

Submission on Land Use Recovery Plan Review

To: the Canterbury Regional Council ("ECAN")

Name of Submitter: Sharon Lawrence

About the Submitter

1. Sharon Lawrence owns the site at 79 Shalamar Drive, Christchurch which is legally known as Lot 1, DP 405119.
2. The site in question has a total area of 4.10 hectares and is situated between Hackthorne Road (to the north/uphill) and Shalamar Drive (south/downhill).
3. The site has two distinct topographies, comprising:
 1. An elevated terrace adjacent to undeveloped Living HA and Living H zoned land to the west and east respectively, and adjacent to the established Living H zone to the north (properties accessed from Hackthorne Road). An established dwelling, and gardens/lawn area; and
 2. A lower, sloping portion of land which is adjacent to: Living HA zoned land to the west; Shalamar Drive and Rural 2 zoned land to the south; and Rural Hills zoned land to the south east.
4. The site is zoned Rural Hills in the City Plan and is located beyond the Projected Infrastructure Boundary in Chapter 6 of the RPS.
5. In terms of relevant background, the property has been held by the current owner/resident (and their late husband) for a significant period of time.
6. In that time, the owner has not actively participated in the relevant statutory planning processes that have determined land use zoning in this part of Christchurch. This includes:
 - City Plan hearings in the mid/late 1990's;
 - The South West Area Plan;
 - The Christchurch Metropolitan Urban Development Strategy;
 - Plan Change 1 to the Canterbury Regional Policy Statement;
 - The CERA request for urban residential development proposals (2011).

7. In contrast, neighbouring property owners filed submissions during the City Plan hearings and successfully obtained Living zoning.
8. In 2009 having recognised the zoning and development of neighbouring properties, the site owner initiated the preparation of an application for an 11-lot residential subdivision of the property. The subdivision proposed 10 residential lots (between 1150m² and 1680m²), a 8600m² reserve on the upper terrace, plus a 1.68 hectare balance (residential) lot on the lower slope (refer Attachment 1). A geotechnical assessment, subdivision plan and draft application for subdivision and land use consent (including AEE) was prepared by the site owner's representative (Mr Howard Hobson) and was provided to Council (as a draft) in April 2010.
9. Mr Hobson was away from Christchurch shortly after this time for an extended period and coupled with the impact of the September 2010 and February 2011 earthquakes, the application did not progress any further.
10. In that time (early 2009 to the present), the relevant planning framework evolved significantly, with Plan Change 1 to the RPS ('PC1') as notified applying until 1 December 2009, when the Commissioners' decision on submissions was released. PC1 as per the Commissioners' decision then applied until 8 October 2011 when the RPS was amended as authorised by the Canterbury Earthquake Recovery Act 2011.
11. In respect of the CRPS, the site is outside of the projected infrastructure boundary identified in Map A and therefore urban activity on the land would generally be inconsistent with the following provisions:

Policy 6.3.1 Development with the Greater Christchurch area particularly points 1-4¹ as follows

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

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

¹ Points (5) and (6) are not relevant to this site.

(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;

12. **Policy 6.3.3 – Development in accordance with outline development plans** particularly:

Development in greenfield priority areas and rural residential development is to occur in accordance with the provisions set out in an outline development plan or other rules for the area. Subdivision must not proceed ahead of the incorporation of an outline development plan in a district plan. Outline development plans and associated rules will:

(1) Be prepared as:

(a) a single plan for the whole of the priority area; or

(b) where an integrated plan adopted by the territorial authority exists for the whole of the priority area and the outline development plan is consistent with the integrated plan, part of that integrated plan; or

(c) a single plan for the whole of a rural residential area; and

(2) Be prepared in accordance with the matters set out in Policy 6.3.2;

(4) Demonstrate how Policy 6.3.7 will be achieved for residential areas within the area that is the subject of the outline development plan, including any staging;

13. **Policy 6.3.7 – Residential location, yield and intensification**, particularly:

In relation to residential development opportunities in Greater Christchurch:

(1) Subject to Policy 5.3.4², residential greenfield priority area development shall occur in accordance with Map A. These areas are sufficient for both growth and residential relocation through to 2028.

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

(b) 15 household units per hectare in greenfield areas in Christchurch City;

(4) Intensification development within Christchurch City to achieve an average of:

² Relates solely to Papakāinga housing and marae

(a) 50 household units per hectare for intensification development within the Central City;

(b) 30 household units per hectare for intensification development elsewhere.

(6) Housing affordability is to be addressed by providing sufficient intensification and greenfield priority area land to meet housing demand during the recovery period, enabling brownfield development and providing for a range of lot sizes, densities and appropriate development controls that support more intensive developments such as mixed use developments, apartments, townhouses and terraced housing.

