



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

Graeme Alan & Joy Yvonne Mc Vicar

November 2018

Greater Christchurch Partnership

Submitter Details

Name: GA & JY Mc Vicar

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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:

Graeme and Joy McVicar ('the Submitters') own a property on Worsleys Road, Christchurch, legally described as Lot 12 DP 26575, comprising approximately 4.2 hectares. It is part of DP 26575, a historical 15 x 4 ha lot subdivision granted by the Heathcote County Council in 1963. The Submitters have owned Lot 12 since 1979. Most of the lot has until recently been used for plantation forestry. There are no existing dwellings on Lot 12.

The McVicars are filing this submission on behalf of themselves and the owners of Lots 11 and 13-15 DP 26575 as follows:-

Lots 11&12 Estate of Gary McVicar

Lot 13 June Leeming & Marilyn McVicar

Lot 14 Susan Edmeades & Julie Hitchings

Lot 15 Ian Jefferis & Peter Phillips

The relief sought (as set out below) also applies to Lot 10, owned by Grant and Susan Poultney and James Dawson.

Lot 12 is identified in the following Christchurch District Planning Map (50). It is one of five sites (Lots 10-15) zoned Rural Urban Fringe. The rest of the DP 26575 lots (Lots 1-9) have their front portion zoned Residential Large Lot (RLL), with the rear portion in each case zoned Rural Port Hills. The minimum lot size in the Worsleys Road RLL is 3000m².

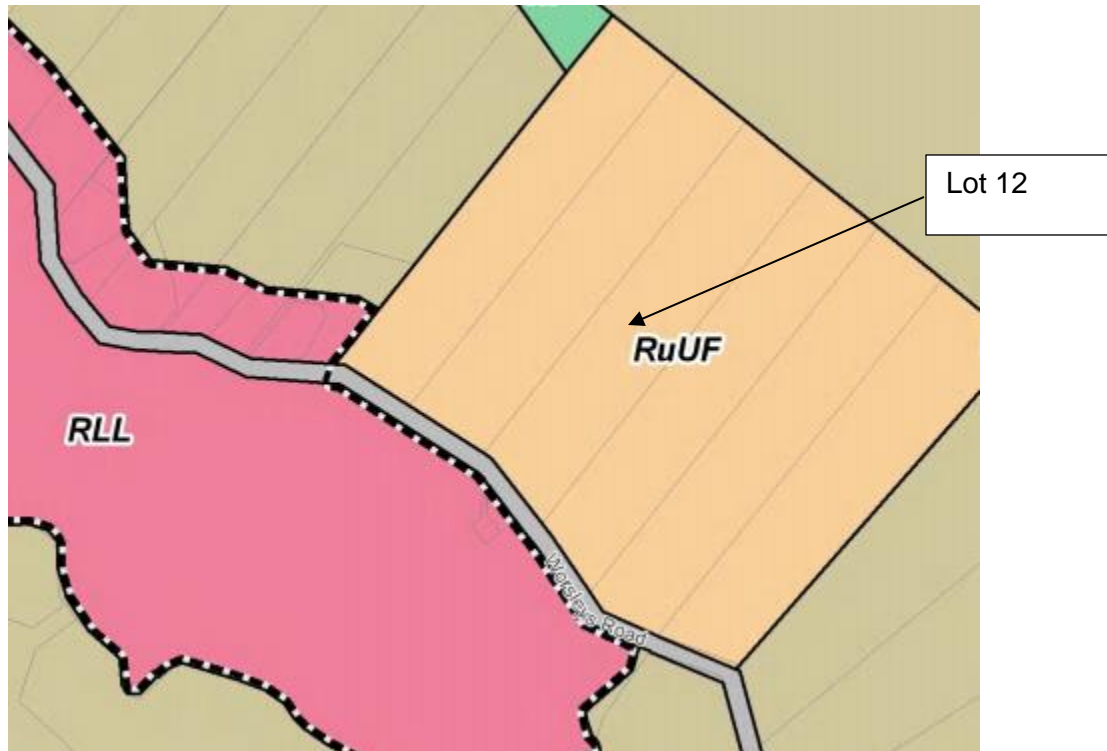


Fig 1: Zoning map. Lots 10-15 DP 26575 are 'buff' coloured.

With the exception of the frontage of the Site (i.e. a band approximately 80m wide), the majority of the area contained within Lots 10-15 are is located within ONL 38.3 and RAL 11.2. The frontage area was removed from the ONL by way of the decision on the Christchurch Replacement District Plan on the submission by the McVicars requesting this.

The Submitters also lodged a submission on Stage 2 of the Replacement Plan requesting that Lots 10- 15 re zoned from RUPH ('Rural Port Hills') to RLL (Residential Large Lot"). The relief sought was then amended to rezone only the front portion of the sites closest to Worsleys Road to Residential Large Lot (see amended planning map below "hatched area 6"), consistent with the extent of the RLL zoning over Lots 1-9 below.



Fig 2. Planning map showing ONL 38.3



The Commissioners considered they were unable to rezone all or part of the lots RLL because this was contrary to Strategic Objective 3.3.7 (c) which gives effect to the objective and policies and Map A of the Canterbury Regional Policy Statement (CRPS) i.e. avoid urban activities outside the greenfield priority and existing urban areas shown on Map A. Instead, Lots 10-15 were zoned Rural Urban Fringe which enabled one dwelling to be established on each 4 ha lot.

A joint memorandum between the parties recording the agreement reached regarding the most appropriate zoning given this 'higher order' constraint is attached as **Appendix A**.

Preferred Zoning

The **Open Space** submissions process provides the opportunity to revisit the most appropriate zoning for Lots 10-15 given that it proposes a change to the 'higher order' document, the CRPS. The Submitter seeks an amendment to CRPS Map A, and **Open Space** Fig 16 and such other changes as appropriate to facilitate zoning the road frontage areas of Lots 10-15 i.e. that portion outside the ONL, to RLL.

At the time of the Replacement Plan hearings the Submitters obtained expert advice on development costs, including provision of infrastructure. Malcolm Smith, a land and subdivision specialist, put together a conceptual 10 lot subdivision layout for the front portion of the Lots 11 - 15 including possible house sites (Lot 10 was the subject of a separate submission by the owners, Mr and Mrs Poultney who sub that Lot 10 sdl be rez RLL as part of their dev=c on 1995 plan.. = left out in error). In his professional opinion it would not be economic to provide the necessary infrastructure for the sites for less than ten lots (see copy of his evidence attached as **Appendix B** including Attachment 2 concept layout). The concept plan includes some lots in the 'rural residential' size range ie 5000m² – 1 ha lots. Mr Smith notes that the lots can be no less than 3000m² or greater than 1.015 ha if this is regarded as more appropriate (under the CRPS there is to be no provision for rural residential lots in Christchurch City).

Lot 10 was not included in the Smith subdivision concept as it was the subject of a separate submission on the Replacement Plan by the owners, Grant and Susan Poultney. Their submission was that RLL zoning of the front portion of Lot 10 had been agreed with the Council at the time of the previous 1995 District Plan Review, but the zoning had been 'left off' in error. This submission also includes Lot 10.

Merits of Rezoning

Notwithstanding the Map CRPS constraints, the Council did, helpfully, at the time of the Replacement Plan hearings, consider the merits of the proposed RLL rezoning for the front portion of Lots 10-15. A joint memorandum between the parties regarding the merits is attached in **Appendix A**. It was agreed that there were no stormwater, wastewater or water infrastructure

constraints provided the developer funds and constructs the necessary services, as is their intention.

The Council's traffic engineer was concerned that the location of the lots did not support multi-modal transport options i.e. residents would be reliant on the private car; and that cumulative effects of additional demands may also exacerbate the identified peak hour capacity constraints at the intersection of Hoon Hay Road/Cashmere Road/Worsleys Road. The Rural Urban Fringe zoning now in place enables four additional dwellings to be established, one on each of Lots 11-15 (there is an existing dwelling on Lot 10). RLL zoning would enable a further additional six dwellings. It is unlikely that this very minimal additional level of residential development would have any significant adverse effects on the operation of the intersection.

The proposed area to be rezoned RLL is outside the ONL. The landscape experts were in agreement that it should be removed from the ONL to enable RLL rezoning. Their joint expert conferencing statement is attached to the Joint Memorandum relating to ONL matters (**Appendix C**).

In conclusion, there are no infrastructure or other anticipated adverse environmental effects which would preclude the proposed RLL zoning.

Urban development outside and changes to Rural/Urban Boundary

An unfortunate consequence of a fixed rural/urban boundary line in the CRPS and on **Our Space** Fig 16 and an associated objective and policy framework which requires 'avoidance' of urban activities outside that line (CRPS Objective 6.2.1 and Policy 6.3.1), is there is in effect, no flexibility to respond to minor anomalies, or meritorious boundary changes which do affect or compromise the **Our Space** overall urban management approach - such as the development proposal and RLL rezoning outlined in this submission for Lots 10-15 DP 26575 (Worsleys Road). Suggested policy wording is included in the Relief Sought below to address this issue.

The **Our Space** urban growth management approach is intended to provide certainty as to where development will take place to enable planning for and development of infrastructure required for projected urban growth; to protect key strategic infrastructure such as strategic transport networks; and to ensure development is appropriately located in terms of potential environmental effects.

Relief Sought:

The changes which the Submitter requests are in line with its responses and reasons are outlined below. Additions are underlined and in bold and deletions are strike through.

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

Include within the Existing Urban Area - that part of Lots 10-15 DP 26575 located outside ONL 38.3 as shown on Fig. 2 above, and located with approximately 80m of the Worsley Road frontage of Lots 10-15 i.e. consistent with the depth of the RLL zoning of Lots 1-9 DP 26575.

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 as follows:-

- 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 to management of urban growth of Greater Christchurch 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 urban 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 urban development or urban zoning will have beneficial planning outcomes; 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.
6. Any further, consequential or alternative amendments to any documents, and other actions which meet and give effect to the intent of this submission.

Reasons for Relief Sought:-

1. For the reasons set out above and below and in the responses to the Submission Form questions below.
2. The housing and business capacity targets, urban form outcomes, and Schedule of Future Work measures (including changes 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 is an acknowledged high level of uncertainty associated with the housing and business land capacity assessments 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”.*¹

Despite this, there is no s32 assessment accompanying **Our Space**.

3. The amendments sought will enable the owners of Lots 10-15 to use their land in the most appropriate, effective and efficient way which will achieve the purpose of the Resource Management Act 1991 (the Act).
4. **Our Space** as notified proposes an urban growth management approach, in particular as it affects Lots 10-15 DP26575, 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 land 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 geo-tech, 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.

¹ Open Space p 19

- 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.² 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.

