deliver: Christchurch City Council
53 Hereford Street, Christchurch

2 Submitter Details (All details marked with an * must be provided)

Full Name(s)* Grant Poulthney

I authorise the person below to represent my submission: (tick)

Submitter Agent's name _____

Address for service (indicate your preference)* _____

Email* (tick) amegawire@hotmail.com

Post* (tick) 353 Worsley's Rd

CH CH 8022

Phone number* (03) 348 9976 (Bus)

Mobile number* 027 227 3948

Privacy Act 1993

Submissions are public information. Information on this form including your name and contact details will be accessible to the public on the Independent Hearings Panel (IHP) or the Council websites and at Council service centres and libraries. The Council is required to make this information available under the provisions of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. Your contact details will only be used by the Council, IHP or IHP Secretariat for the purpose of the District Plan Review process (for example to contact you about hearings and decisions on your submission). The information will be held by the Council, IHP or IHP Secretariat. You have the right to access the information and request any correction.

3 Trade Competition (All details marked with an * must be provided)

If you are a person who could gain an advantage in trade competition through making a submission, your right to make a submission may be limited by Clause 6(2) Schedule 1 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

I could gain an advantage in trade competition through this submission.* Y N

If you answered Yes to the above statement please complete the following.

I am directly affected by an effect of the proposal that -

(a) adversely affects the environment; and Y N
(b) does not relate to trade competition or the effects of trade competition

4 Notes for Stage one Submitters

Refer to submission form guidelines for notes to submitters who made submissions on Stage one. I made a submission on Stage one and Note 4 applies to my Stage one submission. Y N

5 Hearing (All details marked with an * must be provided)

I wish to be heard in support of my submission.* Y N

If you answered Yes to the above statement please complete the following:

If others make a similar submission, I will consider presenting a joint case with them at a hearing. Y N

Signature of submitter*

Date* 7/6/15

Please use the Stage two submission guidelines to assist you to complete this form.

6 The Specific Provision that your submission relates to is: *(All details marked with an * must be provided)*
Please identify the specific provision of the proposal that your submission point relates to by providing the proposal and clause number or planning map number e.g. Proposal 17 Provision 17.2.2.2 Controlled Activities

Proposal number* **14** Provision number and name* **N/A** Map Number* **50**
(if applicable)

My submission is:*

I support I oppose I seek to have the above provision amended

The decision I seek is that the provision:*

Be retained Be deleted Be amended as follows *(you must specify your amended wording):*

To amend the zoning of 353 Worsleys Rd to RLL

- 1 PM 50
- 2 CH14²²
- 3 CH17¹³

Reasons for my submission:

To amend drafting errors made in the past.



7th June 2015

Hi

I am Grant Poultney, and in 1993 my wife Sue and I built a house at 353 Worsleys Rd on land in the "Worsleys Road Rural Zone".

Under "Zone Purpose" this area was created for low density residential development, and we were encouraged to minimize noxious weeds and reduce erosion, of which we have spent thousands of hours doing.

When this area was rezoned LHB, our property was the only one that had been separated from the original "Worsleys Rd Rural Zone" and excluded from the new LHB area.

We approached Jeff Stuart at the Sockburn Service Centre, as to why one property that had previously been included in the Worsleys Road Rural Zone had suddenly been left out of the newly formed LHB zone. It was discovered, that there had been, as described in the accompanying letters and emails, a simple drafting error, and that there had been no reason to exclude our property.

I was told that this was the purpose of a draft plan, and was assured it would be corrected before the plan became operative.

Jeff Stuart told me to keep a check on progress, on a monthly basis, and that he had been assured, it would be corrected.

As time passed and nothing happened, Jeff Stuart hand drafted 2 letters, (copies enclosed in his own handwriting) and advised me to seek confirmation in writing, that this change would be addressed.

As you can see in the reply, (copy enclosed) we were advised that, unless this matter was very urgent, that time had run out to make all of the adjustments, but was assured, that they would be made in due course.

We have been told to remind you of this outstanding issue, and ask if it's possible to amend the plan at this stage, to include us in the same RLL zone as our neighbor's, and finally resolve this matter.

Thanks.

Regards

Grant and Sue Poultney.

353 Worsleys Rd

Contact 027 227 3948.



Letters hand
drafted by
Jeff Stuart giving
me an idea as
to what to write.

Ks 353 Worsleys Rd.

Further to numerous enquiries it has
been drawn to my attention that

Boundary between LHB & RTH ~~has~~
changed ~~in~~ without notification
& has changed the potential of subdivision
of ~~any~~ site.

The Transitional plan shows 353
Worsleys Rd being in the ^{Worsley} Rural ~~zone~~
~~zone~~

& now excluded from CHB ~~zone~~

This

Manager City Plan.
Ch-ch.

Allen Peter Eman.

