

TO Canterbury Earthquake Recovery Authority
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FROM **Avoca Valley Ltd**
C/- PO Box 6724
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Christchurch

Note. see different address for service below.

In the matter of the draft Land Use Recovery Plan.

Introduction

Avoca Valley Ltd has an interest in land which is located to the rear of a strip of existing residential development along State Highway 76, in the Avoca Valley. An aerial photograph outlining the extent of the area being considered in this submission is shown in Appendix 1. The site is comprised of four separate properties, and the relevant Titles are attached in Appendix 2. The site is currently used for intensive horticultural activities, and is mostly covered in glass houses. The site is zoned Rural 7 in the Christchurch City Plan, which generally provides for small scale intensive farming. This site is not typical of the Rural 7 zone, due to the high site coverage associated with the glasshouses on the site, and visually appears more industrial in nature.

Avoca Valley Ltd is seeking that the Canterbury Earthquake Recovery Authority consider this land for inclusion within the “Boundary of infrastructure supported priority, existing urban and greenfield areas”, and classify the land as a “Priority Residential Area Not Yet Zoned” in the proposed Land Use Recovery Plan (LURP). The basis for this request is as follows:

- The land is directly adjoining an existing residential area, which will ensure the site is well integrated with the surrounding pattern of development;
- The site is unique in the sense that it is zoned rural, but the horticultural production on the site is reliant on an artificial environment, as the soil has largely been removed from the site;
- Also, while the land is zoned rural, it already appears to be part of the urban environment, and more closely resembles the industrial area to the north of the State Highway than it does the rural environment to the south;
- The site will provide the opportunity to offset the loss of residential properties within Avoca Valley (which occurred as a result of land being red zoned because of rockfall risk after the earthquakes), and the wider area. A large proportion of red zoned land is located in the eastern part of the city, and there are few opportunities for new residential developments in these areas which could provide for displaced residents;
- The site will make use of capacity in servicing as a result of the red zoned properties in the Avoca Valley;

- The land has been investigated, and is considered geotechnically suitable for residential development, with a Technical Category 2 (TC2) classification;
- Preliminary advice from an environmental consultant indicates that while the current land use may have resulted in minor contamination of the land, it can be remediated to be suitable for residential development.

Avoca Valley Ltd have undertaken some preliminary investigations on the site to broadly determine suitability of the land for residential development, with the intention of carrying out further detailed investigation and design for an outline development plan, should the LURP provide for the future residential development on the land. The suitability of the land is discussed in further detail below.

Without derogating from the above primary relief, Avoca Valley Ltd are also seeking that policy 6.3.9 in Appendix 2 of the LURP be amended, by removing subsection (1) which states that there will be no further rural residential activity provided for within Christchurch City. The basis for seeking this amendment is that the current policy is not linked to earthquake recovery. The Christchurch City Council are about to embark on a District Plan Review, and it would be appropriate to consider the need for, and impact of, rural residential development through this process.

Geotechnical

Geotechnical investigations have been carried out on the site, to determine whether the site is generally suitable for residential development. It is noted that should the relief sought in this submission be granted that it will neither rezone nor subdivide the land for residential development, rather it will expand the urban area to incorporate the site, to allow the site to be rezoned residential in future. Accordingly a high level geotechnical investigation has been carried out at this stage in order to determine the existence of any potential natural hazards and determine the site's development suitability. The geotechnical report is attached in Appendix 3.

Cone Penetrometer Tests were carried out on the land based on the Ministry for Business and Innovation Guidelines for the Geotechnical Investigation and Assessment of Subdivisions in the Canterbury Region, at a density required to determine suitability of land for rezoning. The geotechnical assessment has determined that there may be minor settlement following a large earthquake, and that the land would fit within the TC2 category. This requires specific foundation design. It indicates, however, that the land is generally suitable for development. This is consistent with the assessment conclusions for the adjoining residential land fronting State Highway 73.