² GC Settlement Update Section 6.1

- 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 McVicars Site) is appropriate. Whilst there some 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.

- Christchurch Council itself publicly expressed the view in its submission on the Draft LURP (Land Use Recovery Plan) 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."*³ (see **Appendix E**). 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. **Open Space** and the 2019 CRPS plan change 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:

³ CRDP Exhibit B, Letter from CCC dated 29-5-15, page 2, section 2.3

The McVicars seek Residential Large Lot zoning along the frontage of Lots 10-15 (see above map). This is consistent with the RLL zoning of land directly opposite on the western side of Worsleys Road. 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, particular in a hill setting, will often have a major bearing on the appropriate housing response. **Our Space** and the CRPS need to have the flexibility to accommodate such local 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:

No – see comments above under ‘Reasons for relief’ and questions 1 and 2.

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.

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 the proposed RLL rezoning.

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: Joint memorandum regarding merits of rezoning

Appendix B: Evidence of Malcolm Smith

Appendix C: Joint memorandum regarding Outstanding Natural Landscape (ONL)

Appendix D: LURP Review Christchurch City Council Comment

Appendix A

Joint memorandum regarding merits of rezoning

**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 Stage 2 Residential
Proposal (part)

**JOINT MEMORANDUM ON BEHALF OF GRAEME AND JOY MCVICAR (#2362) AND
CHRISTCHURCH CITY COUNCIL RECORDING AGREEMENT REGARDING MERITS OF
REZONING**

13th October 2015

 **Simpson Grierson**
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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of Graeme and Joy McVicar (#2362) (the **McVicars**) and Christchurch City Council (**Council**).
2. The purpose of this memorandum is to record the agreement reached between the McVicars and the Council in relation to the Council's infrastructure concerns regarding stormwater associated with the requested rezoning of land at 353-363 Worsleys Road (the **site**) (ie, the merits). There are no further submissions on submission #2362.

Background

3. The site was notified in Stage 2 as Rural Port Hills. For completeness, in the notified Stage 3 maps the site is subject to Natural Landscape overlays.
4. In their submission, the McVicars sought to have the site rezoned from Rural Port Hills to Residential Large Lot.
5. In evidence in chief, the Council recommended that the requested rezoning be rejected. In rebuttal, the Council maintained the position that the requested rezoning be rejected on the basis that the site is located outside Map A existing urban area.
6. In evidence in chief Mr McVicar suggested a site density rule permitting the erection of two residential units per 4ha lot as their preferred relief or in the alternative, a site density rule permitting the erection of one residential unit per lot¹. As set out in the legal submissions for the McVicars, the definition of 'urban activities' in the Canterbury Regional Policy Statement (**CRPS**) includes residential units at a density of more than one residential unit per 4ha of site area.² The secondary form of relief suggested by Mr McVicar would not qualify as an 'urban activity' under the CRPS definition (as they seek one residential unit per lot, and each allotment is greater than 4ha in size) and therefore would not challenge the higher order policy direction against providing for any new urban activities outside the existing urban areas shown on Map A of the CRPS.
7. However, the Council has recorded that Policy 6.3.9 of the CRPS is relevant, which provides that no further *rural/residential development* is to be provided for in the

1 Paragraphs 1 and 13 McVicar Evidence in Chief dated 27 August 2015 and Transcript, pages 590 to 592.

2 McVicar legal submissions, 11 September 2015, paragraphs 10 and 13.

Christchurch City Plan area.³ Rural / residential activities are defined in the CRPS as residential units outside of greenfield priority areas at an average density of between 1 and 2 households per hectare.⁴ Each allotment can be surveyed in order to comply with Policy 6.3.9.⁵ Should this alternative relief be granted, the Council's closing submissions outline a need for a maximum site density rule.⁶ Ms Aston's evidence for McVicar suggests a site specific rule on the final page of Appendix A to her evidence.⁷

Merits/Infrastructure

8. Ms O'Brien considered there were outstanding wastewater issues and Mr Norton considered that there were outstanding stormwater issues. The Council's position is recorded in paragraph 4.41 of Ms Oliver's rebuttal evidence dated 2 September 2015.
9. During the course of the Residential (Stage 2) hearing, Ms O'Brien was provided with a report containing information on the wastewater capacity of the site. As a consequence of this information, Ms O'Brien no longer opposes the rezoning sought by the McVicars provided the developer funds and constructs the extension to the water and wastewater networks⁸. The McVicars have agreed that this be a requirement of a RLL zoning.
10. Since the filing of the Council's rebuttal evidence, the McVicars have informally provided Mr Norton with information on the stormwater concepts for the site. As a consequence of this information, Mr Norton no longer considers that stormwater issues should prevent the rezoning of the site.⁹

Agreement

11. Following Mr Norton's review of the stormwater information provided by the McVicars, the McVicars and the Council agree that there are no stormwater issues that prevent the rezoning of the site. Therefore, the only remaining infrastructure constraints in relation to the rezoning of the site are the transport issues identified by Mr Milne in his evidence in chief¹⁰ and rebuttal evidence.¹¹ For completeness, we record that the site is located

3 Evidence in chief, Sarah Oliver, 18 September 2015, Attachment B, page 43.

4 McVicar, legal submissions, 11 September 2015, paragraph 20.

5 Evidence in chief, Malcolm Smith, 27 August 2015, paragraph 21

6 Council, closing submissions, 14 September 2015, paragraph 4.15.

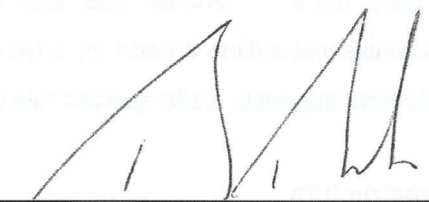
7 Fiona Aston Evidence in Chief dated 27 August 2015, final page of Appendix A.

8 Paragraph 6.1 O'Brien Supplementary Evidence dated 7 September 2015 and Transcript, page 127.

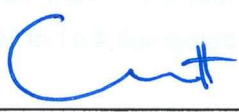
9 Transcript, page 599.

outside the existing urban area identified in the Canterbury Regional Policy Statement
Chapter 6, Map A.

DATED this 13 day of October 2015



B R D Burke
Counsel for Graeme and Joy McVicar



S J Scott / A O J Sinclair
Counsel for Christchurch City Council

10 Evidence in chief, paragraph 6.21.
11 Rebuttal, paragraphs 5.1 and 5.2.

Appendix B
Evidence of Malcolm Smith

**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 Proposal

**STATEMENT OF EVIDENCE OF MALCOLM GROVE SMITH ON
BEHALF OF G A & G Y MCVICAR
(Submission no. 2362)**

Dated: 27 August 2015

**Harmans
Lawyers**

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Solicitor: B R D Burke
Counsel: B R D Burke
Brian.burke@harmans.co.nz

**STATEMENT OF EVIDENCE OF MALCOLM GROVE SMITH ON
BEHALF OF G A & G Y MCVICAR**

MALCOLM GROVE SMITH states:

Qualifications and Expertise

1. I am a consultant specialising in strategic advice and facilitation in the areas of land use, land development and subdivision.
2. I have been involved in land development and subdivision activities in New Zealand for the past 33 years. I have particular experience in project management and coordination of new land developments, subdivisions and cadastral surveys for both urban and rural purposes.
3. My work includes project management advice on development concepts or proposals, applying for and obtaining statutory consents and approvals, undertaking the physical construction works, attending to the conditions attaching to statutory consents and approvals and completing legal requirements up to and including the issuing of new titles.
4. I have worked in the Canterbury Region as well as the South Island Area continuously since 1988, and during this time I have been involved in a large number of projects of varying sizes and complexities. Many of these projects have involved urban type development in areas where typical urban infrastructures are either limited or unavailable.
5. I hold the following memberships and qualifications:
 - Bachelor of Surveying with Credit (BSurv) Otago University of New Zealand (1981).
 - Registered professional surveyor (accredited status);
 - Member of the New Zealand Institute of Surveyors;
 - Member of the Consulting Surveyors of New Zealand;
6. I have prepared my evidence in accordance with the Code of Conduct for Expert Witnesses (Environment Court Consolidated Practice Note, November 2014).
7. The issues in my Statement of Evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person.
8. The data, information, facts and assumptions I have considered in forming my opinion are set out in my evidence below.

9. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
10. The key documents which I have relied on in preparing my evidence are as follows:
 - The Operative Christchurch District Plan;
 - The Stage 2 of the Christchurch Replacement District Plan;
11. I have read the relevant parts of the Evidence of Sarah Oliver (Planner), Robert Norton (Planning Engineer – Stormwater), Bridget O'Brien (Environmental Engineer – Water and Waste Water), Andrew Craig (Landscape Architect), Dr Charles Wright (Geotechnical Engineer).

Scope of Evidence

12. In 2014 I was asked by some of the lot owners to carry out an investigation of the development potential of the 5 adjoining forestry blocks at the top end of Worsleys Road which are the subject of Mr and Mrs McVicar's submission. The scope of my evidence relates to the feasibility of a 10 lot subdivision for the subject sites. The exercise comprised the following:
 - (a) Research council services and infrastructure;
 - (b) Review potential planning aspects and requirements relevant to creating some residential activities;
 - (c) Site inspection to view the property, surrounding areas and consider the location and extent of any residential activities;
 - (d) Prepare a conceptual layout plan of the possible dwelling positions and associated allotment extents;
 - (e) Consider access and servicing requirements for the conceptual layout;
 - (f) Consider the range of tasks and activities that would be necessary to undertake the development and indicative costs of the same.
13. The present zoning of the allotments under the Operative Christchurch District Plan is Rural Hills. This zoning allows for very low levels of development – typically allotments of 100ha and density of dwellings also of 1 per 100ha. The zoning under the Christchurch Replacement District Plan is Rural Port Hills which provides for the same level of development.
14. On the south side of Worsleys Road, the lands are generally zoned Living Hills B under the Operative Christchurch District Plan. This zone provides for low density residential development – allotment sizes of 3000m² and a similar density for dwellings. It is of note that this zoning extends over the higher portions of the southern Worsley Spur slopes, and opposite all of the subject area with the exception of the eastern most allotment (Lot 15 DP 26575) although the back

portion of the zone is opposite Lot 15. This area is zoned Residential Large Lot under the Christchurch Replacement District Plan. The same level of development is maintained.

15. The Living Hills B zone under the Operative Christchurch District Plan also extends along the north side of Worsleys Road, however ends one property to the west of the western most allotment (Lot 11 DP 26575). Importantly, the zone only extends generally 75m from the Worsleys Road boundary. Below this is Rural Hills zoned land. This area is zoned Residential Large Lot under the Christchurch Replacement District Plan.

