

## COMMENT FORM

### Land Use Recovery Plan Review: Draft Recommendations

Comments can be emailed to:  
[lurp@ecan.govt.nz](mailto: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: Castle Rock Ltd ('Castle Rock') c/- Aston Consultants Attn Fiona Aston

Phone: 03 3322618 M 0275 332213

Email: [info@astonconsultants.co.nz](mailto:info@astonconsultants.co.nz)

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

As above

Signature:



Date: 28<sup>th</sup> August 2015

(Signature of person making submission or person authorised to sign on behalf of person making the comment)

**Please note: All information contained in comments provided, becomes public information.**

## Comments

**Note:** Castle Rock filed a Comment on the first round of consultation on the LURP Review (dated 29/5/15) ('Comment 1'). This second Comment ('Comment 2') is to be read in conjunction with Comment 1. Comment 1 outlined the current planning status and development proposal for 195 Port Hills Road, Christchurch, a 5.9 ha block owned Castle Rock which is adjoining but outside the existing urban area at Heathcote as shown on Map A of Chapter 6 of the Canterbury Regional Policy Statement ('C6').

Castle Rock also own 7.7. ha of land at 125 Scruttons Road, Heathcote (in two titles, separated by the Avoca

Stream). The land is located east of Tunnel Road, in between the Port Link industrial area (to the west on the west side of Tunnel Road) and the Ferrymead golf driving range and paintball assault course (to the east), which are part of the Council owned Ferrymead Park area.

Attached as **Appendix B** are the relevant Christchurch Replacement District Plan planning map as sought to be amended by the Castle Rock submission, and long standing development proposals (outline development Plans) for each of the blocks.

Submissions have been filed on behalf of Castle Rock on the Christchurch Replacement District Plan requesting a mix of industrial and residential zoning for 195 Port Hills Road (Industrial General and Residential Hills) and residential and/or business zoning for 125 Scruttons Road (a mix of Residential Suburban and Residential Medium Density and/or Industrial General).

Both submission requests are potentially affected by Policy 6.3.1 (4) of C6:-

*(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;*

**Position statements on section 3.2: Do you agree with these?**

No – for the reasons outlined below.

*2 The LURP has established planning certainty through a comprehensive land use planning framework (principally Appendix 1 – Chapter 6 of the RPS).*

*3 There is likely to be sufficient greenfield land that is or will become available for residential and business development to meet demand for next 10-15 years.*

The above statements are incorrect for the following reasons:-

- C6 has identified a quantum of priority greenfield areas required for recovery. However, there has been no analysis of whether the location of the greenfield areas are appropriate to meet the locational needs of residents displaced by the earthquakes. Whilst the vast majority of red zoned land is in the east and southern parts of the city, the greenfield land is all to the west and north, apart from the Prestons and Highfields areas to the north east. There is clearly a substantial mismatch between the location of red zoned areas and the location of new greenfield areas. Providing for replacement greenfield land within or close to existing 'damaged' communities is beneficial (if not essential) for the ongoing sustainability and well being of those communities. This may not always be possible due to the natural hazard characteristics of 'damaged' areas but where appropriate greenfield land is available locally (including 195 Port Hills Road and 125 Scruttons Road) it should be prioritised for development.
- There has been no analysis of whether that land is 'development ready' and thus able to deliver sections to meet earthquake recovery needs. Substantial greenfield priority areas comprise rural residential/4 ha block areas which are in multiple ownership and where there is no development certainty due to varying aspirations, development timeframes and development expertise of landowners. The Castle Rock sites are in single ownership, and the owners are committed to proceeding with urban development as soon as appropriate zoning is confirmed to allow this.
- There is some uncertainty around the future development of some other greenfield areas, most noticeably the Highfield area in north east Christchurch which was to accommodate around 2000 new households. It is understood that the development company is in receivership and a replacement developer does not currently exist. It is also understood that this was an ambitious development proposal.
- greenfield development to date is not meeting in particular, the needs for more affordable housing, instead

with a focus on standard family sized homes on standard sized 500-700m<sup>2</sup> sections. The Castle Rock proposals, in particular for 125 Scruttons Road, proposes a mix of residential densities, including medium density residential development.