The geotechnical report also considers the potential for rock fall hazard, and concludes on the basis of investigations carried out by the Canterbury Earthquake Recovery Authority, that this land is not at significant risk of rock fall hazards.

Overall, the geotechnical report considers that the land is suitable for rezoning, and also for the eventual subdivision and development of the land. It is therefore considered that there are no geotechnical constraints to this land being considered suitable for future residential development.

Servicing

The servicing report attached in Appendix 4 details consultation undertaken to date with service providers. The discussions indicate that there are no servicing constraints on the site.

In particular, it is important to note that there are approximately 20 red zoned houses in Avoca Valley, that previously required service connections. The following services are able to be provided for the residential development of the site:

- Water and sewer connections are available through the existing Christchurch City Council network;
- Stormwater is able to be disposed of into the Christchurch City Council network, but will require a discharge permit from Environment Canterbury;
- Electricity connections are available on the Orion network;
- Telecommunications connections are available on the Telstra network.

Soils Contamination

Avoca Valley Ltd has commissioned a Preliminary Site Investigation, as the current land use (horticulture) is an activity on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). This report is due to be completed by mid August 2013, which is after the close of submissions on the LURP. We are able to forward the results of this investigation upon receipt, however the environmental consultant has provided a letter outlining his initial assessment of the site. This letter indicates that there are unlikely to be significant levels of contaminants on site, and that the land could be remediated (if necessary) to make it suitable for residential development.

Policy Framework

The purpose of the LURP is to set a clear framework and provide delivery mechanisms for the Christchurch rebuild and recovery from the Canterbury Earthquakes, and states that it *"will establish certainty, ensure coordination and integration and provide for choice and quality across a range of issues in a timely manner."* The LURP aims to:

- rebuild existing communities
- develop new communities
- meet the land use needs of commercial and industrial businesses
- rebuild and develop the infrastructure needed to support these activities
- take account of natural hazards and environmental constraints that may affect rebuilding and recovery.

The proposal is considered to be generally consistent with the purpose and the aims of the LURP, in that it provides an opportunity for displaced Avoca Valley residents to relocate in close proximity to their original properties, facilitating the rebuild of this community. The proposal also provides further choice for red zoned residents to rebuild, as there are few opportunities for new residential development in the entire eastern area of the city.

It is considered that the land proposed to be included within the *"Boundary of infrastructure supported priority, existing urban and greenfield areas"* of Greater Christchurch is suitable for future residential development. The following section sets out an assessment of the proposed future residential development against the relevant objectives and policies proposed to be incorporated into the Canterbury Regional Policy Statement (CRPS) by the LURP. It is noted that while this type of development is considered a greenfields development in the context of the CRPS, the use of this land for residential redevelopment is more akin to a brownfields redevelopment, as the rural productivity of the land has been lost with the removal of the majority of the top soil from the site for a more industrial form of horticulture.

Overall, the inclusion of the land within the *"Boundary of infrastructure supported priority, existing urban and greenfield areas"* as part of this submission process will not require amendment to the

CRPS framework. However, if the land is not included within this boundary now, the policy framework would effectively prohibit any further development of the site. The proposal to include the land within the urban limits is considered with respect to the proposed CRPS framework in further detail below.

It is also important to note that the current zone framework in the Christchurch City Plan does not accurately reflect the land use occurring on the site. The horticultural activities on the site have been in existence since the late 1970s, however the current Rural 7 zoning anticipates intensive primary production with high rural amenity values. This is reflected in the site coverage rules for the zone, which permit a maximum of 2000m² of buildings associated with a rural activity. In comparison, this site is almost entirely covered in glasshouses and access tracks, and has very little rural amenity. The anticipated environmental results for the Rural 7 zone include protection of the soil resource and maintenance of the unique visual character and high amenity values of the zone. The top soil has been largely removed from this particular site. It is considered that this site is an anomaly in the Rural 7 zone, and therefore considering this land for future residential development would not compromise the high amenity values of the remaining Rural 7 zone. Rezoning the site for residential purposes would increase the amenity values of the surrounding Rural 7 zone, by reducing building bulk and density in the area.