Subject Site

16. Attachment 1 is a copy of Planning Map 50 with the subject area highlighted.
17. The typical maximum ground slope of the subject area is 20° to 25°. This equates to 1 in 2.75 gradient (vertical to horizontal).
18. The land immediately to the north of Worsleys Road is relatively flat for a small distance, before sloping down in terms of the above gradient. The width of the relatively flat portion varies from 25m or thereabout to 50m or thereabout.
19. The track within Worsleys Road has a variable gradient, however the maximum is in the order of 1 in 7.
20. There are a number of small rock outcrops about the subject area, and more so close to Worsleys Road. There are a number of smallish boulders/rocks that are sitting on the ground.

Proposed Rezoning

21. Attachment 2 is a concept layout plan which outlines ten (10) potential dwelling locations, and corresponding allotments. It then provides a balance land parcel that comprises the residual lands about the subject area. From a surveying point of view, the concept allotments can be made no less than 3000m² or greater than 1.015ha if that is regarded as more appropriate. The line below which residential dwellings could not be erected would not have to change.
22. From a development point of view I consider that extending the Residential Large Lot zone over the subject area in the same manner as that which applies to Lots 1 to 9 DP 26575 would be consistent with the very low density residential development in the area. Five (5) of the building areas sit at least 20m down from the upper edge of the main hill slope. The remaining five (5) building areas are about the flattish lands immediately beside Worsleys Road.
23. The placement of dwelling sites in these locations is in response to visual amenity considerations. The five dwellings located a small distance down the hill slope will ensure that the backdrop is still hillside when viewed from the main City environs. The five dwellings on the flattish lands immediately adjoining Worsleys Road should have established vegetation as a backdrop, and this will then

minimise the perception that they are protruding above the "skyline" when also viewed from the main City environs.

24. The proposal would continue the theme of limiting the residential development outcome to the upper northern slopes, and in the vicinity of 75m – 100m from Worsleys Road, avoid visually obtrusive housing development at higher densities, and avoid excessive "clustering".
25. The proposal avoids shared access (Rights of Way) to building areas. This allows each property to have their own exclusive access that will then be minimalistic in form and less visually obtrusive. It also avoids shared maintenance aspects that can be problematic in the long term.
26. There are adequate setbacks of dwellings to boundaries. Road setback is a minimum of 5m – 10m and internal setbacks are a minimum of 10m.
27. There is an adequate separation of dwellings to the Balance Area for fire hazard avoidance. The Christchurch Replacement District Plan provides for a 30m separation of dwelling to woodlot. I would suggest a 40m to 50m separation. This will particularly apply to the lower slope boundary. Trees could be planted on the lower slopes of the proposed allotments to the Council's specifications.

Services

28. I foresee the access and infrastructures design activities as being reasonably straight forward albeit there will be a degree of design innovation particularly in respect of Sewage and Stormwater Disposal and High Pressure Water Supply.
29. Attachment 3 is a summary of subdivision engineering considerations.
30. Sewage could be individually pumped from each dwelling to the urban network – Aglaia Place. The sewage disposal will rely on individual allotments pumping their sewage downhill to the City network, and some careful design will be appropriate. However it should be feasible. Note that I have spoken to the supplier of the E/One sewer system and have been advised that this type of system should be suitable for this development proposal.
31. HP Water can be provided via the urban network in Worsleys Road, albeit there would be a need to be a pumped supply from the present CCC reservoir opposite Lot 12 DP 26575 to an "upper reservoir", and then a shared submain providing individual supplies to each dwelling.
32. Alternately, a pumped supply may be provided directly to each allotment without the need for an "upper reservoir".
33. I note also that the water supply needs to provide for firefighting as well as a potable water supply. Both the "upper reservoir" concept and the alternate direct supply option be able to provide for both.

34. Stormwater disposal would be via individual systems within each property. Likely a collection facility/tank to take discharges, and then with a "trickle" type disposal network over the land that controls discharge rates in an acceptable manner.
35. In general terms, all storm water from the development will have to be collected, treated if it has potential to contain contaminants and then discharged to ground in an appropriate manner. The method of discharge to ground will be important as discharges onto the hillside can lead to scouring and erosion. Therefore, it will be important to carry out the discharge in a careful and controlled manner – generally by systems that either "trickle" the discharge over large areas and at slow velocities, or discharge in a contained/concentrated manner however with virtually all of the "water energy" taken out.
36. Power and comms would be via standard underground extensions to the present networks. There is overhead power to the western end of the subject area. There is underground communications at least to this point, and possibly running further up Worsleys Road to at least the CCC reservoir opposite Lot 12 DP 26575.
37. It should be acceptable to extend vehicle access up Worsleys Road. I envisage that Council will allow an adequate formation within their legal road corridor albeit with construction costs met 100% by the owners. I note that a similar formed access may be required as the lands to the south are developed, and they want to utilise Worsleys Road for access to their properties. In addition, I understand that the recently consented Christchurch Adventure Park project is most likely to require vehicle access to a point above Lot 15 DP 26575. Clearly this will involve a similar formation.
38. A formed and sealed access of 4.5m, and with suitable shoulders and side swales to control and dispose surface runoff would be able to be formed. I am satisfied that the vertical gradient of this proposed access will be acceptable.
39. Access to all allotments will be via individual driveways. Those to the buildings on the sloping lands will "chase the contour" to a degree and enable suitable gradients.
40. Generous separations exist between adjoining buildings – approx 30m minimum. This should assist with the sense of very low density and avoidance of visually obtrusive housing at higher densities etc. It should also enable each dwelling to establish a suitable curtilage incorporation generous plantings and the like.
41. The lower slope boundary location is somewhat arbitrary, however the intention is to provide a generous separation between the dwellings and the adjoining "Balance Area" so as to deal with fire separations and the like.
42. The physical construction works should be reasonably straightforward albeit care will need to be taken to control storm water runoff during the exercise. A sediment and erosion management plan will be required, and this will have to be closely adhered to throughout the works phase.

Subdivision Costs

43. There will be a high level of expense to work through the development process, and then provide appropriate vehicle access and normal urban infrastructures to the proposed allotments. However, some of the cost could be shared with the owners of the RLL zoned land on the south side of Worsleys Road if and as they utilise the infrastructures.
44. I have determined an initial and high level development cost for the proposal and my present view is that it will be necessary to achieve a yield of 10 allotments to then have some expectation that the development will be economically viable.
45. In my view it may not be economic to provide the necessary infrastructure for the sites for less than ten allotments.
46. Notwithstanding, I note that the lot owners have proposed in the alternative a zone which allows for at least one residential dwelling per lot. This may still be economically viable depending on the level of access and infrastructure required for this alternate development scenario.

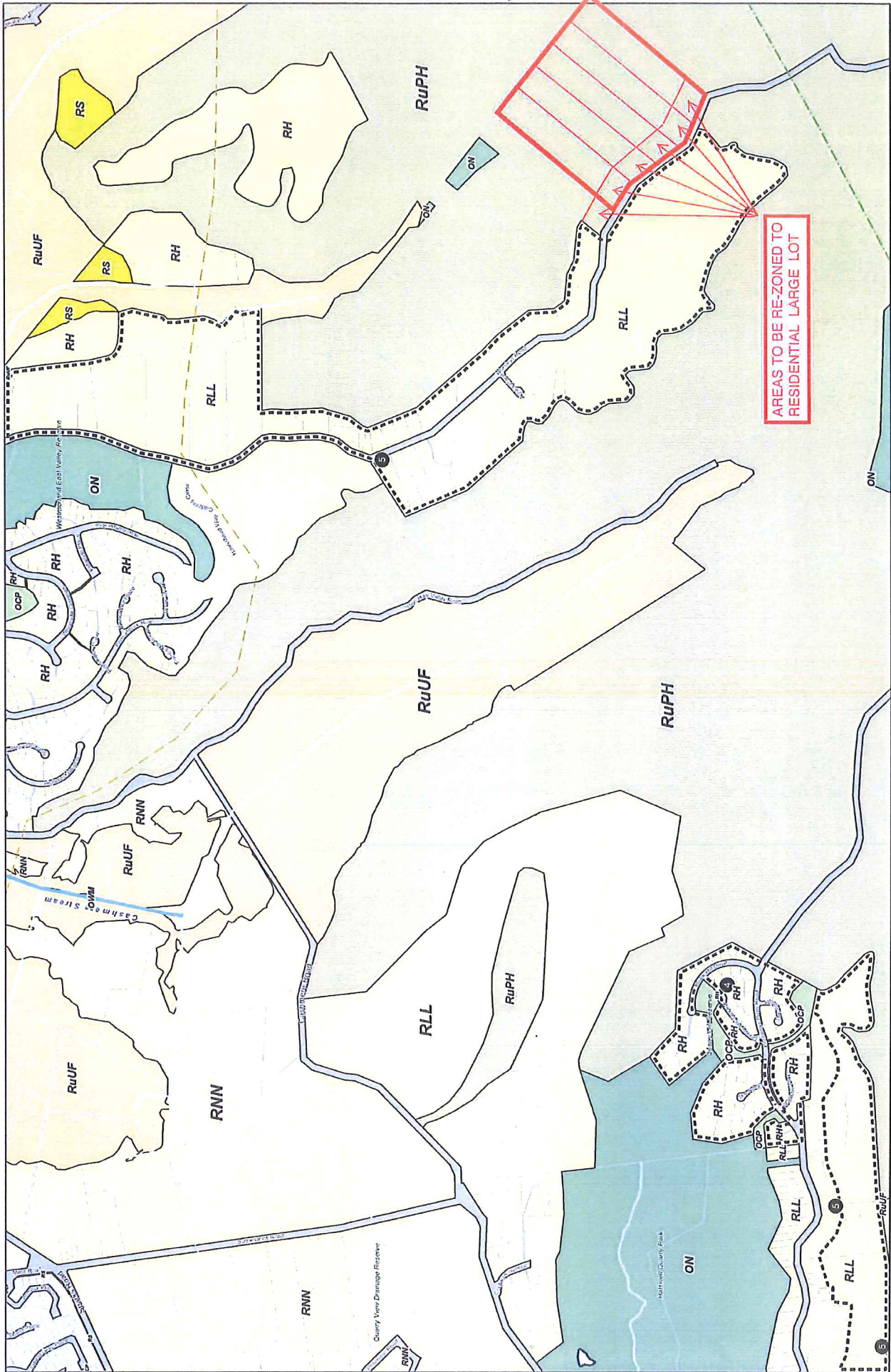
Dated: 27 August 2015



Malcolm Smith

Attachment 1

Planning Map 50 with the subject area highlighted.