Re 353 Worsley Rd.

The ^{zone} boundary around the North & East sides of 353 Worsley Rd has been altered during the change in the Heathcote District Plan & Proposed City Plan.

I have discussed this with G. Stuart & Peter Eman & they have instructed me to write to you to carry out the variation to rectify this situation in the near future. I would like you to acknowledge that an error has been made in the production of the new City Plan maps & that you would rectify this in the near future.

For your information :-

Stuart, Geoff

From: Eman, Peter
Sent: Monday, June 26, 2000 11:06 AM
To: Stuart, Geoff
Subject: RE: zone change, Grant Poultney

941 8955

I have just spoken to Grant and explained the Council decision to do only a small number of very urgent variations before the Proposed Plan becomes operative. As such, it is likely to be at least two years before we would be doing the variation he is seeking, unless the situation changed and some need for urgency arose. I suggested that, to give him some comfort that the variation will eventually get done, he write to us. We can then reply in writing acknowledging that there appears to have been a drafting error and that we will eventually get on to his variation. Cheers Peter

-----Original Message-----

From: **Stuart, Geoff**
Sent: Friday, 23 June 2000 09:13
To: Eman, Peter
Subject: RE: zone change, Grant Poultney

353 Worsleys Road,
CHRISTCHURCH.

Manager City Plan,
Christchurch City Council,
P.O. Box 237,
CHRISTCHURCH.

Attention: Bob Nixon.

3 July 2000

Dear Sir,

Re: 353 Worsleys Road Christchurch.

As the landowner of 353 Worsleys Road, it has been brought to my attention that the boundary between L.H.B and R.U.H has changed without notification and has changed the potential of subdivision of the given site. The transitional plan shows 353 Worsleys Road being in the Worsleys Road rural zone and is now excluded from L.H.B zone.

The zone boundary around the North and East sides of 353 Worsleys Road has been altered, during the change to the proposed City Plan.

I have discussed this with Geoff Stuart and Peter Eman, and they have instructed me to write to you to carry out a variation to rectify this situation in the near future.

I would like you to acknowledge that an error has been made in the production of the new city plan maps and that you will rectify this in the near future.

For your information I have enclosed a copy of the Worsleys Road rural zone map which clearly shows 353 Worsleys as being included in the Worsleys Road rural zone and also a map of the proposed new City Plan which does not include 353 Worsleys Road in the L.H.B.

Yours faithfully,

G Poulmey.

Amega Wire

From: Amega Wire [amega@callplus.net.nz]
Sent: Wednesday, 25 July 2012 1:43 p.m.
To: 'grant poultney'
Subject: FW: 353 Worsleys Rd

-----Original Message-----

From: Douglas, Dion [mailto:Dion.Douglas@ccc.govt.nz]
Sent: Wednesday, 25 July 2012 12:07 p.m.
To: amega@callplus.net.nz
Cc: Eman, Peter
Subject: RE: 353 Worsleys Rd

Hi Grant

Thanks for your phone message of yesterday regarding the above.

I gather you are keen to catch up and discuss this proposal which seems to have fallen off the City Plan list of things to do.

Can I suggest you book a pre application meeting and we can formally meet to discuss your proposal and the likely resource consent issues that may arise.

Please visit the Council's website
<http://www.ccc.govt.nz/homeliving/buildingplanning/preappmeetings.aspx>
and complete the request form and attach a copy of your subdivision concept.

I look forward to meeting with you later next week

Regards
Dion Douglas

>
> **From:** Eman, Peter
> **Sent:** Friday, 20 July 2012 11:14 AM

> To: Douglas, Dion
> Cc: 'amega@callplus.net.nz'
> Subject: FW: 353 Worsleys Rd

> Hi Dion,

> I passed on your name to Grant Poultney as an initial contact to
> discuss the possibility of a resource consent to subdivide his Rural
> Hills property. He will probably call you early next week.