*6 The Christchurch Replacement District Plan process (RDP) and other workstreams including the Christchurch Housing Accord and LURP exemplars, will provide further planning certainty and address the role public agencies can play in facilitating and enabling residential intensification and assisting housing affordability.*

The RDP and other workstreams including the Christchurch Housing Accord and LURP exemplars do not address the substantial mismatch between location of priority greenfield areas to the west and north of the City, and the substantial loss of housing which has occurred in the east and south of the City. They do not provide any further planning certainty around the provision of replacement housing, including affordable housing in the east and southern areas where the need is greatest.

The Castle Rock sites will yield between 99-116 residential lots and 1.7 ha of business land (excluding roading and areas required for stormwater management). This will provide local replacement housing for the approximately 100 red zoned properties in Heathcote alone. Streamlined planning processes are essential to facilitate the delivery of the replacement sections proposed by Castle Rock. C6 as currently worded may well preclude this. Urgent changes to the planning framework are essential.

*7 Very few of the comments on the initial consultation raise issues that are necessary for recovery. No compelling argument exists for any fundamental amendments to the LURP for recovery.*

Disagree. Issues raised Castle Rock Comments 1 and 2 and as noted above under Position Statement 2 raise earthquake recovery issues needing urgent resolution. 'Recovery' is defined in the CER Act to include enhancement and restoration. Recovery should not be narrowly construed and will continue over an extended period as existing communities rebuild and new communities establish and build, to replace those lost or diminished due to earthquake damage. This is recognised by the LURP – the key purpose is to help to achieve the vision of the Recovery Strategy for greater Christchurch by providing for residential and business land use to support recovery and rebuilding over the next 10 to 15 years.

*9 Any further actions to advance outcomes contained in LURP should wherever possible, occur through more traditional statutory planning mechanisms rather than expedited recovery related legislation.*

Statutory planning mechanisms such as a review of RPS will not facilitate urgent rezoning of the Castle Rock land. The two sites are adjoining but outside the existing urban areas and are not greenfield priority areas so their rezoning for urban residential purposes would be inconsistent with C6 (Policy 6.3.1).

**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.**

Strongly disagree with Draft Recommendations 1-3. Consideration of the Castle Rock land at Heathcote as additional greenfield land is necessary under the LURP to facilitate delivery of housing for earthquake recovery within the community of Heathcote where significant housing has been lost ( see also comment below under 'RSP Refresh/Review').

**Draft recommendation 4: The Minister direct Waimakariri District Council to amend Policy 14.5.1.1 as set out in the District Plan as follows: 'To avoid new residential and rural residential activities and development outside of existing urban areas and priority areas within the area identified in Map A in Chapter 6 of the Canterbury Regional Policy Statement; rural residential development areas identified in the Rural Residential Development Plan; and MR 873.'**

No comment

**Draft recommendation 5: The Minister add an additional sub-action to LURP Action 27 to read: 'vii. zoning that defines the Lincoln Innovation Hub'.**

No comment

**Do you have comments on matters where the LURP Review is not recommending change?**

Strongly oppose the LURP Review proposal to not consider additional greenfield land, for the reasons outlined above.

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

No comment.

