



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

Lionel Green

November 2018

Greater Christchurch Partnership

Submitter Details

Name: Lionel Green

Postal address: C/- Aston Consultants Ltd
Resource Management and Planning
PO Box 1435
Christchurch 8140

Email address: fiona@astonconsultants.co.nz

Phone Number: 03 3322618

Mobile Number: 0275 332213

Contact Person Fiona Aston

Hearings:

I wish to speak at the hearings.

Preferred location: Christchurch City

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

Background and Site

The submitter, Lionel Green ('the Submitter'), owns a 4 ha property at 738 Marshlands Road Christchurch ('the Site'). The character of the surrounding area is smaller properties, mostly below 4 ha (see quick map attached as **Appendix A**).

The Submitter wishes to subdivide the Site to create 2 x appx 2 ha lots each with a dwelling, in keeping with the surrounding pattern of subdivision. The Applicant engaged a planning consultant to prepare a draft land use and subdivision application (June 2017). This included an examination of the surrounding Rural Urban Fringe zoned residential allotments, and noted that the average lot size was 1.9 ha. The area is made up of smaller allotment sizes with the majority being between 0 - 2 ha in size, with the next majority being between 2ha - 4 ha, as shown in the table below:-

Table 1: Lot size of surrounding residential properties within the Rural Urban Fringe Zone.

Property	Lot Size (ha)	Property	Lot Size (ha)
740 Marshland Rd	2.4	700 Marshland Rd	3.1
744 Marshland Rd	2	750 and 754 Marshland Rd	7.9
726 Marshland Rd	1	760 Marshland Rd	0.8
722 Marshland Rd	3.5	744 and 744A Marshland Rd	0.1
706 Marshland Rd	2.8	788 Marshland Rd	4.0
720 Marshland Rd	2.9	790 Marshland Rd	0.1
704 Marshland Rd	3.0	721 Marshland Rd	0.4
715 Marshland Rd	0.7	1 Chenery Ave	0.1
705 Marshland Rd	0.7	56 Farrells Rd	0.8
693 Marshland Rd	0.5	66 Farrells Rd	0.8
691 Marshland Rd	1.6	72 Farrells Rd	1.0
694 Marshland Rd	4.0	69 Turners Rd	4.0
692 Marshland Rd	5.3	73 Turners Rd	4.0
241 Guthries Rd	0.1		
29 Guthries Rd	0.1	Average Lot Size	1.92

The Submitter’s plans for his property have ‘stalled’ due the Christchurch City Council’s interpretation of District Plan Policy 17.2.2.7 as below. This gives effect to the Canterbury Regional Policy Statement (CRPS)¹ which seeks to avoid urban activities outside the Existing Urban Area and Greenfield Priority Areas.

Policy 17.2.2.7 - Density and distribution of residential units

Ensure a density and distribution of residential units that:..

(v) avoids creating new sites less than 4ha

Urban activities are defined in the CRPS as including residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area.

The proposal has been the subject of a pre-application meeting (see **Appendix B**). Council’s advice was that whilst the effects of the proposal could be minor, the District Plan objectives and policies ‘aren’t so easily overcome’. The specific policy of concern is Policy 17.2.2.7.

¹ CRPS Objective 6.2.1 and Policy 6.3.1
Aston Consultants Resource Management & Planning

Minor development outside Greenfield Priority Areas and the Existing Urban Area

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, is there is no flexibility to respond to minor anomalies, or minor development proposals which are not of regional significance and do not offend the overall urban growth management approach of **Our Space** and the CRPS.

The Submitter's proposal is a case in point. 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. Minor proposals such as the Submitter's proposal to create one additional rural lifestyle site will have no effect whatsoever on this overall strategy. The status of the proposal will still be non complying under the District Plan – it will not 'open the floodgates' for undersize rural subdivision, but will enable the specific circumstances to be assessed on their merits, including against the Resource Management Act 1991 s105D 'threshold tests' ie. the proposed activity is not contrary to the relevant plan objectives or policies; or the adverse effects of the activity on the environment are minor. The current approach effectively precludes this, treating proposals as if they are 'prohibited' even though they do not – and clearly should not – have this status.

Suggested policy wording is included in the Relief Sought below to address this issue.

Relief Sought:

1. Amend **Our Space** and CRPS to address the matters raised in this submission i.e. need for flexibility to respond to minor zoning anomalies, or minor development proposals which do not offend the overall urban growth management approach of Our Space and the CRPS.
We suggest this should include:-

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 which provides flexibility to

respond to minor zoning anomalies, or minor development proposals which do not offend the overall urban growth management approach of Our Space and the CRPS. Suggested amendments are shown below (in bold and underlined):-

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 having 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 having 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.