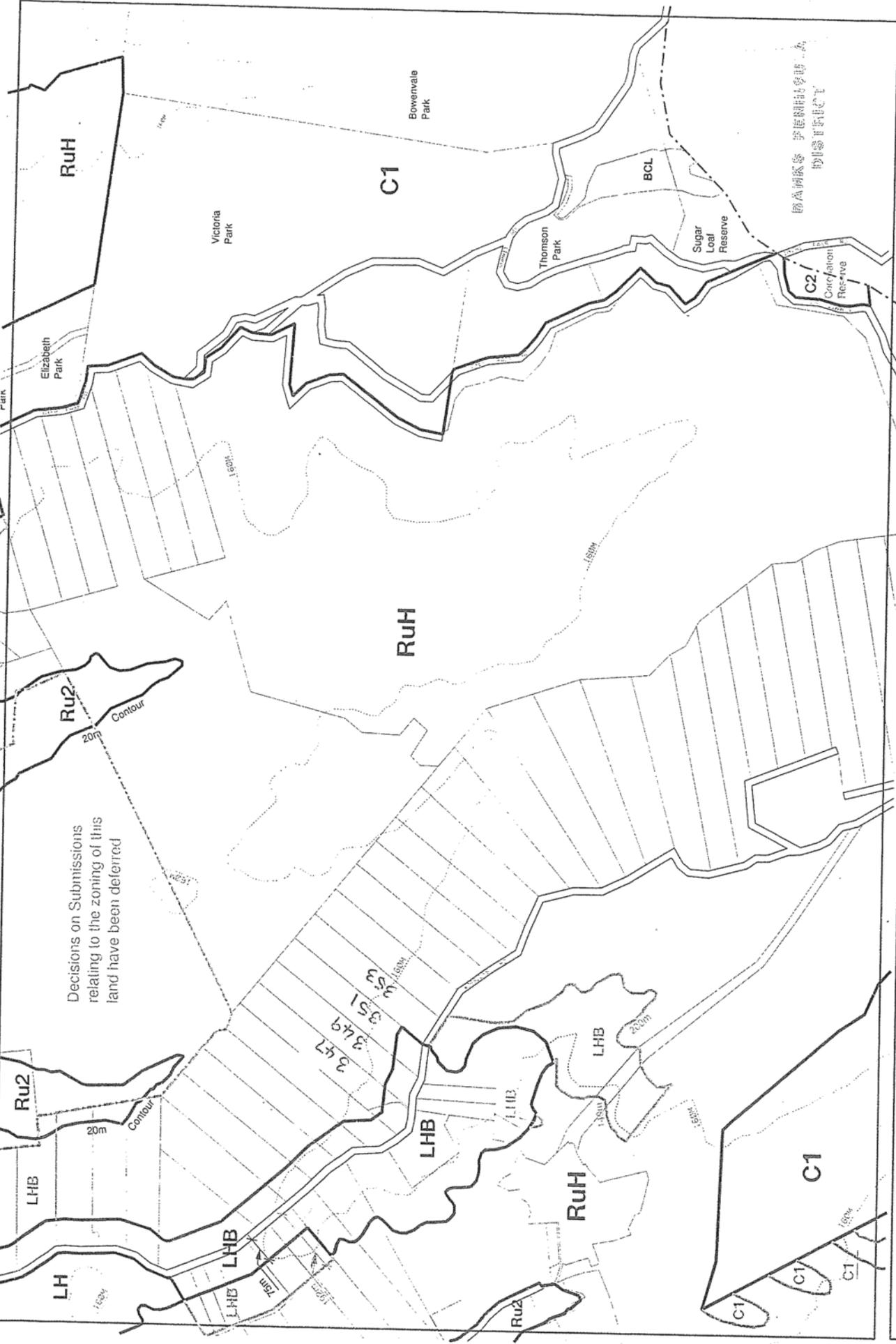
> There has been quite a history to this site. It was part of the
> "Worsleys Road Rural Zone" in the Heathcote District Plan. In the
> review of the City Plan the top part of the properties in that zone
> (i.e. closest to Worsleys Road) were all zoned LHB, except for Grant's
> property. As you'll see in the attachment below, it appears that there
> was no reason for excluding Grant's property and that it was simply a
> drafting error. We've had it in our list of 300 future plan changes
> for years, but it has never been actioned. This rather unique set of
> circumstances would appear to take the subdivision application outside
> of the circumstances that would apply to other Rural properties, at
> least to the extent of his property that probably should have been
> zoned LHB. But I've asked him to discuss the prospects of a
> subdivision application with you, or whoever you refer him to.

> I note that he may also wish to pursue subdivision/housing on some of
> the rest of his land as well. He advises that some of his neighbours
> have managed to get consent for similar proposals. I'm not in a
> position to comment on that aspect of any application.

> Give me a ring if you wish to discuss this further.

> Regards
> Peter

> From: White, Odette



Decisions on Submissions relating to the zoning of this land have been deferred

53	City of Christchurch	Key	Coastal Marine Area
59	60A	All spiritual facilities (see Part 1) existing as at 24/6/95 and located in living or rural zones are deemed to be Class 2 scheduled activities (see Part 9).	Mean High Water Springs
61	City Planning Maps	Note: Amendments and additions are shown in red. Some examples are shown below.	Major Road Works
66	Scale 1:15,000	Deleted Line or Area Deleted Symbol Amended Line or Area Added Symbol	Local Road to be Widened
	0 100 200 300 400m		
	North		
			Designations - refer to Planning Maps Page 3 General Information

* REFER TO REGIONAL RULES FOR EARTHWORKS AND VEGETATION CLEARANCE ON PORT HILLS (Table 1, Page 18, Part II of the Proposed Land and Vegetation Management Regional Plan)