**Re paragraph 3.3.6: Greenfield Priority Areas for Business in NW Christchurch: Do you have views on the approach to the greenfield priority areas for business in north-west Christchurch?**

No comment

**Any other comments:**

LURP Review Methodology

Identifying the Castle Rock land as a greenfield priority area under Map A and rezoning the land for urban purposes meets all the relevant criteria specified in the LURP Review Consultation pamphlet for assessing matters for the LURP Review as below. It:-

- is necessary for recovery
- meets the purpose of the CER Act
- is included in the matters to be dealt with in the 'Minister's Direction to develop a Land Use Recovery Plan', and

- is consistent with the Recovery Strategy
- is not already included in a plan or strategy
- needs resolving urgently
- contributes to the LURP outcomes, in particular LURP Section 3.3 Outcomes 1-5, 6-8, 9, 11, 13-14 (see Appendix A for full list of LURP Outcomes)
- is a change needed to more effectively deliver the intent of a LURP action, specifically Actions 2, 19 & 24 (Christchurch City District Plan Review), 8 (housing exemplars), Action 46 (ECAN – amendments to RPS to enable a supportive regulatory environment)
- is not a minor matter which can be actioned through a resource consent process – the required rezoning cannot be actioned through a resource consent.
- could not be progressed efficiently using Section 60 of the RMA i.e. preparation and change of RPS - the alternative of consideration through an RPS Review is not efficient. There is no set timeframe for the Review, the required change to Map A to facilitate the rezoning would be heard alongside numerous other non earthquake recovery related changes and submissions and the normal RMA process with full hearing and appeal processes would likely run over years not months. These submissions may well include fundamental challenges to the RPS approach to urban growth (and related airport noise matters) which were not litigated and resolved under the previous Change 1 review process due to C1 being replaced by C6 under streamlined LURP processes.

Matters that may need to be considered sooner than under an RPS Review, albeit not for recovery purposes  
The Draft LURP Review (Section 3.3.2) acknowledges that that some matters may need to be considered sooner than would occur on an RPS review, albeit not for recovery purposes, but there would need to a relatively 'high bar' for such exceptions.

Castle Rock are firmly of the view that amendments are required to the LURP to enable their Heathcote land to be developed for earthquake recovery housing lost locally (at Heathcote).

However, the commentary on circumstances for 'earlier consideration' as they apply to the Castle Rock land have also been considered. Our comments are:-

- 1) Requirement for 'high bar' for exceptions – a 'high bar' for exceptions should not be the criteria. The criteria should be whether the 'exception' is a minor matter not of regional significance (in terms of, for example, the size of land area involved); and/or can be more efficiently addressed through other more streamlined methods; and/or needs urgent action to facilitate and enable building of communities in post earthquake Christchurch; and/or relates to a longstanding matter that in fairness to the parties needs urgent resolution e.g. a Plan Change 1 appeal matter where the appeal was 'extinguished' due to LURP.
- 2) Comments on 'example' criteria:
  - *allowing some additional flexibility for RMA decision makers when determining the ~~detailed~~ zoning, location and/or extent of ~~identified~~ priority greenfield areas. Technical reports and evidence prepared for hearings may highlight better outcomes if ~~minor boundary~~ adjustments are enabled in the CRPS Chapter 6 – the amendments above are necessary to provide the required flexibility.*
  - *statutory processes currently underway will soon provide greater clarity on options for associated land use that was not available at the time the LURP was gazetted, so resolving these matters now would provide a more joined up and timely decision on future land use – agree in part with respect to the Christchurch Replacement District Plan process which may provide such clarity with respect to the Christchurch City area. This will occur if the Panel considers and 'rules' on the RMA merits of*

submissions (of which there are a number, including the Castle Rock blocks) which see rezoning of land outside the Map A greenfield priority and existing urban areas. It should be noted that the CCC evidence on these submissions has, usefully, considered their planning merit.