LEGEND BELOW



Scale 1:10000 on A3
02/05/2015

AREAS TO BE RE-ZONED TO
RESIDENTIAL LARGE LOT

Planning Map 50 Stage 2

44	45	46
49	50	51
55	56	57

The proposed
**Christchurch
Replacement District Plan**



CBP	Commercial Banks Peninsula
COR	Commercial Core
CF	Commercial Fringe
CL	Commercial Local
GA	Guest Accommodation
IG	Industrial General
IH	Industrial Heavy
IO	Industrial Office
IP	Industrial Park
OSP	Open Space Community Parks
OMF	Open Space Metropolitan Facilities
OMI	Open Space McLeans Island
ON	Open Space Natural
OWM	Open Space Water and Margins
PA	Papakatinga
RB	Residential Bach
RBP	Residential Banks Peninsula
RC	Residential Character
RH	Residential Hills
RL	Residential Large Lot
RMD	Residential Medium Density
RNN	Residential New Neighbourhood
RNS	Residential Suburban
RS	Residential Suburban Density Transition
RSDT	Residential Small Settlement
RSS	Rural Banks Peninsula
RUBP	Rural Port Hills
RUPH	Rural Quarry
RUQ	Rural Templeton
RUF	Rural Urban Fringe
RUI	Rural Waimakariri
RUV	Specific Purpose Cemeteries
RUS	Specific Purpose Hospital
RUR	Specific Purpose Golf Resort
RUS	Specific Purpose School
RUS	Specific Purpose Styx Mill Transfer Station
RUS	Specific Purpose Tertiary Education
RUS	Specific Purpose Wigram
RUS	Transport
RUS	Transport over Open Space Water and Margins Zone and Waterways

Land Use Zones

Other Notations

CA1	Character Area Category 1
CA2	Character Area Category 2
KA1	Kainga Overlay Area 1
KA2	Kainga Overlay Area 2
SP	Spenceville Overlay
RHD	Residential Hills Density Overlay
RLD	Residential Large Lot Density Overlay
MD	Medium Density (Higher Height Limit and Individual Sites Density) Overlay
NR	(New Brighton Area to be removed in Stage two)
ER	Existing Rural Hamlet Overlay (to be removed in Stage two)
HGR	High Quality Gravel Resources Overlay
AC	Accommodation and Community Facilities Overlay
ANC	Air Noise Contour
AET	Aircraft Engine Testing Area
IA	Christchurch International Airport Protection Surfaces
AT	Amenity Tree Planting 1.8m Contour Buffer
220KV	220 KV High Voltage Transmission Line
66KV	66 KV High Voltage Transmission Line
EAS	Environmental Asset Standing Water Body
DW	Downstream Waterway
MV	Downstream Waterway (Mona Vale)
UW	Upstream Waterway
EAS	Environmental Asset Waterway
S	Scheduled Activity (refer to the label on the maps for the schedule number)
160m	160m Contour Line

Information Only

DB	District Boundary
LT	Lyellton Tunnel Road
R	Railway
S1	Stage one
Z	Zoning to be determined through future notification or other process
ACH	Area of at least High Natural Character in the Coastal Environment (only Banks Peninsula shown)
AO	Area of Outstanding Natural Character in the Coastal Environment (only Banks Peninsula shown)
ONFL	Outstanding Natural Feature or Landscape (only Banks Peninsula shown)
BPL	Banks Peninsula - Significant Landscape
IR	Important Ridgeline

Christchurch City Council

Designations

The cadastral and coastline shown on the planning maps is not part of the information in the District Plan. It has been provided for information only. The District Plan rules do not apply to the cadastral information shown on the maps. The actual boundary is as defined in the Resource Management Act. The cadastral was based on the most recent information held by the Council at the date the map was produced. Establishing compliance or otherwise with the plan may require a formal survey.

The District boundary is as defined in the Resource Management Act, which uses the definition from the Local Government Act. The line on these maps representing the District boundary is indicative and for information purposes only. The actual boundary is as defined in the legislation. Determining rights and obligations under the District Plan where the District boundary is relevant may require a formal survey.

The District Plan planning maps are at a scale of 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan.

Attachment 2

Conceptual Layout Plan.



NOTES:

1. THIS IS A CONCEPT LAYOUT ONLY.
2. A SUBDIVISION CONSENT HAS NOT ISSUED FOR THIS CONCEPT LAYOUT. CONFIRMATION OF THE LAYOUT CAN ONLY BE ACHIEVED THROUGH THE ULTIMATE ISSUE OF A SUBDIVISION CONSENT.
3. AREAS ARE APPROXIMATE ONLY.

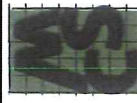
LEGEND

● PROPOSED DWELLING SITE (APPROX)

PROPERTY DETAILS

LOTS 11-15 DP 26575
 COMPRISED IN C&T CB8F/903-907
 TOTAL AREA : 21,2738ha

Rev.	Date	Issue	Revision Details	By	Ver.	App.
A	06.15	ISSUE		MGS		



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ON LAND DEVELOPMENT AND SUBDIVISION
e: malcolmsmith@me.com p: 021 645 003

Project
 McVICAR HOLDINGS
 WORSLEYS ROAD
 CASHMERE

Draining Title

CONCEPT LAYOUT
 LOTS 1-10 BEING A SUBDIVISION
 OF LOTS 11-15 DP 26575
 AUGUST 2015

Designed	Signed	Date	Project #
MGS	MGS	06.15	076

Drawn	Signed	Date	Scale
		06.15	1:2500

Verified	Signed	Date	Drawing No.	Rev.
			04	A



AERIAL PHOTOGRAPHY NOTE
 AERIAL PHOTOGRAPHY HAS BEEN
 SOURCED FROM CCC AND WAS
 FLOWN 2009-2010

SCALE 1:2500

Attachment 3

Summary of Subdivision Engineering Considerations.



Memorandum

Project:	McVicar and Others: Worsleys Road, Port Hills	Reference:	076		
To:	Copy:	Name:	Organisation:	Location:	
✓		File			
From:	Malcolm Smith	Date:	26 August 2015	Total pages:	3

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Subject:	Subdivision Engineering Considerations
----------	--

ACCESS

1. Allow 150m of upgrade to the existing sealed road.
 - Widen existing seal by 1.5m
 - Create a S/W swale along the side of the widened seal
2. Allow 450m of new sealed road.
 - 4.5m sealed surface with a full crossfall.
 - Presume we need 0.150 AP65 and then 0.150 AP40 sitting above a prepared subgrade.
 - Formed and metalled shoulders on both sides.
 - S/W swale on one side to take surface runoff.
3. Allow for 10 vehicle entrances as per the main access carriageway, at 3m long and 3m wide.
4. Allow for a three-point turn at the top of the main access – turning for rubbish truck etc.
5. No pedestrian access footpath required at this stage – pedestrians can use the main access road.

SEWAGE RETICULATION

6. Allow for a total of 1,050m of pressure main to be laid in the main access road and discharge to the existing pumping main at intn of Worsleys and Aglaia Place.
 - 1,050m of pressure main in trench at 0.8m depth.
 - Connection into the existing pressure main at intn of Worsleys and Aglaia Place.
 - 10 non-return valves.
 - 10 lateral lines into the net areas – allow an average length of 10m each.

HIGH PRESSURE WATER

Option A

7. Allow for 4 lateral connections from the existing 150dia water main. To service the four lower allotments below the existing reservoir.
 - 4 by 150/25 joints
 - allow 4 by 10m laterals @ 25dia.
 - Allow 4 meter boxes and fittings.
8. For the six allotments above the reservoir, pump from a lower tank to an upper tank. Then provide a gravity supply from the upper tank to the six allotments.



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- 1 connection to a lower tank.
- Lower tank at 10,000 litres.
- Pump within lower tank including power supply.
- Allow 350m of pump line from lower tank to upper tank. Underground at 0.8m depth.
- Upper tank at 50,000 litres.
- Allow 300m of gravity line from upper tank to six allotments. Underground at 0.8m depth.
- 6 connections with meter boxes and fittings.

Option B

9. For all ten allotments, pump from a lower tank to an upper tank. Then provide a gravity supply from the upper tank to the ten allotments.
 - 1 connection to a lower tank.
 - Lower tank at 10,000 litres.
 - Pump within lower tank including power supply.
 - Allow 350m of pump line from lower tank to upper tank. Underground at 0.8m depth.
 - Upper tank at 50,000 litres.
 - Allow 500m of gravity line from upper tank to ten allotments. Underground at 0.8m depth.
 - 10 connections with meter boxes and fittings.

POWER RETICULATION

10. Allow for 400m of new underground power cable from the end of the existing overhead supply. Underground at 0.8m depth.
 - 400m of low voltage cable underground at 0.8m depth.
 - Pole mounted transformer to reduce from 33KV to std low voltage.
 - Provide 5 new boundary boxes (each serving two allotments).

COMMUNICATIONS RETICULATION

11. Allow for 400m of new underground comms cable from the end of the existing underground supply (assume it terminates about the water reservoir). Underground at 0.8m depth.
 - 400m of 50pair cable in a duct at 0.8m depth.
 - Provide 5 new upstands (each serving two allotments).