* REFER TO REGIONAL RULES FOR LAND MANAGEMENT FIRES ON CANTERBURY HILLS (Pages 19-20, Part IV of the Proposed Land and Vegetation Management Regional Plan)

3.3 WORSLEYS ROAD RURAL ZONE

This zone is located on the eastern side of Worsleys Spur and extends from below the Christchurch City Council reservoir to above the end of the sealed road. The land in the zone has been subdivided into nineteen approximately 4.0 ha lots. Much of the land in the zone is relatively steep, although each property includes some relatively flat land near Worsleys Road. The land is of limited value for farming, but has the potential to provide a pleasant residential environment. There is no reticulated sewerage system and the disposal of liquid wastes may present some difficulties on some sites. The Christchurch Drainage Board has control of septic tank approval in this area, and may require special engineering techniques or land management practises to ensure the proper disposal of liquid wastes. The zone ordinance includes particular conditions relating to the disposal of liquid wastes, land management and the prevention of land instability and erosion.

3.3.1 Zone Purpose

This zone is created to provide for low density residential development on existing lots which have a rural-residential standard of services available, and to promote land management practises designed to minimise any nuisance from noxious weeds and reduce erosion.

3.3.2 Uses

See Part 2 of this District Scheme for relevant policies.

(a) Predominant Uses

- (i) Extensive and intensive farming (other than factory farming).
- (ii) Protection forestry, but excluding the trimming, felling, cutting up and extracting of any tree by means of tools or mechanical devices which are not entirely hand-held.
- (iii) The erection and use as a dwelling of one dwellinghouse on each lot held in a separate certificate of title where the dwellinghouse is accessory to part-time or full-time farming.
- (iv) The erection and use of buildings for purposes accessory to the use of land or buildings in the zone for any other predominant use.

(b) Conditional Uses

Commercial forestry and the trimming, felling, cutting up and extracting of any tree which is planted for protection purposes or is part of a protection forest or plantation by means of tools or mechanical devices which are not entirely hand-held.

(c) All predominant and conditional uses shall be subject to the following controls where applicable:

- (i) No tree shall be planted in such a position that when mature it would be likely to shade a public road in a manner which is likely to cause icing on the carriageway of that road, or would if blown over or otherwise felled be likely to damage power or telephone lines on land not in the same ownership as the land on which the tree is planted.

The proposed
**Christchurch
Replacement District Plan**

Stage two Submission Form

For more information about the Proposed Christchurch Replacement District Plan go to: proposeddistrictplan.ccc.govt.nz

Submissions must be received no later than Monday 15 June 2015.



1 Make your submission:
Online: proposeddistrictplan.ccc.govt.nz
Post: District Plan Submissions
Christchurch City Council
PO Box 73001 Christchurch 8154

Email: dpreview@ccc.govt.nz
Deliver: Christchurch City Council
53 Hereford Street, Christchurch

2 Submitter Details (All details marked with an * must be provided)
Full Name(s)* Grant Paultray

I authorise the person below to represent my submission: (tick)

Submitter Agent's name

Address for service (indicate your preference)*

Email* (tick) amegawire@hotmail.com

Post* (tick)

Phone number* (03) 3386 234

Mobile number* 027 227 3948

Privacy Act 1993

Submissions are public information. Information on this form including your name and contact details will be accessible to the public on the Independent Hearings Panel (IHP) or the Council websites and at Council service centres and libraries. The Council is required to make this information available under the provisions of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. Your contact details will only be used by the Council, IHP or IHP Secretariat for the purpose of the District Plan Review process (for example to contact you about hearings and decisions on your submission). The information will be held by the Council, IHP or IHP Secretariat. You have the right to access the information and request any correction.

3 Trade Competition (All details marked with an * must be provided)
If you are a person who could gain an advantage in trade competition through making a submission, your right to make a submission may be limited by Clause 6(2) Schedule 1 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

I could gain an advantage in trade competition through this submission.* Y N

If you answered Yes to the above statement please complete the following.

I am directly affected by an effect of the proposal that -

(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition Y N

4 Notes for Stage one Submitters

Refer to submission form guidelines for notes to submitters who made submissions on Stage one. I made a submission on Stage one and Note 4 applies to my Stage one submission. Y N

5 Hearing (All details marked with an * must be provided)

I wish to be heard in support of my submission.* Y N

If you answered Yes to the above statement please complete the following:

If others make a similar submission, I will consider presenting a joint case with them at a hearing. Y N

Signature of submitter* [Handwritten Signature]

Date* 7/6/15

Please use the Stage two submission guidelines to assist you to complete this form.