- *further investigation into the provision of infrastructure to greenfield priority areas in an efficient and effective manner recommends the addition of further land to maximise infrastructure utilisation*, - there are no servicing constraints relating to either Castle Rock block, which are essentially located 'within' the existing Heathcote/Ferrymead urban area. CCC officers have identified concerns with off site stormwater effects arising from development of 125 Scruttons Road (which has an existing certificate of compliance for filling). These concerns are not shared by Castle Rock and its experts and will be a matter for evidence at the District Plan Review hearing.
- *timely development of a greenfield priority area would be assisted by minor amendments to the current land uses provided for* – no comment

### 3) Additional criteria

The following additional criteria are necessary and accordingly requested:

- *Further greenfield land is required to provide replacement housing and business land within or close to communities where properties have been 'red zoned' due to earthquake damage or risk; or*
- *Further greenfield land is required to meet a shortfall in available priority greenfield land because priority greenfield land identified on Map A is not 'development ready'. 'Development ready' means all landowners in a specified greenfield area are collaborating and able to enter into a development agreement to deliver sections to the market within a specified time period in accordance with an agreed Outline Development Plan; or*
- *The amendment is a minor matter not of regional significance (in terms of, for example, the size of land area involved); or*
- *The amendment can be more efficiently addressed through other more streamlined methods; or*
- *The amendments relates to a longstanding matter that in fairness to the parties needs urgent resolution e.g. a Plan Change 1 appeal matter where the appeal was 'extinguished' due to LURP.*

### RPS 'Refresh'/Review

The Review states (s 2.8) that the Strategic Partners have agreed to a 'refresh' of the UDS to be completed by end of 2016 – to consider strategic planning needs and reaffirm a high level framework which integrates recovery priorities and long term term objectives. It is not clear (but assumed) that the UDS 'refresh' is a different process to the RPS Review. If so, no timeframe is given for the RPS Review.

There is an urgent need to review the RPS as that review was 'side stepped' by LURP processes. Numerous parties have been prejudiced by this process, and due to the directive and very site specific nature of urban growth policies in the RPS and Map A, numerous potentially meritorious urban rezoning proposals cannot be considered. This is absolutely contrary to the purpose and intent of the RMA and needs urgent attention. A firm date and timeline for the RPS Review needs to be specified in the LURP Review.

The LURP Review process is likely to raise challenges to the urban growth approach (and airport noise related issues) which were not heard under the former PC 1 process because this was 'overtaken' by the LURP. These issues are likely to take some time to address. It is unreasonable that meritorious site specific rezoning proposals outside Map A do not get 'caught up' in these wider matters. **A streamlined process to address site specific amendments to Map A and amendments to the C6 policy framework to provide for small changes not of regional significance, is essential.**

## **Appendix A: LURP Outcomes (Section 3.3)**

### **Direction and coordination**

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.
2. Servicing of land for housing and business and its release to the market keep pace with anticipated demand.
3. Land use recovery integrates with and supports wider recovery activity, particularly within the central city.
4. RMA plans and regulatory processes enable rebuilding and development to go ahead without unnecessary impediments.
5. A supportive and certain regulatory environment provides investor confidence to obtain the best outcomes from resources used in the recovery.

### **Communities and housing**

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.
7. Opportunities are available for the market to deliver comprehensive redevelopment in suitable existing neighbourhoods.
8. Investment in community facilities and services supports vibrant key activity centres and neighbourhood centres.

### **Business**

9. Businesses in damaged areas are able to rebuild cost effectively and to improve their use of land, buildings, plant and machinery.
10. Key activity centres and neighbourhood centres provide for commercial activity needs and support rejuvenation of damaged areas.
11. Sufficient industrial business land is available to accommodate relocations and industrial sector growth.