Objective 6.2.1 – Recovery framework

This objective seeks to provide for recovery, rebuilding and development, within a framework set out under a number of points, which are evaluated below with respect to this proposal:

- 6.2.1(1) - priority areas are identified for urban development. We are seeking that this land be considered a *“Priority Residential Area Not Yet Zoned”* within the urban limits, and therefore the proposal will be consistent with this objective.
- 6.2.1(2) - refers to Key Activity Centres and is not relevant to this proposal.
- 6.2.1(3) - urban development outside of existing urban areas and priority areas for development is avoided. We are seeking that this land be included within these areas, and therefore the proposal will be consistent with this objective.
- 6.2.1(4) - outstanding natural features and landscapes are protected from inappropriate subdivision, use and development. The entire site sits below the port hills outstanding landscape area, on a site which is almost entirely covered with buildings. The proposal to develop this site for residential purposes will not have effects on any outstanding landscapes or features. In fact, the residential development of this land would decrease building coverage and enhance the amenity of the area.
- 6.2.1(5) indigenous biodiversity and public space are protected. This objective will be able to be met when the land is subdivided, as subdivision of the site will result in esplanade reserves/strips being created along the Avoca Valley Stream, which will provide an enhanced habitat for native species and public access along the stream.
- 6.2.1(6) the quantity and quality of groundwater and surface water is improved, and ambient air quality is improved. When the site is developed, stormwater treatment and detention will be required, which will ensure that any surface runoff from the site will be of an acceptable quality before discharging into surface water. The exact nature of the stormwater disposal will be considered at detailed subdivision design stage, and will be required to meet the objectives and policies of the proposed Land and Water Regional Plan.

The existing horticultural activity includes a large scale industrial coal boiler, which would be decommissioned. This will enhance the ambient air quality in the area.

- 6.2.1(7) the character and amenity of rural areas is maintained. As discussed above, the site is almost entirely covered in buildings, and the current land use has very little association with the underlying rural zoning. The development of the site for residential purposes is likely to result in a reduced site coverage and built form, and therefore is likely to enhance the amenity of the surrounding residential areas. Given the high site coverage on this site, this objective is not considered relevant to the proposal.
- 6.2.1(8) people are protected from unacceptable risk from natural hazards and sea level rise. The geotechnical investigation attached in Appendix 3 determines that the land is suitable for residential development. The principle risk to people in the area is rockfall risk, which has been investigated in detail through the Port Hills residential red zone process undertaken by CERA. There are not considered to be any unacceptable natural hazard risks on the property. The land is also not considered to be at risk from sea level rise.
- 6.2.1(9) land use development is integrated with strategic and other infrastructure and services. The site is located in close proximity to State Highway 76, and is on the Lyttelton to Christchurch bus route. The site is also within the Linwood College zone, and is equidistant between Heathcote Valley Primary School and St Martins Primary School. Also, the development of this land will absorb some of the capacity in existing infrastructure which has been made available as a result of the red zoned land in the Avoca Valley.
- 6.2.1(10) development that does not adversely affect strategic infrastructure or freight hubs. The site as a whole has frontage to two local roads, and State Highway 76. The site is also in close proximity to the Woolston freight hub, which is located on the northern side of the State Highway. It is considered that there are sufficient alternatives that the site can be developed in a manner which does not adversely affect the State Highway, which is considered to be the only relevant piece of strategic infrastructure in the area. Site access will be considered at the time that the land is rezoned for residential development, when an outline development plan is prepared. Overall, the development of the site for residential purposes will result in a small number of residential properties being developed with a small increase in associated traffic volumes. It is considered that the development of this site would not have any significant effect on the State Highway or the nearby freight hub.
- 6.2.1(11) existing infrastructure use is optimised. As discussed above, the site can be serviced using existing network infrastructure, and will also use extra capacity provided by red zoned properties in the immediate area.
- 6.2.1(12) development opportunities on Maori Reserves are provided for. This is not relevant to the proposal.