6

The Specific Provision that your submission relates to is: *(All details marked with an * must be provided)*

Please identify the specific provision of the proposal that your submission point relates to by providing the proposal and clause number or planning map number e.g. Proposal 17 Provision 17.2.2.2 Controlled Activities

Proposal number* 14 Provision number and name*

Map Number* 50
(If applicable)

My submission is:*

I support I oppose I seek to have the above provision amended

The decision I seek is that the provision:*

Be retained Be deleted Be amended as follows *(you must specify your amended wording):*

Enclosed letter

Reasons for my submission:

Living in the area.

FREEPOST Authority No.178



District Plan Submissions
Christchurch City Council
PO Box 73001
Christchurch 8154

7th June 2015

SUGGESTIONS REGARDING OUR AREA

As residents of 353 Worsley's Rd (map 50) for 23 years, we would like to offer some alternate ideas on the RLL strip that runs down the east side (our side) of the top section of Worsleys Rd. This narrow strip allows for these properties to be divided into, I believe 3000 m2 lots in a very confined area.

For many of these blocks, it is a tight squeeze to achieve two 3000 m2 lots within this restricted area, and in doing so, gives the appearance of a strip of postage stamps along the visible skyline ridge, which I believe is not the desired effect in this area and will change the random character of this area.

I am aware of the need for progress, which means change, but suggest, this area would be better utilized, by allowing, low density housing, in terrain dependent sights, over the entire east side of Worsleys Rd, as is intended on the RLL lower portion of the road, and possibly be restricted to 3 or 4 units per existing large blocks. Because of the surrounding spurs, and the valley aspect, this area is not visible from most of Urban Chch.

This low density residential / planted look, would be more in keeping with the look we hear most of the long term residents, say they would like to see here.

The water supply and sewerage has recently been upgraded in this area, and it makes sense to take full advantage of these services, where possible. If this is not possible, then because of the larger lots, sewage treatment systems with grey water discharge, and rainwater tanks can be utilized for plant irrigation, without adding strain to town services.

This land is renowned for gorse, broom, and erosion, and by developing low density housing, with controlled planting over as much of these slopes as possible, it would not only control these elements, it would add appeal to an area which is going to soon be visited by many local and international visitors, to the proposed new mountain bike tracks in this area.

Because of the added value to the area, it would increase the ratable value several times over, adding much greater rate revenue for the CCC.

The negatives by not developing these lower slopes;

More difficult to access at a later stage, because of high density dwellings along top road side.

Continued erosion of undeveloped area, which feeds silt directly into the already troubled Heathcote River system.

I have spoken to Stephen Brown from Environment Canterbury, who has spent many years in this area, covering all of these properties, and he agrees, that in this area, long term, it would be best controlled by selective planting, and more intensive care. As he is prepared to acknowledge, I have spent more time than most, trying to control these factors, but after 23 years of hard work, it would only take a couple of years of neglect, to revert to gorse and erosion. Stephen has said he is happy to say we have spoken of this, and he can be contacted at Environment Canterbury for comment.

With talk of dropping the 25% rural rate discount on properties under 5 hectares, it will increase rates by 33% in this area, and on these larger 4 hectare properties, with poor land quality, and no return from the land, and with the amount of work that goes into maintaining them, not only will this area become more expensive to live in, they will continue to deteriorate. These larger, hard to manage areas, would be more manageable, and attractive, if the work load was spread, into RLL size lots

Not sure if there are any plans for the Worsley's Rd track, above the gate, but with the proposed new mountain bike tracks in this area, this has already attracted a lot more activity in this area, and has led to high volumes of traffic using the lower Worsleys Track which is not maintained because it is classified as "Paper Road" The erosion in this track area is extreme, and when it rains, large volumes of silt and water run down the ruts in the tracks, causing severe erosion, to the properties below, which in turn flow into the streams that feed the Heathcote. Because it is classified as "Paper Road" Roding Dept say that as such, it is not their responsibility. Paul Devlin, the Port Hills Ranger, who has witnessed this affect, has often been left to try and maintain this area with a limited budget. I'm sure he would like to discuss this with someone, because this is only going to get worse, as more bikers and vehicles are attracted to the area.

I would be happy to meet with anyone that cares to, to share local knowledge, of these issues I have mentioned.

As short term caretaker/owners of a small patch of this area, we have spent thousands of hours, erecting fences, spraying, and managing stock, to convert what was gorse covered waste land, into an area we are proud of, and hope visitor's, and future owners will enjoy. I feel that a lot our hard work may have been in vain, because of the amount of work that does go into maintaining these challenging lots, which I'm sure urban Chch don't take into account. No helpers!

Regards

Grant and Sue Poultney.

353 Worsleys Rd

Ph 027 227 3948



RURAL

Geoff Stuart
Claire Woodling
PH 3711 955.