14. **Policy 6.3.9 – Rural residential development**, particularly:

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

(1) In the case of Christchurch City, no further rural residential development is to be provided for within the Christchurch City Plan area;

15. The site is outside of the urban form identified in Map A (Chapter 6) and the subject site is not within a Greenfield Area. No provision for rural residential development has been included within the Christchurch City Plan area.
16. Noting the above, our preliminary view is that whilst development of the site as proposed would not necessarily conflict with the anticipated environmental outcomes sought by Chapter 6 of the RPS or the explanation and reasons for various policy provisions, it would ultimately be inconsistent with the prescriptive and specific wording of relevant policies.
17. The proposed residential subdivision of the land was resurrected in 2012 however noting the site was outside of the applicable urban limits, any plan change or subdivision/land use consent application to provide for urban residential use in the short to medium term was considered highly uncertain, noting the prescriptive policy wording in Chapter 6 of the RPS and the reliance on the site's particular characteristics and an overall broad judgement in terms of Part 2 of the Act.
18. The applicant believes there is increased demand for new residential sections on Hill locations noting the late (December 2013) red zoning of around 237 properties (previously identified as green zoned).

Nature and Scope of Submission

19. LURP Section 5.4 states that “*Environment Canterbury will formally review the Land Use Recovery Plan in collaboration with the strategic partners*” All aspects of the Land Use Recovery Plan will be reviewed³, and in particular the package of measures that promote infill and intensification.
20. The submission relates particularly to the projected infrastructure boundaries and identification of Greenfield residential areas set in *Map A Greenfield Priority Areas* in Appendix 1 of the LURP, as they relate to the property at 79 Shalamar Drive.
21. Section 3.3 of the LURP sets out 15 outcomes. More generally this submission relates to the following outcomes of the LURP:
 - **Outcome 1** *A clear planning framework directs where and how new development should occur so that it integrates efficiently and effectively with infrastructure programmes and avoids key hazards and constraints.*
 - **Outcome 2:** *Servicing of land for housing and business and its release to the market keep pace with anticipated demand.*
 - **Outcome 4:** *RMA plans and regulatory processes enable rebuilding and development to go ahead without unnecessary impediments.*
 - **Outcome 5:** *A supportive and certain regulatory environment provides investor confidence to obtain the best outcomes from resources used in the recovery.*
 - **Outcome 6:** *The range, quality and price of new housing meets the diverse and changing needs of those seeking to buy or rent, including the needs of a growing temporary rebuild workforce.*

Reasons for the Submission

22. In respect to outcomes 1, 4 and 5 of the LURP the uncertainty for progressing any Plan Change or subdivision consent under the current planning and regulatory environment has been set out above. This has contributed to the stalling of the proposed subdivision since the project’s resurrection in 2012.

³ While all aspects of the LURP are subject to the review, there is a requirement to focus on measures that promote infill development and intensification. It should be noted that as a document prepared under the Canterbury Earthquake Recovery Act 2011 (CER Act) the Land Use Recovery Plan can only consider measures that meet the purposes of the CER Act.

23. In respect to outcomes 2 and 6 of the LURP it is noted that the red-zoning of a number of hill properties in 2013 has affected the supply and demand of residential properties in the Port Hills. Moreover, the timing of the red-zoning decision (5 December 2013) was significantly after the identification of new residential land required to meet demand⁴ and corresponding determination of projected infrastructure limits in Map 6. Noting that the current infrastructure limits and nil provision for rural residential zonings do not provide for residential development at 79 Shalamar Drive this is considered to be hindering the provision of hill sections to meet this previously un-anticipated demand.
24. Sharon Lawrence is also seeking to submit on the *Proposed Christchurch Replacement Plan Stage 2* which proposes a Rural Port Hills zone for the site. Noting the adjoining sites to the north, east and west are zoned Residential Hills this zoning is also sought for 79 Shalamar Drive. The land generally south of Shalamar Drive is zoned Rural Urban Fringe and a small strip of land to the south east of the site is zoned Rural Port Hills.