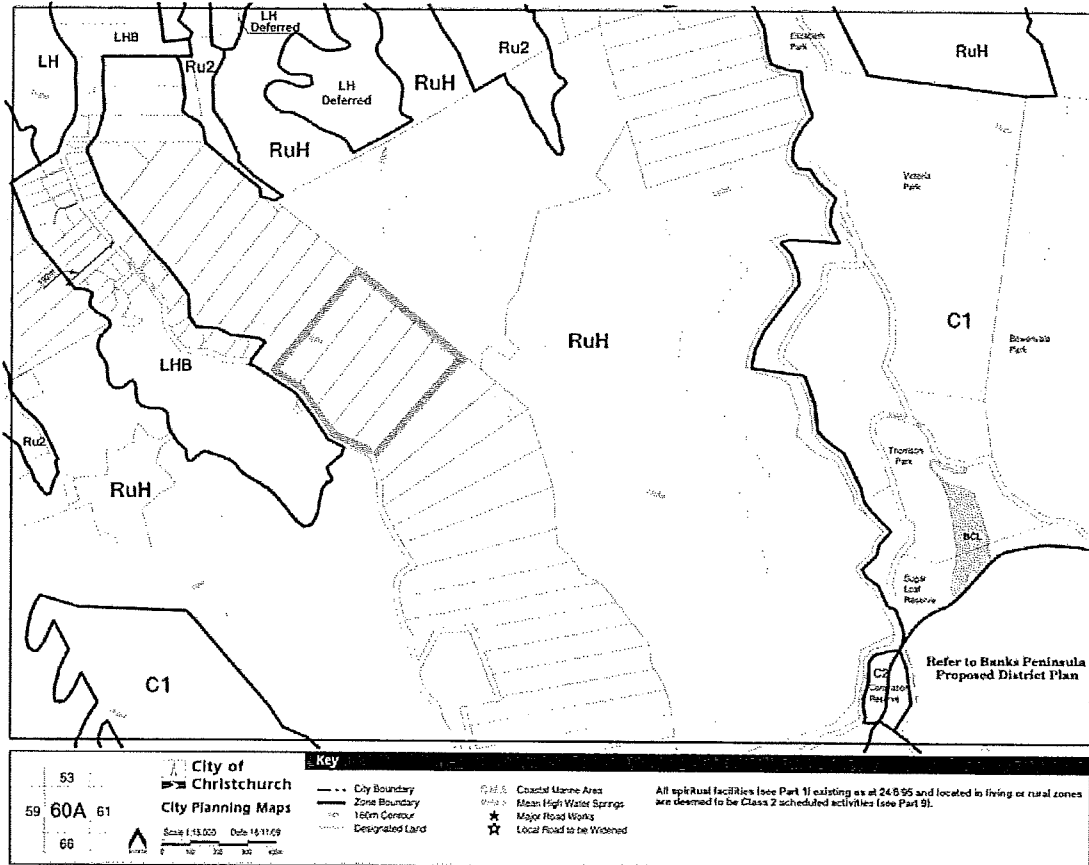
STORMWATER

12. Assume that each allotment will be serviced via individual and on-site stormwater systems. So each allotment incorporates an on-site storage chamber and then a "trickle" type disposal field that allows stormwater to discharge to the existing ground at a concentration and rate that replicates a natural and pre-development scenario.
13. However, the main access road will need to be suitably drained and this will incorporate a number of sumps within the roadside swale, and then discharge systems from each to a suitable natural watercourse close by. Assume one sump and disposal system each 100m of main access road. So a total of 7?
 - Allow for 7 sumps.
 - Allow for 30m of piping per sump.
 - Allow for each disposal system to have an energy dissipation mechanism (bouldered apron etc) at the lower end.



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Appendix C

Joint memorandum regarding Outstanding Natural Landscape (ONL)

**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 Proposal

**MEMORANDUM OF COUNSEL ON BEHALF OF G A & G Y
MCVICAR [#3613] AND THE CHRISTCHURCH CITY COUNCIL**

Dated: 16 December 2015

**Harmans
Lawyers**

PO Box 5496, Christchurch 8542
DX WP24506
Telephone: (03) 352 2293, Facsimile: (03) 352 2274
Solicitor: B R D Burke
Counsel: B R D Burke
Brian.burke@harmans.co.nz

**MEMORANDUM OF COUNSEL ON BEHALF OF G A & G Y
MCVICAR [#3613] AND THE CHRISTCHURCH CITY COUNCIL**

May it please the Hearings Panel:

1. This is a joint memorandum on behalf of submitter #3613, Graeme and Joy McVicar ("the submitters") and the Christchurch City Council ("the Council"). No further submissions have been made on #3613.
2. The purpose of this memorandum is to record an agreement reached between the submitters and the Council and the reasons for the agreement.

Background

3. The submitters filed a Stage 2 submission in which the submitters requested that the upper portion of Lots 10 to 15 (353 – 363) Worsleys Road be rezoned to Residential Large Lot ("RLL"). The submitters' Stage 2 submission (#2362) is the subject of a Joint Memorandum of Counsel dated 13 October 2015. The Panel has not made a decision on the submitters' Stage 2 submission (#2362).
4. For the avoidance of doubt, this memorandum relates to the submitters' Stage 3 submission (#3613) only. The submitters seek that the Outstanding Natural Landscape ("ONL") on planning Map 50, Stage 3, be amended to remove the ONL layer from an approximately 80 metre wide band running parallel with Worsleys Road consistent with the existing zoning pattern for Lots 1 to 9.
5. The submitters' requested alternative relief that if the ONL overlay was to remain over the site that rule 9.2.3.2.1 of the PCDP be amended to allow for the erection of two residential dwellings per lot as a permitted activity. Rule 9.2.3.2.1 provides for rules for residential units within the ONL and is in addition to site density rules in the PCDP which were considered during the Stage 2 hearing. For

the reasons given below, the submitters no longer request the alternative relief in their Stage 3 submission (#3613).

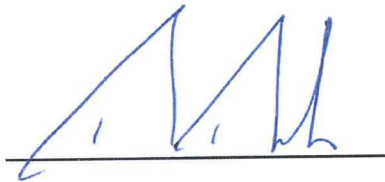
6. The submitters landscape architect, Jeremy Head, and the Council's landscape architect, Yvonne Pfluger, have produced an expert conferencing statement which is attached to this memorandum and marked "A". They agreed at the conference that a partial removal of the ONL on Lots 11 to 14 would lead to appropriate landscape outcomes. They agreed that it would be appropriate to remove the ONL overlay (approximately 350m in length) on the flat parts of these lots with an off-set from the road similar to the adjacent existing zoning on the lower spur. They further agreed that the partial removal of the ONL would be compatible with the residential development pattern for Lots 1 to 9. The main reason for their conclusion was that the RLL zone on the western side of Worsleys Road already extends as far as Lot 14. The existing landscape character of the site will be modified in the future following development of the west side of Worsleys Road.
7. At a subsequent mediation on 24 November attended by Mr McVicar and a subsequent meeting between Mr Head and Ms Pfluger, discussions were had concerning the removal of the ONL from the lower part of Lot 15. Mr Head and Ms Pfluger agreed that it would not have significantly adverse effects on the ONL to establish one dwelling on Lot 15 in proximity to the other lots as it would be visually associated with the existing development along the road and avoid creating an awkward orphan lot with little foreseeable use or value which could result in poor landscape outcomes.
8. Following both the expert conferencing and mediation Mr Head and Ms Pfluger have agreed that it would be an appropriate landscape outcome to remove the ONL from an 80 metre wide area on Lots 11 to 14 and half of Lot 15. The area in question is shown on the map on page 7 of the graphic attachment of the Statement of Ms Pfluger dated 2 December 2015. A copy is attached and marked "B". The area in question with the proposed removal of the ONL is shown on

figure 2, page 3 of the Evidence of Mr Head dated 10 December 2015 which is attached and marked "C".

Decision sought from the Panel

9. Therefore the submitters and the Council request that when the Panel makes its decision on the Stage 3, Natural and Cultural Heritage Proposal, Planning Map 50 be amended in accordance with attachment C by removing the area shaded orange from the ONL.

Dated: 16 December 2015

A handwritten signature in blue ink, appearing to read 'B R D Burke', written over a horizontal line.

B R D Burke

Counsel for submitters

A handwritten signature in blue ink, appearing to read 'W Bangma', written over a horizontal line.

W Bangma

Counsel for the Christchurch City Council

"A"

Independent Hearings Panel

Christchurch Replacement District Plan

Te paepae motuhake o te mahere whakahou a rohe o Ōtautahi

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

And

In the Matter of Directions by the Independent Hearings Panel pursuant to cl 9 of Schedule 3 of the Order

EXPERT CONFERENCING STATEMENT

LANDSCAPE: CHAPTER 9

TOPIC: 9.2 OUTSTANDING NATURAL FEATURES AND LANDSCAPES, SIGNIFICANT FEATURES AND LANDSCAPES, AND AREAS OF NATURAL CHARACTER IN THE COASTAL ENVIRONMENT

Monday 09 November 2015

1. EXPERT CONFERENCING

Expert conferencing for this topic was held on Monday 09 November 2015 at the Hearings Venue, 348 Manchester Street, Christchurch. The session was facilitated by Environment Commissioner John Milne.

2. PARTICIPANTS

Name	Representing
Yvonne Pflugger	Christchurch City Council #3723
Jeremy Head	Graeme & Joy McVicar #3613

3. ISSUES DISCUSSED

In this expert conferencing session, the experts agreed that there were no issues requiring discussion other than those issues raised in the **Statement of Issues Relating to Natural and Cultural Heritage (Stage 3)** dated 29 October 2015.

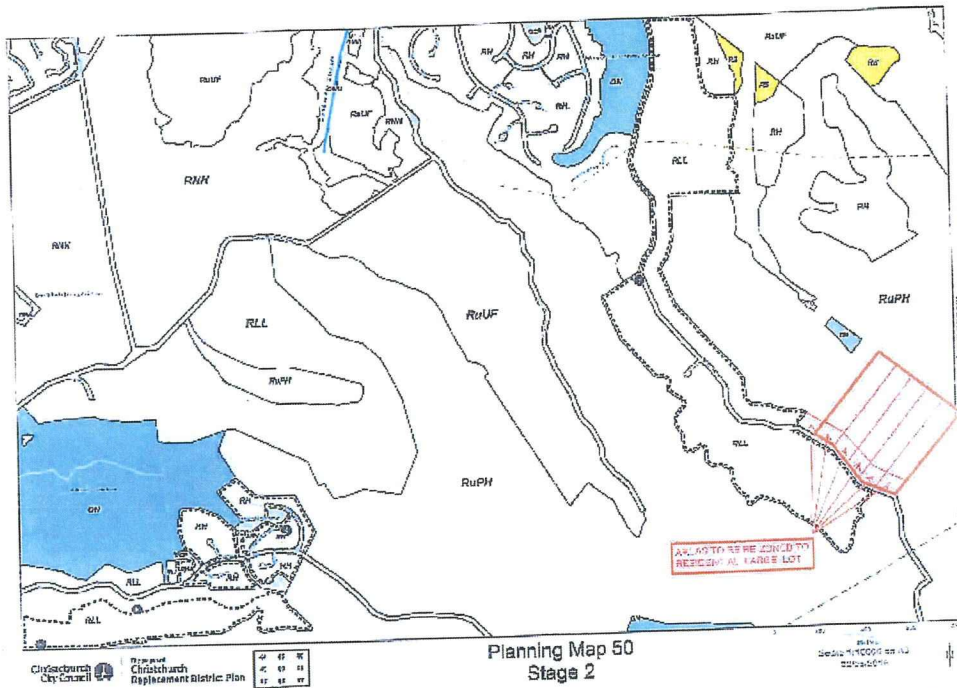
3.1 Statement of Issues: Issue 3(d) Have some sites been included within overlays when they have an underlying residential or special purpose zoning? And Issue 3(e) Is it appropriate to identify Worsley's Spur and Kennedy's bush land as part of a significant and outstanding landscape respectively, when those sites are zoned for residential purposes? And Issue 3(f) Are there sites that with 'ground truthing' do not meet the criteria to be included in an overlay?

The expert conferencing was focussed on a site-specific review of the Outstanding Natural Landscape (ONL) boundary on the submitter's land. The submitter asks for the boundary to be moved up the spur to allow for a rezoning of the land (five lots as shown on Map1 - Planning map 50 below) to Residential Large Lot (RLL).