Check mtly

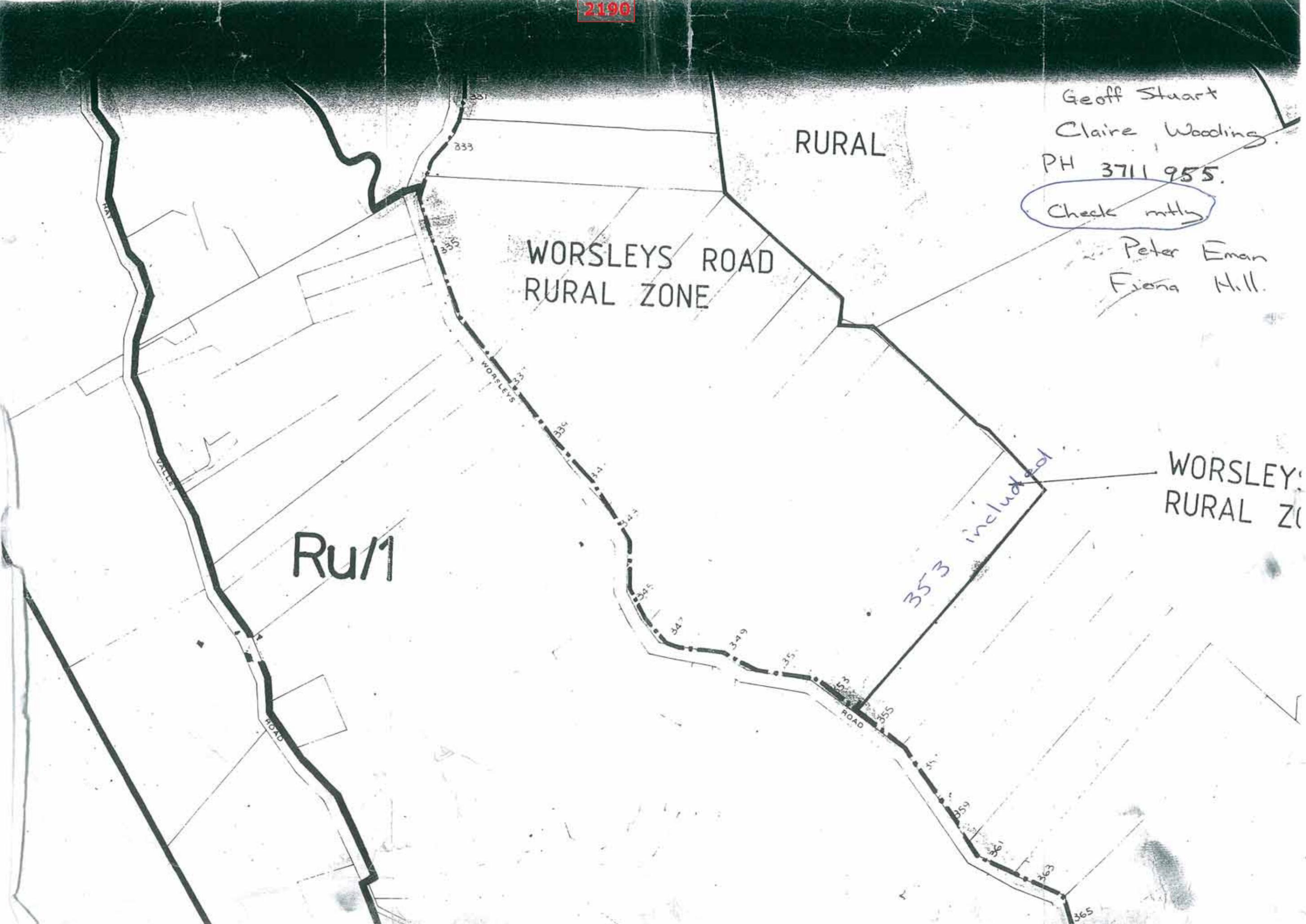
Peter Eman
Fiona Hill.