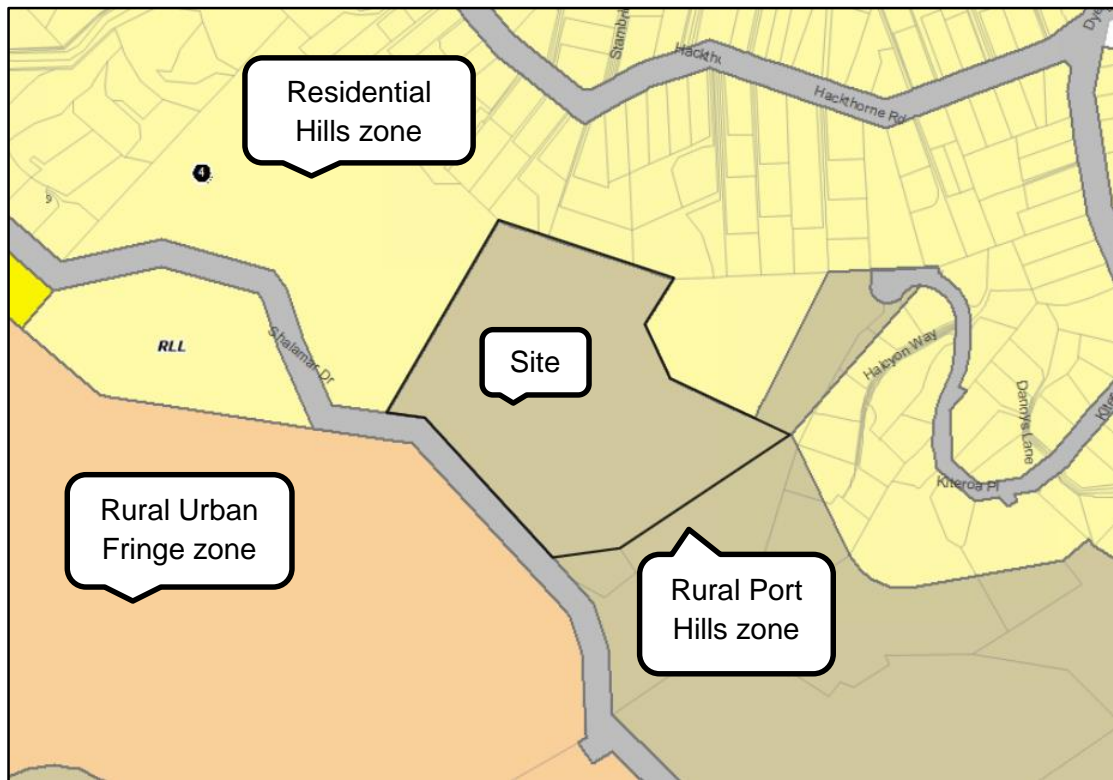


Figure 1: Extract from Proposed Christchurch Replacement District Plan – Stage 2

25. It is submitted that inclusion of the site within the Projected Infrastructure Boundary would be consistent with the Residential Hills zoning being sought through Stage 2 of the CRDP.

⁴ Note that the LURP was approved by the Minister for Canterbury Earthquake Recovery on the 6th December 2013 however the drafting of Map A and the research to support this was undertaken notably prior to this period.

26. Sharon Lawrence submits that without this amendment, to include the site within the Projected Infrastructure Boundary as a greenfield residential area, the LURP:
- i. will not promote the purposes of the Canterbury Earthquake Recovery Act 2011 (“CERA”),
 - ii. will not promote sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 (“RMA”) and are contrary to Part 2 and other provisions of the RMA;
 - iii. will not enable the social, economic and cultural wellbeing of the Christchurch community;
 - iv. will not meet the reasonably foreseeable needs of future generations; and
 - v. do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means, and do not discharge the Council's duty under section 32 of the RMA.
27. In terms of Part 2 of the RMA, there are a number of factors that are unique to the site that would provide an important basis to distinguish any residential development of this land from the generality of other urban development proposals beyond MUL. These factors include the historical rezoning and development of surrounding land, the site topography and position (relative to surrounding residential land), and the form and scale of development proposed.
28. Aside from avoiding precedent risks and conflict with the overarching issues, objectives and environmental results anticipated in Chapter 6 of the RPS, these factors also indicate that the sustainable management purpose of the Act might be better achieved through residential hills development than the status quo.
29. The inclusion of 70 Shalamar Drive within the LURP projected infrastructure boundary as a greenfield residential area would provide certainty for the owners to progress with the subdivision plans originally commissioned in 2009, and to provide for additional residential hills sections to meet the previously unanticipated demand or this variety of residential accommodation.
30. It is noted that for the extent that an outline development plan for the site if identified as a greenfield residential area would be required this could be achieved through a site specific outline development plan.

Relief Sought

31. It is sought that the property at 79 Shalamar Drive be included within the Projected Infrastructure Boundary as a Greenfield residential area, on *Map A Greenfield Priority Areas*

in Appendix 1 of the LURP and that LURP direct that this amendment be included within the CRPS.

32. However, there may be other methods or relief that are able to address Sharon Lawrence's concerns, and the suggested revision does not limit the generality of the reasons for the submission.
33. Sharon Lawrence could not gain an advantage in trade competition through this submission.
34. Sharon Lawrence wishes to be heard in support of this submission.

Sharon Lawrence

Date: 14 June 2015

Signature: _____

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