

COMMENT FORM

Land Use Recovery Plan Review: Draft Recommendations

Comments can be emailed to:
lurp@ecan.govt.nz or posted to:
Comments on Land Use Recovery
Plan Review Environment
Canterbury
P O Box 345
Christchurch 8140

SUBMITTER ID:
FILE NO: LAND/LURP/PLAN/1

All comments to be received by 5pm, Friday 28 August 2015

Full Name: Stewart Mitchell

Phone: 03 345 8769 or Cell: 0275 326 299

Organisation*: Grassmere Street Residents Group and Grants Road Holdings

*The organisation that this submission is made on behalf of

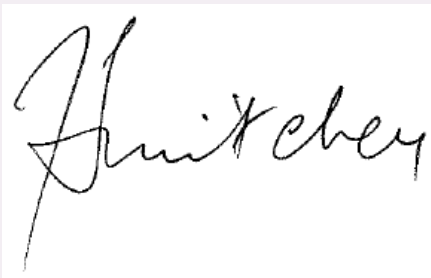
Postal Address: 31 Grassmere Street
Papanui
Christchurch

Postcode: 8052

Email: stewart@mitchellnotley.co.nz

Contact name and postal address for service of person making comment (if different from above):

Signature:



Comments

Background

The Grassmere Street Residents Group and Grants Road Holdings commented in the initial Land Use Recovery Plan (LURP) Review Consultation phase (submitter No 8) seeking that their 'site' which fronts Grassmere and Cranford Streets be included as a greenfield priority area on Map 1 in the LURP and that the Canterbury Regional Policy Statement (CRPS) be amended accordingly. A similar submission on this land and other land in the area was lodged by Christchurch City Council.

The site is essentially surrounded by urban development to the point where its rural zoning is not only an anomaly but creates impacts on the surrounding urban area and vice versa. The site is located in a strategic position within close proximity to the Central City and with access to major transport routes and public transport. Further, the proximity to

an established Key Activity Centre with existing commercial and community facilities and services also makes it a very sustainable option for growth when compared with other locations. It is considered that these factors provide the land with a significant point of difference and it can be seen as a special circumstance in terms of the request below.

The following comments are provided in relation to Recommendations 1-3 and the question regarding development outside greenfield priority areas.

Draft Recommendation 1: The LURP Review should principally identify any areas for further consideration through more traditional statutory mechanisms rather than attempt to resolve them directly by recommending changes to the LURP.

Draft Recommendation 2: Any consideration of significant change is best undertaken through a more comprehensive future spatial planning process or in the review of the Regional Policy Statement including:

- any consideration of additional greenfield land
- any consideration of further intensification initiatives
- any consideration of further significant investment in strategic infrastructure

Draft Recommendation 3: The Minister amend the LURP to show Figure 4 on page 23 of the LURP as being 'indicative' only, and remove Appendix 1 relating to Chapter 6.

Re section 3.3.3: Development outside greenfield priority areas: Do you have views on the conclusion reached?

Comments

The recommendations above appear to be based on the LURP Monitoring Report dated December 2014 and the assessment methodology and criteria set out in paragraph 3.1 of the review document.

It is considered that the Monitoring Report takes a rather broad view of assessing the likely availability of residential greenfield priority area land. There appears to be no individual assessment of each of the greenfield priority areas and their likelihood of development beyond potential infrastructure constraints. In this regard a recent report to the Christchurch City Council Strategy and Infrastructure Committee (16th July 2015) noted in relation to the 10,590 potential sections in zoned greenfield priority areas that "*Officers are aware however that the development of some of these areas (for example Highfields, and North Belfast) is being delayed through reasons other than infrastructure such as landowner disputes*". Put simply, residential development in the northern part of the city over the past four years has been effectively limited to the Prestons development despite the amount of greenfield land now zoned and therefore as can be seen zoning alone does not necessarily mean that residential sections are available for recovery purposes.