WORSLEYS ROAD
RURAL ZONE

Ru/1

WORSLEY
RURAL ZONE

353 included





2190

1:4066

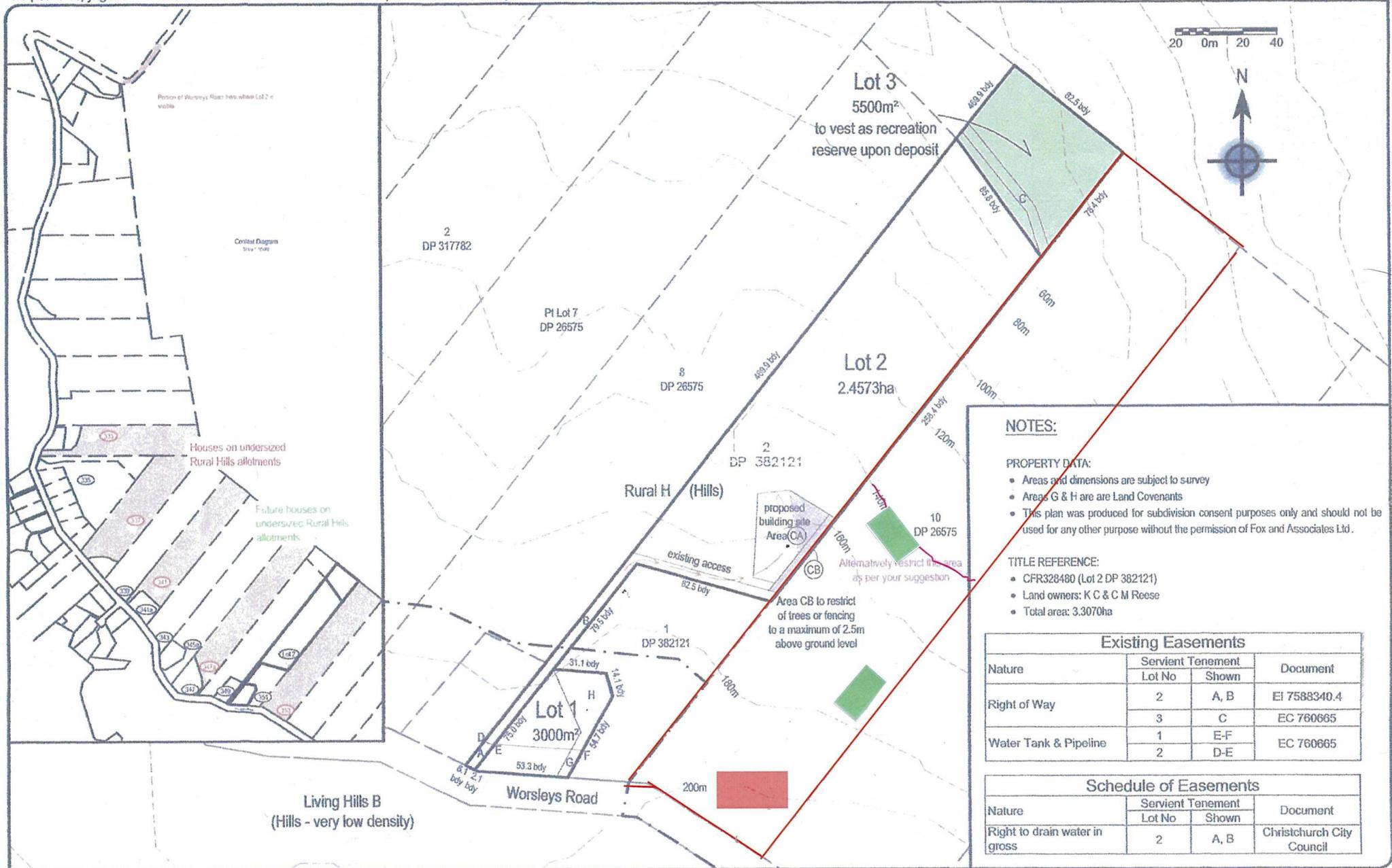
100 m



The accuracy of this plan and the measurements shown are not guaranteed but should be verified by inspection.

Produced by 153.111.106.140 at 17:06 on 4/1/2005

Attachment E – Existing and desired use for 353 Worsleys Road



NOTES:

- PROPERTY DATA:**
- Areas and dimensions are subject to survey
 - Areas G & H are Land Covenants
 - This plan was produced for subdivision consent purposes only and should not be used for any other purpose without the permission of Fox and Associates Ltd.
- TITLE REFERENCE:**
- CFR328480 (Lot 2 DP 382121)
 - Land owners: K C & C M Reese
 - Total area: 3.3070ha

Existing Easements			
Nature	Servient Tenement		Document
	Lot No	Shown	
Right of Way	2	A, B	EI 7588340.4
	3	C	EC 760665
Water Tank & Pipeline	1	E-F	EC 760665
	2	D-E	

Schedule of Easements			
Nature	Servient Tenement		Document
	Lot No	Shown	
Right to drain water in gross	2	A, B	Christchurch City Council

FOX
 ASSOCIATES
 www.foxsurvey.co.nz
 0800 FOX SURVEY
 P.O.Box 20-074
 CHRISTCHURCH

Lots 1-3 being the proposed subdivision of Lot 2 DP 382121
351a Worsleys Road, Cashmere

D				Scale 1: 2,000	Job No.
C				Designed	CAF
B				Drawn	CRJW
A	Lot 3 and Context Diagram Added	CAF	05/07/12	Date	26 April 2010
No.	Revision	Appr.	Date		

Key:

Red outline: extent of 353 Worsleys Rd section

Red square: approximate location of existing dwelling

Green squares: approximate desired location of additional dwellings

Purple line: desired extent of residential zoning sought

Attachment F – correspondence with Ivan Thomson, February 2019

From: Thomson, Ivan <Ivan.Thomson@ccc.govt.nz>
Sent: Friday, 1 February 2019 11:02 AM
To: Jo Appleyard
Subject: FW: map 50 - 353 Worsleys RD
Attachments: PlanningMaps_50-1.jpg