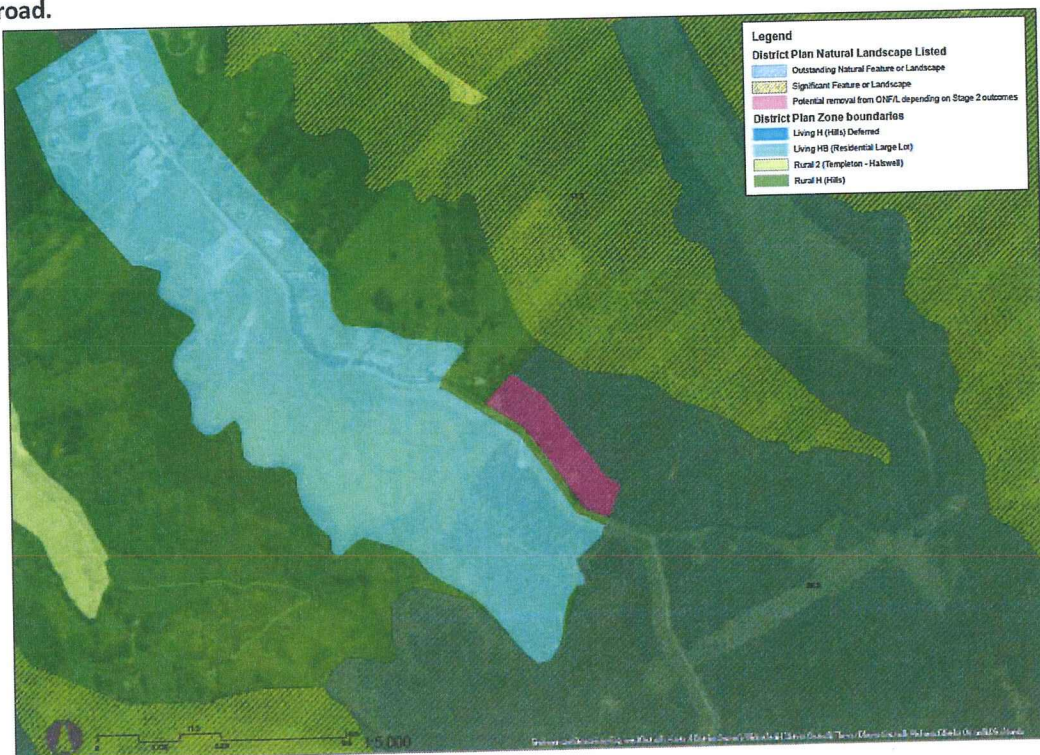
A submission has been made by G & J Mc Vicar on the Stage 2 Residential Chapter (submission # 2362) and outcomes from this chapter will influence the appropriateness of their submission on Chapter 9.2 from a landscape perspective.

If the rezoning to RLL is granted as part of Stage 2, the landscape experts agree that it would be appropriate to remove the ONL overlay (approx 350m in length) on the flat parts of these lots with an offset from the road similar to the adjacent existing zoning on the lower spur (ie approx 80 m east of the road). The area to be removed from the ONL under this scenario is illustrated on the map below. It is recommended to allow for the rezoning on the eastern side of Worsley Spur Road as far as on the western side, since the landscape character will be modified along this part of the spur due to the anticipated residential development under the existing RLL (Rural Living HB) zoning west of Worsley Spur Road. This would mean that the highest lying lot of the Mc Vicar submission would not be rezoned but is to remain in Rural Zoning and hence in the ONL overlay. It is also recommended that the rezoning would not extend onto the eastern slopes of the lots where they confine the adjacent valley to the east, since this would substantially change the existing land use pattern with residential development on top of the spur (rather than its sides).

Should the rezoning not be granted in Stage 2, the council witness considers that the ONL identification should remain in place as proposed by CCC. It is, however, recommended by both witnesses to grant the rezoning along the 80 m wide top of the spur as far south as the currently existing RLL zone boundary on the western side of Worsley Spur Road.



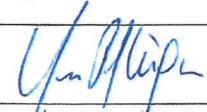
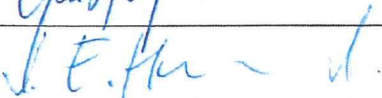
Map 1 from submission #2362 showing 5 lots for rezoning to RLL. Experts recommend that only four of these lots should be rezoned to align the boundary with RLL on the western side of the road.



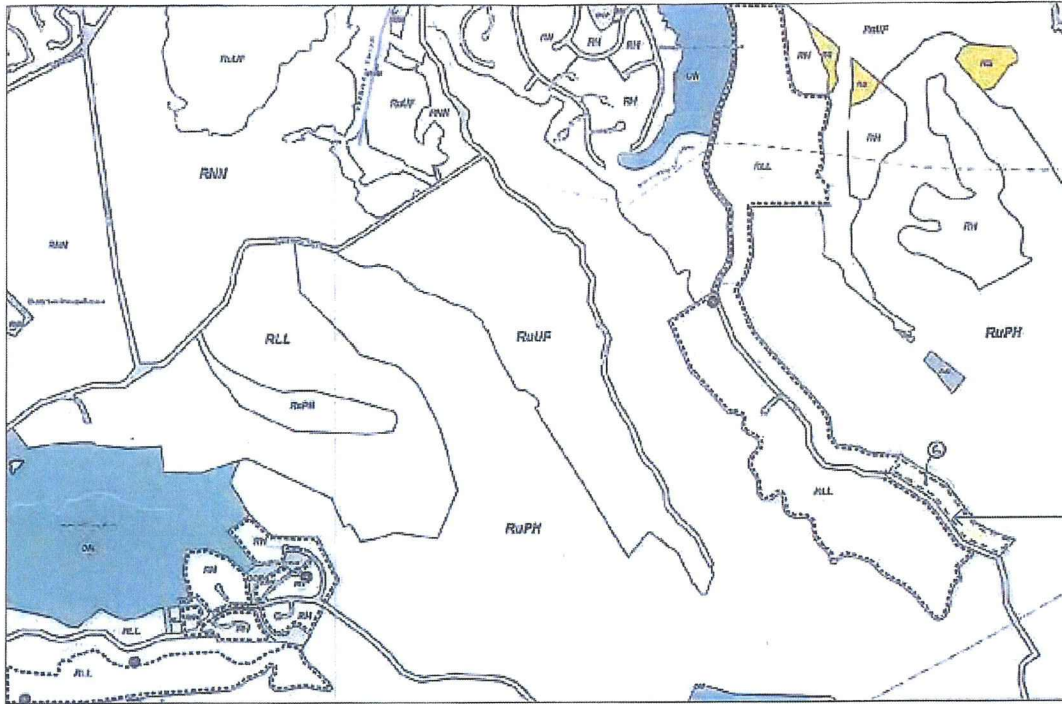
Map 2 showing the area recommended by both experts for removal from ONL, if the RLL rezoning is granted under the Stage 2 submission (#2362).

We confirm that this Expert Conferencing Statement is a true and accurate record of the conferencing session held on 09 November 2015 and we have complied with the Code of Conduct for Expert Witnesses.

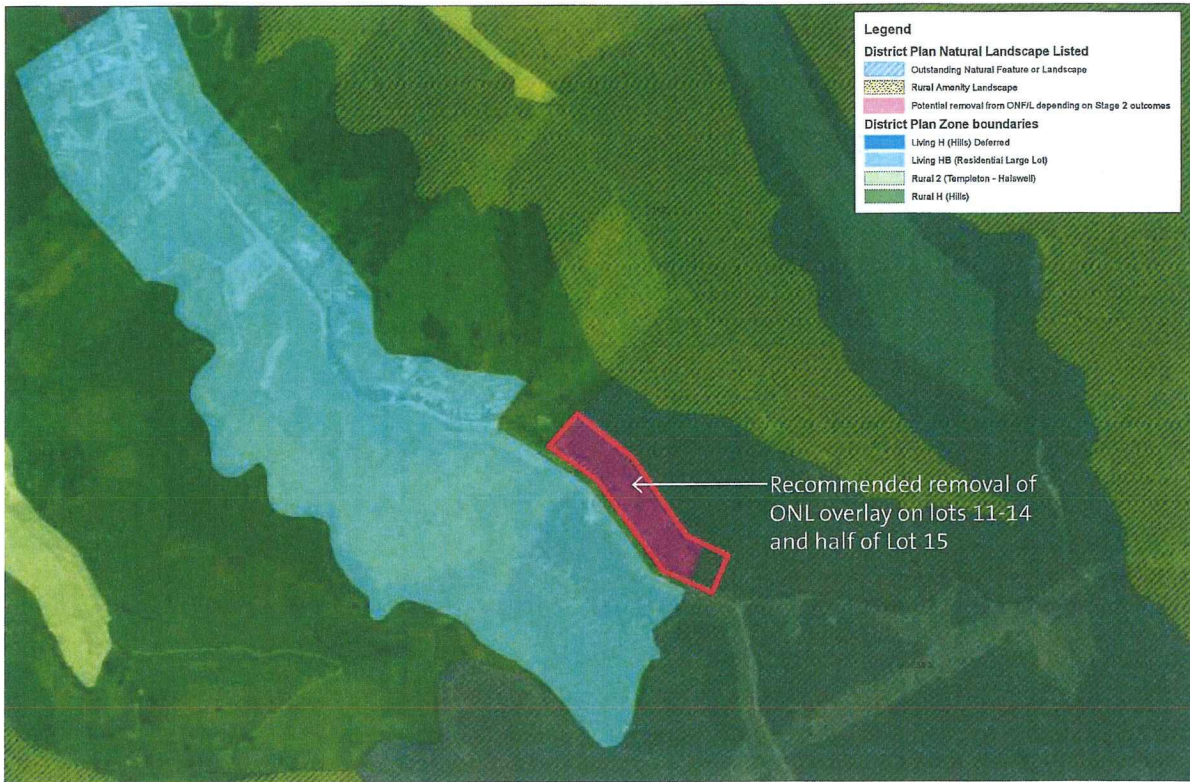
Signed:

Name	Signature
Yvonne Pfluger	
Jeremy Head	

"B"



