

Land Use Recovery Plan Review

Comments

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Introduction

Davie Lovell-Smith is very supportive of the Land Use Recovery Plan and the outcomes that it has sought to achieve. It has proved to be a useful tool for both Councils and those assisting in the recovery of Greater Christchurch. Some of the detailed provisions are, however, creating difficulties for both Councils and others in ensuring that efficient provision of residential lots and housing development is achieved

The comments set out below primarily relate to amendments to the Regional Policy Statement and District Plans required by the LURP as immediate actions by way of statutory directions under the CER Act.

We would be keen to meet with those reviewing the LURP to discuss the points raised in our submission and our experience with the LURP in working with both Councils and others.

COMMENT 1 – ADDITIONAL GROWTH AREAS

Regional Policy Statement – Chapter 6 – Recovery and Rebuilding of Greater Christchurch

The LURP and RPS require all residential growth to occur within identified priority areas. However a number of these areas face significant challenges and constraints as detailed in the **attachment** to these comments, which was prepared in relation to the draft LURP. Due to these constraints it is likely that the yield originally expected from some of the priority areas may not eventuate. Therefore it is sensible to have the potential to approve other land if it will provide for quicker and more cost efficient development and/or make up for the lost yield elsewhere. This land would have to be fully assessed and rezoned under the RMA. It is appropriate that this possibility be acknowledged and provided for in the LURP.

REQUESTED CHANGES

Objective 6.2.1 – Recovery framework (1)

Recovery, rebuilding and development is enabled within Greater Christchurch through a land use and infrastructure framework that:

(1) identifies priority areas for urban development within Greater Christchurch recognising that additional areas may be required to enable the timely provision of residential and business land;

Amend Policy 6.3.7 as follows:

In relation to residential development opportunities in Greater Christchurch:

(1) Subject to Policy 5.3.4, greenfield residential development shall occur in accordance with the priority areas as set out in Map A. These areas are anticipated to be sufficient for both growth and residential relocation through to 2028 .However it is recognised that additional areas may be required to enable the timely provision of residential land should identified priority areas be unable to be developed in a timely and cost effect way due to geotechnical constraints, ownership or infrastructure limitations;

(3) ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are required to enable the timely provision of residential and business land or are otherwise expressly provided for in the CRPS;

COMMENT 2 - RURAL AREAS- URBAN ACTIVITIES

Regional Policy Statement – Chapter 6 – Recovery and Rebuilding of Greater Christchurch

Policy 6.3.1(4) Development within Greater Christchurch and Definition of Urban Activities

Policy 6.3.1(4) specifies that all new “urban activities” are to be located in the existing urban area or new greenfield areas. By implication these activities cannot be located in the rural area. The definition of “urban activities” in the RPS includes:

Businesses activities except those that fall within the definition of rural activities

Rural activities are limited to business activities that support rural land use activities. The effect of these definitions is that many business activities that can only realistically locate within the rural area are not provided and have no place to go. Examples are contractors yards that require large areas for storage of equipment and vehicles overnight. These activities cannot afford the costs of establishing in an industrial zone and often involve a lot travelling within the rural area.

To remedy this either policy 6.3.1(4) could be altered or the definition of rural activities expanded. We suggest that amending the definition of rural activities is the tidiest way of dealing with this.

REQUESTED CHANGE

Amend the definition of rural activities as follows:

Rural activities means activities of a size, function, intensity or character typical of those in rural areas and includes:

- *Rural land use activities such as agriculture, aquaculture, horticulture and forestry.*

- Businesses that support rural land use activities, or which require extensive areas of land or which require a rural location to avoid incompatibility with urban activities.
- Large – footprint parks, reserves, conservation parks and recreation facilities.
- Residential activity on lots of 4 ha or more.
- Quarrying and associated activities.
- Strategic Infrastructure outside of the existing urban area and priority areas for development.

COMMENT 3 – OUTLINE DEVELOPMENT PLANS

Regional Policy Statement – Chapter 6 – Recovery and Rebuilding of Greater Christchurch

Policy 6.3.3 _Development in accordance with outline development plans is an extensive and detailed policy requiring all development in greenfield priority areas to occur in accordance with provisions set out in an outline development plan or rules for the area. It also sets out numerous detailed elements to be included in each ODP, many of which are in fact never included.

We briefly comment on the issues associated with the various elements of this policy and finally suggest that this policy be replaced with a simpler more flexible approach.