While it is accepted by the submitters that a move to "*more traditional statutory mechanisms*" maybe appropriate with the end of the CER Act legislation on the horizon, the problem they face is that the lower order mechanism i.e. the zoning of their land, is currently occurring now under the Christchurch Replacement District Plan review. This mechanism is the most cost effective process for the submitters to seek a residential zoning and one that is unlikely to be available to them again for another 3 to 4 years at a minimum regardless of any changes subsequently to the CRPS post this current hearing process.

A problem (perhaps unforeseen) with having Map A in the CRPS is that, in the absence of any policy exemption, by defining an urban area boundary the "must give effect" requirement of s75(3) of the RMA creates a prohibition to development outside that line regardless of the merits of the proposal. In the context of the submitters land this is important because the rezoning is supported by the City Council as evident in their original draft version of Phase 2 of the Christchurch Replacement District Plan review, their submission on the initial LURP Review consultation and their continued push for a change to the LURP to enable this land to be accommodated.

The submitters are now left in the rather absurd situation that there is general agreement that their land should be rezoned, particularly now that the stormwater management and Northern Arterial designations have been recommended for approval, and that the Christchurch Replacement District Plan review is the appropriate place for that to occur, but this is at present prevented because of an effective prohibition in terms by the CRPS which is created by having an urban fence line in that document. Whether this was ever the intent of the "must give effect" requirement of s75(3) of the RMA is debatable however it is in this circumstance the reality. This situation is somewhat confirmed by the recent City Council evidence on the Residential proposal in Stage 2 of the Christchurch Replacement District Plan

review where a number of relatively minor re-zonings have been recommended to be rejected on the grounds that they are contrary to Strategic Direction Objective 3.3.7(c), which only provides for urban activities within existing urban areas and greenfield priority areas in accordance with Chapter 6, Map A and Policy 6.3.9 of the CRPS. This is despite the evidence acknowledging in many cases there are merits to the re-zonings themselves.

In the context of the above, the submitters consider that their site in the Cranford Basin represents a significant point of difference and it can be seen as a special circumstance and their preferred option is that an Action be included in the LURP Review to amend Map A accordingly.

If there is a concern with regards changing the urban boundary line itself (the submitters preferred option) then it is noted that a previous version of the CRPS (Plan Change 1) contained a policy which enabled minor amendments to provide for urban zoning outside the urban boundary where certain criteria or conditions were met. It is submitted that such a policy addition to the CRPS could be directed as a LURP Action.

Either approach would overcome the submitter's situation and enable consideration and the potential tidying up of this anomaly through the Christchurch Replacement District Plan review process. It is also considered that both approaches would meet the relevant methodology and criteria specified in paragraph 3.1 of the Consultation Document being:

1. It would not be inconsistent with the Recovery Strategy within which 'recovery' has a broad ranging definition;
2. There is a degree of urgency given the current Christchurch Replacement District Plan review process;
3. It will contribute to the LURP outcomes by enabling a wider range of residential land to be available and in close proximity to key urban facilities;
4. It would meet the purpose of the CER Act in helping to aid recovery; and
5. The matter cannot be actioned through a resource consent

Conclusion

While it is accepted that a move back to traditional RMA processes is an appropriate goal, there is a degree of urgency in the submitters view around this issue given the current Christchurch Replacement District Plan review process. To await a further review and consideration through the traditional RMA processes will result in further extensive delay and potential cost should the submitters have to then await the two year stand down period to prepare their own plan change.

Given that the CRPS (Chapter 6) is effectively the stumbling block (which all parties seem to agree) and that it was prepared under the CER Act via the LURP the submitters consider it is appropriate that either of the amendments suggested above are promulgated via an Action under this LURP review.

Finally the submitters agree with Recommendation 3 that the LURP be amended to show Figure 4 as being 'indicative' only, and remove Appendix 1 relating to Chapter 6.