Objective 6.2.2 – Urban form and settlement pattern

This objective seeks to ensure that sufficient land is provided for rebuilding and recovery, while achieving consolidation and intensification of urban areas. Of particular relevance to this proposal is 6.2.2(4), which enables greenfield development on the periphery of Christchurch’s urban area, which meets demand and enables the efficient use of network infrastructure.

The site is considered to be in an appropriate location on the periphery of Christchurch’s existing urban area for greenfield residential development. The parcel of land is small in the context of the Greater Christchurch rebuild, and will not have any significant impact on the supply and demand for

residential properties. The land does, however, provide a unique opportunity for residential development in the eastern suburbs.

The draft LURP identifies significant tracts of land north, south and west of the city for greenfields development, and almost nothing in the eastern parts of the city which is where the most people have been displaced. This particular parcel of land is located only metres away from approximately 20 properties which have been red zoned, in the same valley, due to rockfall hazard. It is considered that enabling a nearby alternative source of residential land would allow displaced residents the opportunity to relocate in the same area. As some residents form lifelong attachments to their locality, it is considered that providing for the future residential development of this land would contribute to the health and wellbeing of the community, particularly those displaced residents that have a desire to return to the Avoca Valley.

As demonstrated above, the site is able to be serviced using the existing Christchurch City Council, Orion and Telstra networks, which means that the site can be efficiently serviced making use of the existing infrastructure in the area.

The objective also seeks to ensure that greenfield areas provide higher density living environments to achieve consolidation and intensification. There is nothing that would preclude this area from being developed in this manner, and should the land be included within the urban limits, the density which is appropriate for the site will be able to be considered further when the site is zoned for residential development.

Policy 6.3.1 – Development within the Greater Christchurch Area

This policy seeks to give effect to the urban form contained within the urban limits determined by the draft LURP. Our request to include the land within the urban limits will not have any effect on this policy, as it will then be part of the anticipated urban area.

The reasons and explanation for the policy include a list of considerations for the identification of priority areas for development. With respect to these considerations;

- The servicing report concludes that there is sufficient capacity in the existing infrastructure to service the site;
- The area is adjacent to existing residential properties, and it is considered that there is sufficiently convenient and sustainable access to community, social and commercial facilities in the area. It is likely that the residential development of this land will support the existing Avoca Valley community's access to these resources, by cancelling out the population loss from the red zone in the valley;
- The area is not within the 50dBA Ldn noise contour surrounding Christchurch Airport;
- The proposal will not interfere with the operation of the Port of Lyttelton;
- The land is not within the Christchurch Groundwater Protection Zones;
- The land is not within the primary and secondary stopbanks of the Waimakariri River;
- The geotechnical report indicates the land is not in a flooding, inundation, high hazard area, at risk from other natural hazards, or likely to be subject to significant liquefaction;
- The land is not within the outstanding landscape area of the Port Hills; and
- The land is zoned rural, but has little rural character, and does not provide an open space landscape to define the urban limits.

It is therefore considered that this land meets the criteria to be considered a "Priority Residential Area Not Yet Zoned".

Policies 6.3.2, 6.3.3 and 6.3.7

These policies seek to ensure that residential development is carried out in accordance with the principles of good urban design listed in Policy 6.3.2, and that outline development plans are developed for greenfield areas. Policy 6.3.7 states the residential yield anticipated in greenfield areas, being 15 household units per hectare. This is a matter of detail, and will be appropriately considered at the time that the land is rezoned for residential purposes, through the design of an outline development plan for the entire area.