Lots 10 -15

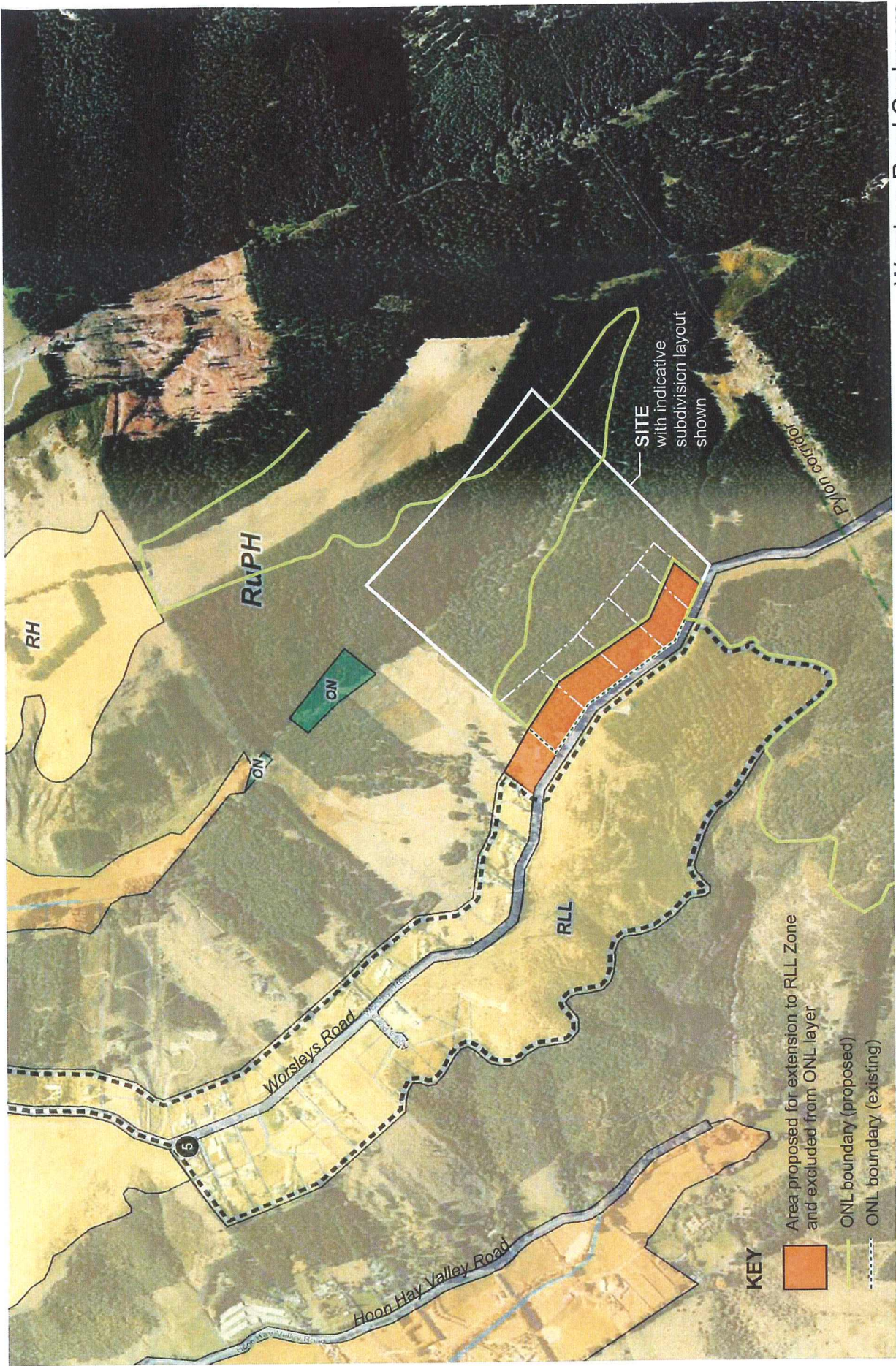


Top map: Map from submitter's request for rezoning (stage 2 CRDP) on their properties (lots 10-15 Worsely Spur).

Bottom map: Map from conferencing statement (removal of ONL from lots 11-14) overlaid with additional recommendation for removal of ONL 38.3 (half of lot 15) as agreed in mediation.

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"C"



**Worsleys Road Cashmere
Proposed rezoning**

December 10, 2015



Appendix D

LURP Review Christchurch City Council Comment

29th May 2015

Comments on the Land Use Recovery Plan Review
Environment Canterbury
PO Box 345
Christchurch 8140

Via email: LURP@ecan.govt.nz

To Whom It May Concern:

Land Use Recovery Plan Review – Christchurch City Council - Written Comment

1. Introduction

Thank you for the opportunity to comment on the review of the Land Use Recovery Plan. The Christchurch City Council (Council) is a strategic partner in the development of the Land Use Recovery Plan (LURP) and supports its vision and intent. We have split our comment into two parts. The first part provides general comment on the LURP and the process for its review, whereas the second part focuses on the actions.

2. General Comment

2.1 LURP Review - Process

We remain concerned about the need to undertake a full review of the LURP when it is only a year and a half old and some of the actions are yet to be completed. The full review process has the potential to be very resource hungry when staff of this, and other organisations, are fully committed. Notwithstanding the issue of resourcing, Council is concerned about the review's potential to confuse those people who are currently engaged in the Replacement District Plan (RDP) and Long Term Plan (LTP) processes. For example, the review's consultation pamphlet raises 'considerations' on residential and business activities when these are being heard through the RDP process. Similarly, it's also asking questions about infrastructure (wastewater, cycleways and stormwater etc) when these issues are being addressed through the LTP. A significant amount of work has gone into both the LTP and the RDP and we don't want them being re-litigated through the LURP Review.

2.2 Timeframes

When Council endorsed the LURP in 2013 it did so on the assumption that it wouldn't carry any significant weight in decision making post the Canterbury Earthquake Recovery Act (CER Act) expiring in April, and any ongoing work would be reintegrated within the Urban Development Strategy (UDS) work programme. The consultation pamphlet indicates that the LURP review will be presented to the Minister for Canterbury Earthquake Recovery (Minister CER) by 30 September 2015, and presumably a revised document will be gazetted after that. Given the revised LURP will be 'approved' close to the time that the CER Act expires it raises the issue of whether the 'life' of the document is proposed to be extended post April 2016. From the Council's perspective, the LURP has been important for Christchurch's recovery, however, by April 2016 key documents such as the RDP, the Regional Land Transport Plan (RLTP), the LTP and changes to the Canterbury Regional Policy

Statement (CRPS) will be embedded, and as outlined below we do not consider it necessary to continue the majority of the actions, or create new ones. Therefore, by April 2016 the LURP will have served its purpose and any ongoing issues should be addressed through the UDS framework.

2.3 Land availability

One of the key issues the LURP addressed was residential land supply. Appendix A of Council's 'comment' provides an overview of residential land supply. In summary, Christchurch has a plentiful supply of land to meet recovery needs and its growth needs into the future. Furthermore, the programme of work to bring forward infrastructure to support development is maintaining around 7-8 years of 'shovel ready' land with other sites expected to come online later in 2015 as well as 2016. As well as urban redevelopment and intensification opportunities, there is a competitive range of sources in the supply of residential land. Therefore, apart from the 'residual' land around Cranford Basin (refer section 3.11) we do not consider the LURP needs to re-zone additional Greenfields residential land.

That said, there is concern that the current CRPS policies that provide for new residential development lack some flexibility. Specifically Policy 6.3.1 - Development within the Greater Christchurch area ensures that "...new urban activities occur only within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are expressly provided for in the CRPS." This direction has been carried through under Strategic Direction Objective 3.3.7 Objective - Urban growth, for and design, specifically clause 3.3.7.c. Whilst the Council is not advocating for any major changes to the existing urban area or greenfield priority areas, there are some relatively minor changes to the existing urban boundary (i.e. a change in zoning from rural to residential) that are considered to have merit at the local level and do not compromise any higher level policy direction. It was the Council's past position that some flexibility is provided for within regional growth policies to enable local councils to make minor boundary adjustments. Proposed Change 1 to the CRPS usefully included the following and a similar policy could be directed to be included as part of CRPS Policy 6.3.1:

"Policy 12: Resolution of Urban Limits (a) During the process of completing district plan changes and Outline Development Plans, territorial authorities may make minor amendments to provide for urban zoning outside the Urban Limits shown on Map 1 provided all the following conditions are met: (i) Any proposed extension or reduction will not change the Outline Development Plan area by more than 5 %; and (ii) Any additional land is contiguous with the Outline Development Plan area; and (iii) Economies of scale or other efficiencies for infrastructure would arise; and (iv) All other provisions of Policy 8 are met."

2.4 Actions - Overall Feedback

Of the fifty actions contained with the LURP, twenty-five relate to Council. Of these eleven required either immediate amendments to Council's Operative City Plan, or directed the District Plan Review. The remaining fourteen address a range of issues, which are subject to specific comment below. In summary, we do not consider that the revised LURP needs to include the majority of these actions as they have either been completed, or they simply represent work that is being undertaken as part of Council's or the UDS work programme.

3. Comment - Specific Actions

3.1 Actions 7-10

These actions were aimed at supporting change in the Christchurch housing market, in particular to increase the supply and quality of urban living alternatives to the traditional suburban style single house on a site model. Providing for housing choice remains a critical response to changing demographics, affordability constraints and different lifestyle choices.

Action 7 - Council undertook an evaluation of options in response to this action in mid-2014. This identified a range of interventions which could influence urban intensification. Some of those attributable to the Council, such as Development Contributions policies and planning requirements, have or are being actively progressed. Others, such as local amenity upgrades to stimulate higher density urban renewal, will be undertaken once spatial patterns of growth become clearer. Other options to support residential intensification were also identified but lay in the hands of central government agencies, particularly financial and fiscal tools (e.g. purchase guarantees, loan underwrites, taxation differentials).

A clear area for focus, whether in the LURP review or elsewhere, would be on consistency and coherence of incentive approaches across the city. For example, the LURP (which is guiding the land use framework for wider Christchurch) has driven District Plan based incentives such as density bonuses (i.e. enabling higher density redevelopment where multiple sections are developed as part of one comprehensive development). In contrast, within the Central City, while there is a collective view that higher density residential development should be encouraged, no such mechanism has been promoted in the Christchurch Central Recovery Plan's residential chapter "A Liveable City." This means that there is inherent tension between the two planning approaches. Giving a more coherent view of where the priority lies will help investors who are seeking out development opportunities and public agencies who need to plan ahead for investment in infrastructure upgrades to support that growth.

Action 8 - This action was aimed at actively supporting the delivery of a number of pre-advanced projects through regulatory and operational processes. The projects, based on concepts produced by their promoters, offered clear potential to demonstrate a step change in the nature of housing delivery.

Affordable Sector proposals:

The two Christchurch City Council mixed tenure proposals are advancing with tendering processes underway and development expected to proceed during 2015. Housing New Zealand's (HNZ) exemplar projects, which were identified early in 2013, have not progressed despite the LURP putting in place a very enabling planning framework.