### **Transport**

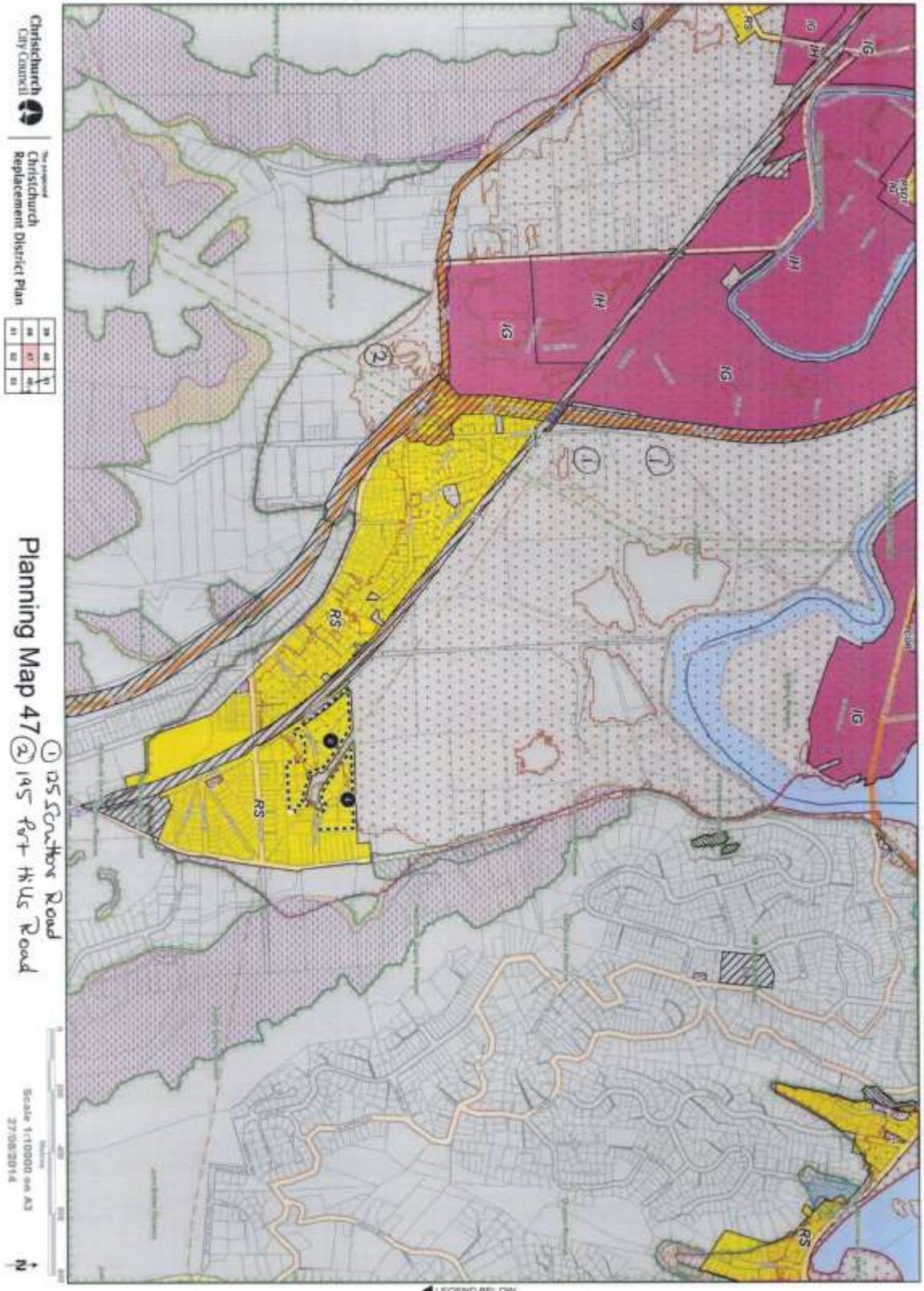
12. Congestion arising from road works and from changes in travel due to development, including business and household relocations, is minimised.
13. An attractive and financially viable public transport network supports significantly increased use.
14. More people walk and cycle in and between centres of activity and for local trips.
15. An efficient freight network provides for the needs of