Policies 6.3.4 and 6.3.5

Policies 6.3.4 and 6.3.5 seek to ensure that Christchurch has an efficient transport network, and that the effects of land use development on infrastructure are managed. As already discussed above, the site is not considered to have an impact on surrounding infrastructure, and matters such as access will be considered at the point which the land is rezoned for residential development.

Amendment to Policy 6.3.9(1)

Avoca Valley Ltd also seek the removal of subsection (1) from Policy 6.3.9. The preliminary draft LURP circulated in April for comment provided for rural residential development, subject to a rural residential development strategy being undertaken under a Local Government Act 2002 process. The draft LURP now includes a statement which will effectively prohibit any rural residential development in the Christchurch City Plan area. This will have the effect of curtailing any consideration of rural residential development when the Christchurch City Plan is reviewed later this year.

It is considered that the inclusion of subsection (1) is not directly linked to earthquake recovery, and it is therefore inappropriate to prohibit development of this nature, without going through a formal Resource Management Act process to determine the suitability of such a provision. The Christchurch City Plan review will provide the opportunity for rural residential development to be appropriately considered, as has already occurred in both Waimakariri District and Selwyn District. This review is particularly important for the Rural 7 zone, which provides for intensive farming, despite the fact that there is no intensive farming occurring in the Avoca Valley. This is due to the landholdings being too small to support an economically viable operation.

The issue of rural-residential development was considered when proposed Change 1 (PC1) to the Canterbury Regional Policy Statement. The Commissioners' decision on PC1 inserted the following explanatory note into the explanations for Objective 1: Urban Consolidation: *"Provision has been made for rural residential development equivalent to no more than 5% growth of planned new urban households in Selwyn and Waimakariri Districts over the period 2007-2041. A review of rural residential and similar large lot provisions for the whole of Greater Christchurch will be undertaken in 2010"*. This review, to date, has not yet been undertaken due to the Canterbury Earthquakes diverting attention away from this issue. The consideration of rural-residential development in Greater Christchurch was carefully deliberated on through the PC1 hearings, and the reasoned decision was that a wider review was necessary to determine the suitability, location and extent of this type of development. Given that limiting rural-residential development appears unrelated to earthquake recovery, it is considered inappropriate to use the Canterbury Earthquake Recovery Act in a manner which would prohibit this type of development until the next review phase is commenced.

Summary of Requested Changes

1. We strongly support the general premise of the LURP and the comprehensive approach taken for the betterment for Greater Christchurch. In particular we support the 'direct implementation of regulatory responses', as it provides greater certainty in terms of resource management process, timeframes and outcomes.
2. We seek that Figure 11: Map of Greenfield Priority Areas, page 43 of LURP is amended to include the proposed residential area as a priority area for residential development - not yet zoned.
3. We seek that the following changes be made to Appendix 2 to enable the proposed residential area to be included and the land shown on the attached master plan be recognised for future development.
 - a. The proposed residential area be inserted in Map A and other relevant planning maps and be recognised as a priority area for residential development – not yet zoned.
4. We seek that Policy 6.3.9 be amended by removing subsection (1) which limits rural residential development in the Christchurch City Plan area, as this could be more appropriately considered as part of the Christchurch City Plan review process.

Concluding Comment

Thank you for the opportunity to provide comment on the LURP. We are encouraged by the progressive and comprehensive nature of the document, particularly the ambitious priorities and means of implementation. We are committed to progressing the proposed residential development and look forward to the inclusion of the subject areas into the District Plan.

We ask that our comments be given due consideration.

Avoca Valley Ltd

1 August 2013.

Appendix 1: Aerial Photograph of Site

Appendix 2: Certificates of Title

Appendix 3: Geotechnical Investigation

Appendix 4: Servicing Information

Appendix 5: Soil Contamination Preliminary Advice

Address for Service:

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Attention: Darryl Millar

APPENDIX 1: Aerial Photograph of Site



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