Private Sector proposals:

The first, and so far only, exemplar project to be approved - at Spreydon Lodge, North Halswell - has committed to a different and innovative subdivision process. The project has committed to Homestar6 rated homes, comprehensive design and mixed density development along with over 20% of the homes being provided values at \$350-450,000. Having gained approval as an exemplar in April 2014, the inability to find an expedited pathway to enable the land to be rezoned for development has meant that this development, which could have commenced in late 2014, is now unlikely to see its first homes built until 2016. The Riccarton Racecourse proposal is now being progressed as a Christchurch Housing Accord project. Whilst not delivering anything significantly new in terms of housing choice, the release of the Racecourse Reserve (under the guidance of the

Minister of Housing and Building) is being tied to the delivery of 30% of the 600 homes at prices of \$450,000.

The main issues around this action have been the limited degree to which the projects have been incentivised. For the CCC and HNZ projects, the LURP had already provided planning rules to enable development, regardless of the proposal being otherwise exemplary. To some extent this has influenced Housing New Zealand's decision making. In the case of Spreydon Lodge, the rezoning of the land for residential development (accelerated marginally ahead of the main residential proposals of the District Plan review) and behind the scenes some flexibilities around infrastructure connectivity represent tangible incentives, along with the significant time that has been spent resolving complex implementation issues.

Looking to the future, there is a place for encouraging, incentivising and showcasing good quality examples of Medium Density housing. Examples which can help educate the development industry and new streams of buyer interest are important in helping people explore their housing choices. Alongside the exemplar projects, proposals like the East Frame, 36 Welles St and 350 Colombo St are case studies that, if well executed, can help reframe impressions of urban living, in turn stimulating the social vibrancy and economic vitality which a major urban centre should have.

Whether the LURP needs to continue to explicitly include an action in this area is questionable. However, as part of an action drawing together incentives (Action 7) and affordability (Action 10) there may be a case for a consortia of public agencies to invite, evaluate and support suitably framed and commercially viable projects in the future.

Action 9 - This recognised that HNZ's longer term programme needed coordinated action with other agencies, especially Council, to effectively plan for particular areas. With concentrations of stock in areas like Shirley, Aranui and Bryndwr, the Masterplans were intended to be a vehicle to positively work through the practicalities of delivery of area wide renewal and change. There was also recognition that the Dallington/Avonside area warranted future attention although progress would be pegged to decisions yet to be made about the future of the adjacent Residential Red Zone.

In 2013, prior to LURP being finalised, CCC and HNZ had already embarked upon a masterplanning exercise for Shirley. In early 2014, HNZ staff identified that they would see benefit in progressing area wide plans for the Bryndwr area and residual areas of Aranui. However, soon after that HNZ's resource focus shifted towards its short term priorities with more time being spent on dealing with issues on current sites. Notwithstanding this, HNZ recognise that a lack of masterplanning will impose pressures on their programme in future years and have recently (in April 2015) commissioned further resources to help work more closely with Council.

As such this matter is a practical relationship between HNZ and CCC and does not warrant a formal action, especially one that attributes the Council as the lead agency for the masterplanning of Housing New Zealand's redevelopment programme. The Council has allocated staff resources in each of the last 2 years to support these planning exercises and following a review in August 2014 and April 2015, looks forward to working with HNZ on these matters.

Action 10 - Council was a supporting partner to MBIE and others in delivering this action although in reality much of the activity has been incorporated into activity around the Christchurch Housing Accord. This vehicle has proven to be a more productive interface for discussion about affordable housing, future models of public housing management and delivery of a number of development projects.

Recommendation - Remove Actions 7-10.

3.2 Action 14 - Enhancement programmes

This requires that Council's identify and implement programmes through relevant LGA instruments for public facilities at key activity centres and neighbourhood centres. Council responded to this action within the 12 month timeframe outlined in LURP, and we note that all suburban centre master plans agreed in 2011 have now been adopted and are being implemented. However, as indicated in section 2.4 of this 'comment', this is something that Council undertakes as part of its business-as-usual work programme and is not necessary to include an action within LURP.

Recommendation - Remove Action 14

3.3 Action 23 - Provision of infrastructure to support development

This requires Councils to coordinate the funding, sequencing and provision of infrastructure to support actions 19-22. Council achieves this through its LTP and Annual Plan process in accordance with the relevant legislation. It is not necessary for this to be an action within the LURP.

Recommendation - Remove Action 23

3.4 Action 24/North West Review Areas

Council seeks that Areas 1 and 3 in the North West Review Area be removed from the LURP as part of the review due to a number of issues identified with each site. These are summarised below:

Area 1

- Pressure on the intersections of Waimakariri Road/Harewood Road and Watsons Road/Harewood Road with long delays for traffic seeking to turn onto Harewood Road;
- Significant costs to mitigate effects with a new road recommended between Area 1 and Harewood Road, to consolidate the primary access to Area 1 with the existing intersection of Harewood Road and Stanleys Road. Alternatives were considered including:
 - Signals at Watsons Road/Harewood Road (in addition to signals at Wooldridge Road/ Harewood Road to mitigate the effects of Area 2)
 - Realignment of Waimakariri Road to form an all-movements intersection with Sawyers Arms Road, to the east of its existing alignment
 - Reduced area for rezoning without upgrades to intersections with Harewood Road
- These alternatives raise other issues, for example, signals at Watsons/Harewood Road would not be supportive of the intended function of an arterial road while also leading to delays for traffic on Harewood Road.

Area 3

- The Integrated Transport Assessment concluded that the space between the interchanges of Memorial Ave and the Southern Airport Access is 'substandard' without the development of Area 3, resulting in efficiency and safety effects. In practical terms, vehicles travelling southbound on SH1 have difficulty moving from the right hand to the left hand lane to exit at the Southern Airport Access due to the large volume of traffic predicted to join the left hand lane southbound on Russley Road from Memorial Ave.

- The issue described above is exacerbated by the development of Area 3 on the basis that additional traffic from Area 3 increases the load on the network, making weaving movements more difficult.
- A connection with the Southern Airport Access (proposed interchange adjoining Area 3) would require the designation and/or acquisition of land. This would be at a significant cost for the Council, notwithstanding the ability to recover costs through development contributions.
- Additional traffic on Hawthornden Road and Merrin Street as a result of Area 3 may pose an actual or perceived risk for school children. In addition to effects on safety, the increased traffic on Hawthornden Road and Merrin Street is anticipated to impact on residential amenity.
- Insufficient capacity in the wastewater network but capable of being addressed through upgrades to the network.

The relevant *draft* section 32 information is contained within **Appendix B**.

Recommendation - Amend action 24 and Figure 4: Map A as required to reflect the above, and change the CRPS accordingly.

3.5 Action 30 - Case management approach

Council has reviewed the Suburban Centre Case Management service and concluded that there is little demand for a proactive approach at this time. However, staff involved in the preparation the master plans remain available and well placed to support projects coming forward in the relevant suburban centres as they emerge.

3.6 Action 31 - Case management approach

Over the past three years Council and Canterbury Development Corporation (CDC) staff have provided case management services to businesses in the earthquake-damaged industrial zones of Woolston and Bromley. While there are still a few insurance issues to settle most firms are now focusing on business-as-usual issues. As such, these industrial businesses may continue to access the usual industry sector support from CDC advisory staff if they need it. Notwithstanding this, Council acknowledges there are a range of issues that need to be addressed around the Woolston area arising from the industrial nature of some of the activities and adjacent commercial and residential land use. However, these are longstanding issues that are not about earthquake recovery and case management per se. Council will consider an appropriate response on these issues in due course.

Given that many firms are now engaged in activities that are hard to differentiate from normal business-as-usual activity and that standard processes enable a case management response for both earthquake and non-earthquake development issues, there is little value in retaining reference to an earthquake-focused case management role in the revised LURP.

Recommendation - Remove actions 30 and 31.

3.7 Action 33 - Prioritised infrastructure programmes

Council has addressed this action within the timeframe outlined in the LURP. Notwithstanding this, it is noted that the purpose of action 33 was to enable quick amendments to Local Government Act

(LGA) plans without going through unnecessary process. However, as the LURP was gazetted on 6 December 2013, the 6 month timeframe for completing this action coincided with the Annual Plan process. The Annual Plan set out the proposed amendments to the Three Year Plan 2013/16. This has now been revised through the draft Long Term Plan. Therefore, Council has a process to ensure that infrastructure is aligned with development, and as such it is not considered necessary roll-over action 33.

Recommendation - Remove action 33.

3.8 Actions 40 - Transport

The title of this section is "support an integrated transport network", and action 40 refers to "protecting future opportunities in network rebuild". The philosophy behind action 40 is captured in the relevant transport planning documents, and in the body of the LURP itself. Having this as an action has achieved little tangible benefit and Council does not consider there needs to be a specific action on this matter.

Recommendation - Remove action 40.

3.9 Actions 49 & 50

These two actions address the Canterbury Sustainable Homes Working Party work process (action 49) and improving access to information and advice (action 50). This work is occurring independent of the LURP and they do not need to be included as actions in the revised document.

Recommendation - Remove actions 49 and 50.

3.10 Infrastructure map

Figure 5: Key regional infrastructure requirements through to 2028 on page 33 of the LURP represented a snapshot of thinking at a particular time, which made it almost immediately out of date. It also only addressed transport infrastructure, and does not denote 'three waters' infrastructure. Many projects had not been through the Better Business Case process, the relevant land use decisions were yet to be made (e.g. Halswell KAC/exemplar and Lincoln Road) and funding has been re-considered through the LTP and the RLTP. These projects are best assessed and prioritised through the appropriate processes, which are the LTP /Annual Plan and the RLTP.

Recommendation - Remove Figure 5 - Key Regional infrastructure requirement through to 2028.

3.11 Cranford Basin

Council is seeking to have areas of land around the periphery of Cranford Basin rezoned (subject to the relevant Notices of Requirement being confirmed) from rural to a low density urban residential zone which would equate to approximately 200-250 household units. A report and map are attached explaining why such a re-zoning should now be considered and showing the extent of the land to be re-zoned, which is approximately 40 Ha. The relevant *draft* section 32 information on this forms appendix C of this feedback.

Recommendation - Make the appropriate changes to the LURP and the CRPS.

4. Monitoring

We understand that the Minister CER will want to monitor the LURP's achievements, but most of the actions have either been addressed, are in train through the RDP and LTP process, or are simply occurring as part of the business-as-usual work programmes. Therefore, any on-going monitoring can occur as part of the UDS work programme. The UDS work that informed the LURP demonstrates that the partners were addressing the elements needed to guide macro level land use planning and these matters can continue to be addressed through that forum.

5. Conclusion

The Council would like to thank Environment Canterbury for the opportunity to provide feedback on the Land Use Recovery Plan Review. Should any issues need clarifying then Council staff are happy to discuss the content of this comment further.

Yours sincerely



Michael Theelen
Chief Planning Officer