Hi Jo

Here is what our recommendation is the FDS for the Poultney property – the approximate area is 6650sqm which will only permit one additional dwelling (might struggle to get consent for a second one). Couple of suggestions: they should talk to their neighbour so that when / if Ecan changes the RPS there are no surprises, although it wouldn't hurt to tell them ahead of the FDS hearing anyway; if this proposal does go further we will probably rectify the rural zone on their property ie back to Ru Hills – as part of a future change to the DP. Any questions give me a call.

Regards

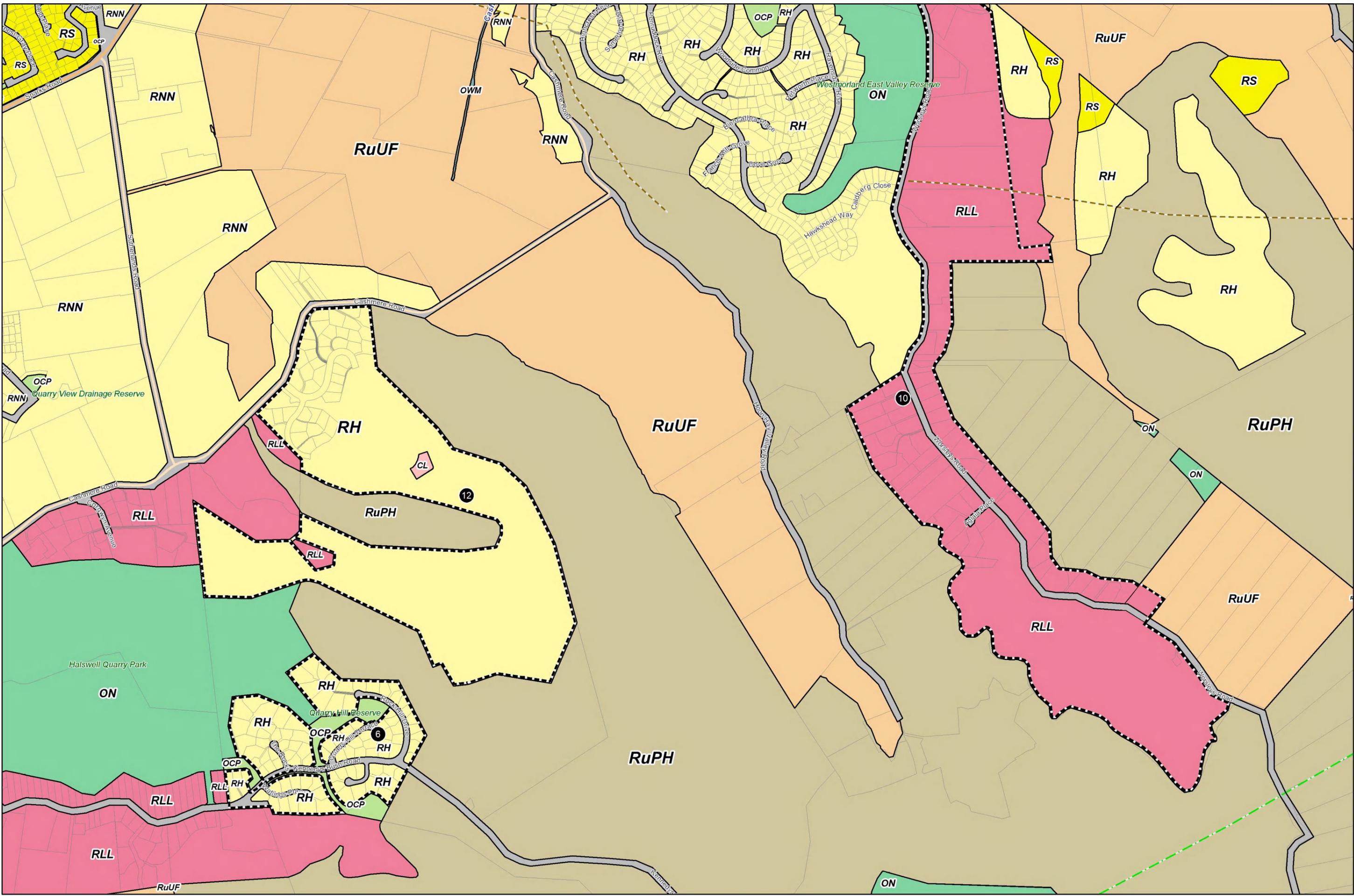
Ivan

9418813
0274376425

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Christchurch City Council
<http://www.ccc.govt.nz>



44	45	46
49	50	51
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