Policy 6.3.3 Development in accordance with outline development plans	Comments
<p><i>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</i></p>	<p>These provisions assume that an ODP is needed in all situations and for a whole of a greenfield area regardless of its size. An ODP is simply a graphic representation of provisions that are to be met or for which it is helpful to have indicative locations shown in a plan. The development of some areas may be quite straightforward and not require specification of the location of physical elements. In some situations rules or assessment matters are all that is required.</p> <p>The requirement through the RPS has resulted in the creation of many ODPs which have not been well thought out and which have been an impediment to effective processing of consents. This has resulted in frustration of Council officers and landowners as there is a theoretical non-compliance with an ODP but no adverse effects arising from this. This is particularly so with the detailed specification of different density areas which are simply unworkable in terms of the depth and location or which, if followed, result in poor development and urban design outcomes.</p> <p>All experienced designers of subdivisions and development will</p>

	<p>confirm that the only way any higher level structure or outline plans can be developed in a meaningful way is to design in the micro level and then work up to the broader level. If this is not done then impractical and poorly thought out ODP's result, as has occurred in many of the ODPs currently in place.</p> <p>Rather than specifying the mechanism the RPS should specify what the desired outcomes from planning and development processes are.</p>
<i>ODPs and associated rules (1) (a) be prepared as a single plan for the whole of the priority area; or</i>	Some priority areas are large and so a single ODP is not always practical to develop for such a large area.
<i>ODPs and associated rules show: 3(i) Pedestrian walkways, cycleways and public transport routes both within and adjoining the area to be developed;</i>	<p>It is not possible or appropriate to determine ahead of time the detail associated with walkways, cycle ways and public transport routes. In many cases the location of walkway etc can only be determined after detail regarding stormwater basins and such like are finalised.</p> <p>With regard to public transport, commitments to this by the appropriate agencies usually well after a subdivision is developed so it simply is not possible to specify matters such as bus stops, (often requested by the CCC) in an ODP or even subsequent subdivision</p>
<i>ODPs and associated rules shall (6) Document the infrastructure required, when it will be required and how it will be funded;</i>	This never happens in ODPs. In an ideal world it would be good to have a clear line of connection between areas, their infrastructure and the funding. To some degree this occurs with the Long Term Plan and the Development Contributions policy.
<i>ODPs and associated rules (7) Set out the staging and co-ordination of subdivision and development between landowners;</i>	The coordination of multiple owners in relation to staging and provision of roading etc simply cannot be specified in in an ODP. There are no enforcement mechanisms to make a landowner develop their land. At most therefore a Council can facilitation coordination and funding through private developer agreements, including the Council acting as a banker.
<i>Items 8,9, 10, 11 and 12</i>	These are never shown in ODPs.

REQUESTED REPLACEMENT POLICY 6.3.3

Integrated Development

Development of greenfield priority areas and rural residential development needs to occur in an coordinated, integrated and efficient manner to ensure:

- (1) *That key structuring elements such as roads, reserves and servicing are well located to serve each greenfield area, adjoining land and the general urban area.*
- (2) *That Policy 6.3.2 Development Form and urban design, Policy 6.3.5 Integration of land use and infrastructure and Policy 6.3.7. Residential location, yield and intensification are achieved.*
- (3) *That significant cultural, natural and historic heritage features and values requiring protection are identified.*

Methods

Territorial authorities:

WILL

- (1) *Incorporate outline development plan incorporated into district plans, prior to, or at the same time as, rezoning land for urban use in greenfield priority areas.*
- (2) *Include in district plans objectives, policies and rules (if any) to give effect to Policy 6.3.3.*

SHOULD

- (3) *Ensure that financial provision is made for delivery of infrastructure to greenfield priority areas for development.*

COMMENT 4 - RPS POLICY 6.3.7(3) – RESIDENTIAL DENSITY

The administration of provisions relating to residential density in new Greenfield areas has proved to be problematic. Our main area of concern is that there are questions over the ability to deliver the required net density of 15 households per hectare whilst providing attractive subdivisions including sufficient recreation reserves and a variety of lots to offer a real mix of densities and housing options. In order to achieve 15hh/ha the resulting developments would be dominated by duplexes and terraced houses with standalone houses limited to allotments of not much greater than 450m². This does not represent an adequate diversity of housing type.

One of the key elements of designing a residential subdivision is the network of reserves and how it integrates into the development. With higher density development (15hh/ha) including duplexes, terraced houses and apartments it becomes essential to have good quality pockets of open space to reduce the harshness of the built form. These reserves are vital to adding texture, colour and life to a residential area.

Whilst we support a greater diversity of densities and housing types, the difficulty in increasing density becomes exponential. To add lots, additional roading, reserves and stormwater is often required. These all accumulate and inhibit the ability to increase density. The result is that an overall net density of 15 households per hectare can be unrealistic without compromising good urban form.

It should not be necessary for every subdivision to meet a 15hh/ha target. Some flexibility is desirable to ensure that we don't end up with homogenous residential subdivision spread across the city with little or no character or contrast. Higher density development (possibly above 15hh/ha) should be promoted near community facilities, commercial areas, public transport routes etc. with lower densities further away from those areas. We suggest that the 15hh/ha overall target should be amended so that each individual subdivision achieves a density in the range of 13 – 15 hh/ha.

There are also issues if there are multiple owners involved as to how the densities are to be allocated or where infrastructure is to go. Some land is also constrained naturally due to topography and other land forms such as streams. The retention of existing houses can also result in a specific yield not being met. We consider some flexibility needs to be provided in this policy to allow for these situations, and that a density range would be more appropriate.

REQUESTED CHANGES

Amend policy 6.3.7(3) follows:

In relation to residential development opportunities in Greater Christchurch:

...