2. Such other consequential, additional or other amendments to **Our Space** and the CRPS and other documents, and any other actions, to be consistent with and give effect to the intent of this submission.

Reasons for Relief Sought:-

1. For the reasons set out above under and under the responses to the Submission Form questions below.
2. The amendments sought will enable the Submitter use his land in the most appropriate, effective and efficient way which will achieve the purpose of the Resource Management Act 1991 (the Act).
3. **Our Space** as notified proposes an urban growth management approach, in particular as it affects the Submitter's land, which is inconsistent with and does not give effect to the Act, including Part 2 and Section 32, and other relevant statutory and non statutory matters.

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:

Minor proposals such as the Submitter's will have no impact on the **Our Space** and CRPS housing growth strategy, but our prevented by it because of the very rigid provisions contained in these documents as outlined and discussed above. This is entirely

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:

No comment.

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 comment.

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 comment.

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 comment.

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.

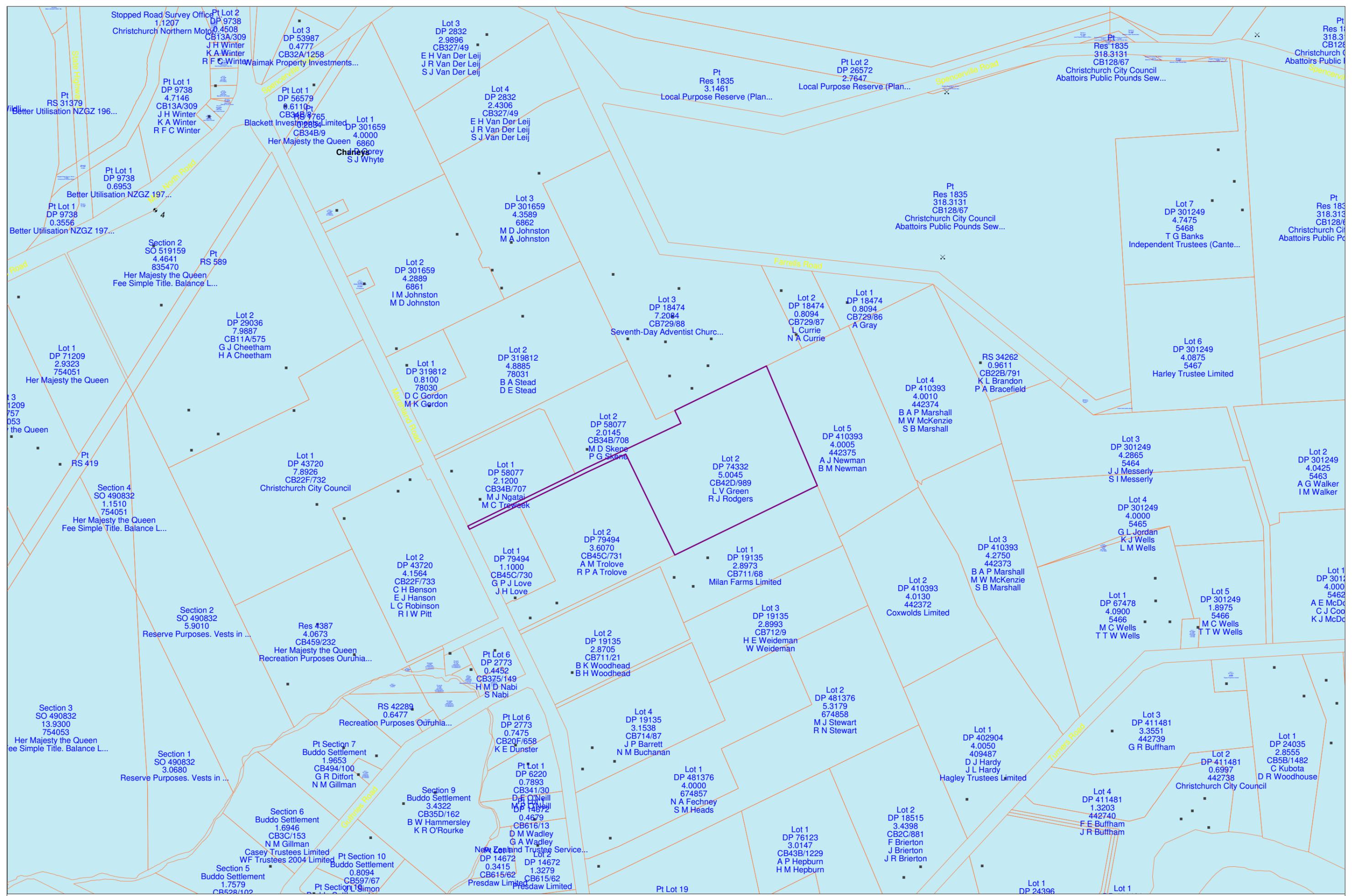
Appendices

Appendix A: Quick map

Appendix B: Pre-application meeting minutes

Appendix A

Quick map



Appendix B

Pre-application meeting minutes

Meeting Record

Site Address:	738 Marshland Road		
Project Description:	Proposed project is subdivision consent		
Date	25 th May 2018	Pre-application #	PRE40006472
Meeting Start Time:	2:00pm	Meeting Finish Time:	2:15pm