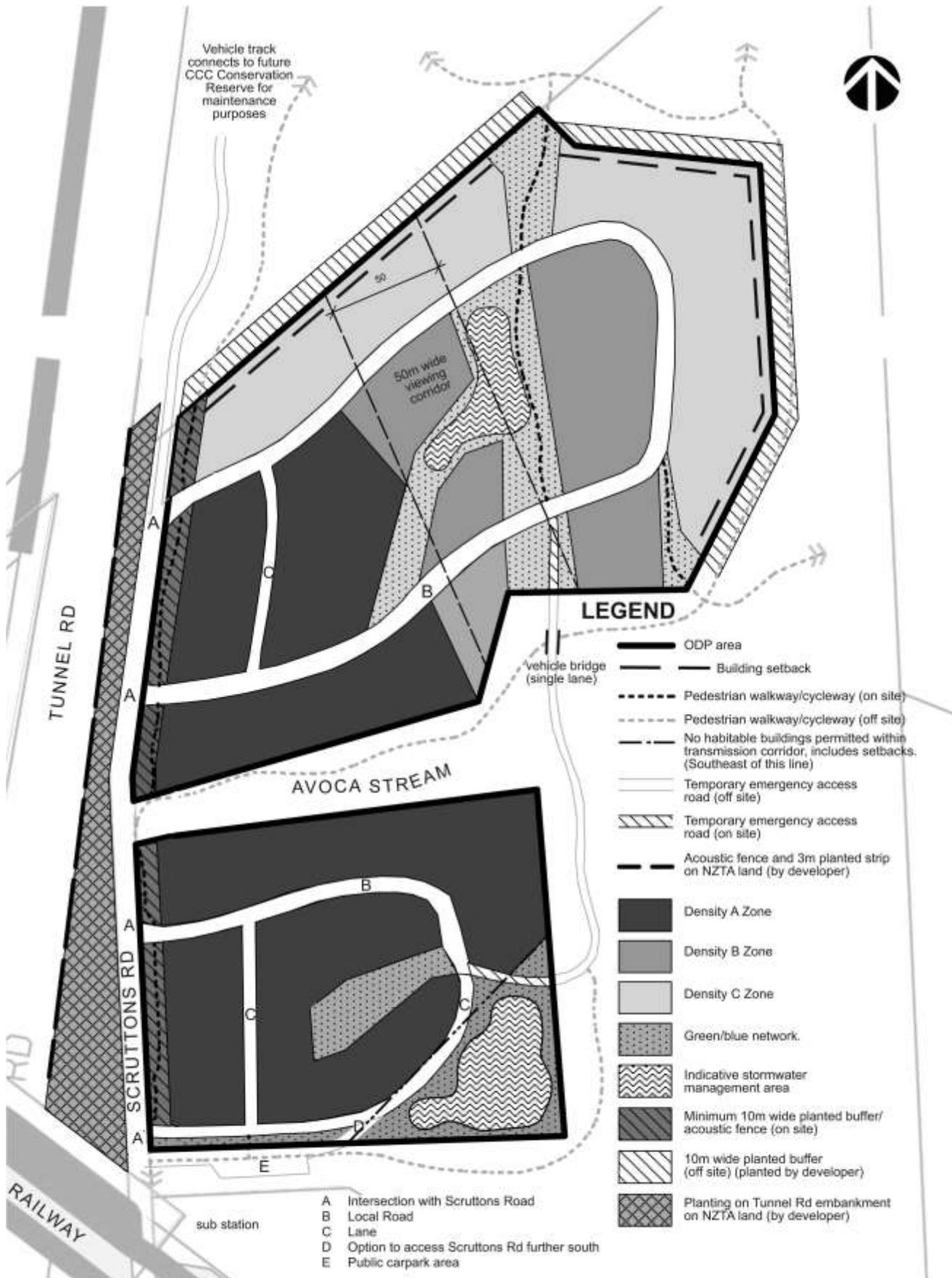
freight transport, particularly in relation to access to the port and the airport.

These outcomes form the basis against which the Land Use Recovery Plan will be monitored (see section 5).

Appendix B:

Location Plan and Scruttons Road and Port Hills Road Outlined Development Plans





## Appendix XX - Outline Development Plan (Scruttons Road)



**Appendix XX - Outline Development Plan (195 Port Hills Road)**