Council Attendees

Name:	Role:	Contact Information:
Ryan Brosnahan	Planner	Ryan.brosnahan@ccc.govt.nz

Applicant and Agent Attendees

Name:	Role/Company:	Email Address:
Lionel Green	Owner	
Andrew Schulte	Resource Management Solicitor	andrew.schulte@cavell.co.nz

Meeting Discussion and Action Points

Meeting Record

Applicant

- Originally submitted a land use application so that the property could be subdivided, however change took place during this application process when the city plan became the district plan, and the application was told not to go any further
- The land is not economical unless used for agricultural purposes hence the need to subdivide
- The initial proposal was to split the property in half and have 2 hectare site, the new proposal would allow the land with the house to be 1.5 hectare and the remaining lot would be 3.5 hectare getting it closer to the 4 hectare requirement
- There's a development on the boundary that has 2 large meeting halls and roughly 300 people living on the site, its high density, would assume any resource consent was non-notified, with this there, the subdivision and the house would be in keeping with the density of the area
- Is there potential to cross zone to allow the subdivision
- There is a mixture of smaller lots around this site, subdivision to smaller lots would be in keeping with the surrounding area
- Contamination report has already been done and the site checked

Ryan Brosnahan

- Original application had vetted by Principal Planner Paul Lowe who spoke with the agent.
- The issue is that the subdivision doesn't meet a specific policy within the district plan, which states to avoid creating lot sizes smaller than 4 hectares (17.2.2.7 Policy – Density and distribution of residential units)
- Council's position is very strong and that any proposal for sites less than this size is unlikely to be supported based on the policy. Case law also states that where a policy in a plan is so explicit, it cannot be balanced with less explicit policies.
- I have checked about whether or not the second option of reducing the lot size of the existing dwelling and increased the vacant lot. I can confirm that this would not likely avoid the policy
- Examples provided by the duty planner about subdivisions granted for sites less than 4ha were very unique and were cross zoned sites.
- If council were to grant consent to subdivide a site less than 4ha, it could set a precedent.

- The effects basis could be only minor due to the character of the area, however the objective and policies aren't so easy to overcome. Smaller surroundings sites have been done historically.
- With respect to the adjoining site at 20 Farrells Road, they have had various resource consents (see below). Similarly for building consents, they have had various temporary marquees over the years. The site is also zoned Rural Urban Fringe.

Application	
Application No.	RMA/2013/2222
Address	
Type	Temporary accommodation
Received Date	24 October 2013
Issued Date	
Status	Withdrawn
Details	Temporary Accommodation - Historical Reference RMA92023939
Application No.	RMA/2013/270
Address	
Type	Land Use Consent
Received Date	20 February 2013
Issued Date	
Status	Withdrawn
Details	TEN RESIDENTIAL UNITS ** s88 rejection ** - Historical Reference RMA92021857
Application No.	RMA/2008/885
Address	
Type	Land Use Consent
Received Date	1 May 2008
Issued Date	21 May 2008
Status	Processing complete
Details	Addition to caretakers house - Historical Reference RMA92011699
Application No.	RMA/2001/1546
Address	
Type	Land Use Consent
Received Date	28 June 2001
Issued Date	11 December 2001
Status	Processing complete
Details	To erect four cabins on the site and operate a commercial camping ground - Historical Reference RMA20005434

Invoicing				
Name	Time			Amount Due
	PRE	MEETING	POST	
Ryan Brosnahan	0.45	0.25	0.50	\$222.00
Council Administration Officer	0.25	0.25	0.25	\$90.00
			Amount Due	\$312.00

How to pay your invoice:

You can use internet banking to pay Pre Application Meeting fees. Please note that all payments will be credited to our account on the next business day. Any payment made without your details below may take some time to be lodged against the correct account. *Please note this will show as "RENT" in the description.*

Our details are:

Bank: Bank of New Zealand
Account Name: Christchurch City Council
Account Number: 02 0800 0044765 003

The information required to identify your payment:

Particulars: Name of Customer
Code: PRE Number (you will find this on your invoice or above)
Reference: Invoice Number

NOTE:

Preliminary application advice is given without prejudice on the basis of information available at the time of the meeting. Please note that the provision of further information or changes in project scope may impact on this advice.

For reference, please include your Preliminary Application number when applying for a consent (e.g. PRE4000XXXX)