- (3) *Intensification developments and development in greenfield priority areas shall achieve ~~at least~~ the following minimum residential net densities averaged over the whole of an ODP area (except where subject to an existing operative ODP with specific density provisions):*
- (a) *8 to 10 household units per hectare in greenfield areas in Selwyn and Waimakariri District;*
 - (b) *13 to 15 household units per hectare in greenfield areas in Christchurch City;*

COMMENT 5 – RURAL SUBDIVISION

Selwyn District Plan - Rural Volume – Growth of Rural Policy B4.1.1

LURP action 6 inserted an amended version of Policy B4.1.1 Growth in the Rural Area in to the Selwyn District Plan. This policy applies to all rural areas in Selwyn District Council, including the high country. Originally this policy commenced “**Discourage** residential densities in rural areas greater than provided for in the District Plan. The LURP changed this to “**Avoid** residential densities greater than provided for in the Plan. This has had major implications for the Council and applicants as it gives very little, if any, discretion in decision making.

As set out below the LURP only applies to a limited geographic area so it simply was not within statutory powers to change district plan provisions beyond that area. Clearly, then Policy B4.1.1 should be amended so that the reference to the tougher requirement of avoiding increased residential density in rural areas should be limited to the area within the LURP boundary

The following quotes from the LURP set out its purposes and the area it applies to:

For greater Christchurch to recover from the Canterbury earthquakes the city and surrounding towns need clear, coordinated, and efficient planning documents and processes to be in place. Decisions are being made every day about where people want to live and where businesses are to be located. This has implications for how greater Christchurch will function and develop in the future. This is why I directed Environment Canterbury to develop the Land Use Recovery Plan.¹

1.1 What is the purpose of the Land Use Recovery Plan?

The Canterbury earthquakes have caused significant disruption to business and residential areas in Christchurch and nearby towns. The Land Use Recovery Plan provides direction for residential and business land use development to support recovery and rebuilding across metropolitan greater Christchurch in the next 10–15 years.

In particular, the Land Use Recovery Plan addresses:

- the location and mix of residential and business activities
- priority areas for residential and business land development
- ways to provide for a range of housing types, including social and affordable housing
- ways to support recovery and rebuilding of central city, suburban and town centres
- ways to support delivery of infrastructure and transport networks to serve the priority areas²

1.2 What does the Land Use Recovery Plan cover?

The Land Use Recovery Plan focuses on the metropolitan urban area of Christchurch and towns stretching from Lincoln, Prebbleton and Rolleston in the south to Kaiapoi, Rangiora and Woodend/Pegasus in the north (figure 1). It does not extend to the coastal waters adjoining this area.³

Figure 1 which is the area the LURP applies to, is quite confined. It will be clear from the quotes listed above that the limitation of residential density in rural areas is not one of the matters that the LURP intended to address. There was therefore no basis for extending control over areas beyond the LURP boundary.

REQUESTED AMENDED SELWYN DISTRICT PLAN POLICY B4.1.1

Policy B4.1.1

Avoid/ Discourage residential densities greater than those shown below where these are outside the areas identified in policies B4.1.3 to B4.1.6 except for areas within the Map A of the Land Use Recovery Plan where greater densities are to be avoided.

Area shown on Planning Map	Dwellings per Hectare
Port Hills – Lower Slopes	1:40
Port Hills – Upper Slopes	1:100
Inner Plains	1:4

¹ LURP Forward by Minister Brownlee Pg 4

² LURP Pf 7

³ LURP Pg8

<i>Outer Plains</i>	1:20
<i>Malvern Hills</i>	1:20
<i>High Country</i>	1:120

ATTACHMENT

Submission to Land Use Recovery Plan on provision for residential greenfield development

Submitter: Davie Lovell-Smith Limited, Consultant Planners, Surveyors and Engineers, Christchurch

Main Submission

Our submission is that the Land Use Recovery Plan notified for submissions in July 2013 (LURP) did not go far enough in providing for greenfield residential development within the Greater Christchurch area. The identified Priority Areas provide a basis for development but, for the reasons set out below, are unlikely to expedite recovery as intended. The key point about planning for residential recovery is to provide timely and cost effective options for development. From our experience with development of residential land and from our discussions with a wide range of people including existing developers, council engineers and planners, we are aware of a number of constraints to existing priority areas which mean that development is not straightforward and is therefore costly and time-consuming. Additional land which can be quickly and efficiently developed needs to be identified to provide for the recovery. In addition the various policy and plan documents need to recognise the need for flexibility in providing for growth. The following comments provide analysis and discussion supporting this submission.

Issues with land subject to constraints

A number of the Priority Areas are subject to physical limitations which mean that the land cannot be developed for residential use without significant additional civil engineering works. This results in delay in construction of the subdivision and substantial additional costs. Two of the main constraints are high ground water levels and the geotechnical classification of TC2/3. Some of the issues and costs associated with these constraints are set out below.

(a) Remediation of technical category 3 land/land with liquefaction susceptibility

Remediation of TC2/3 land is required, usually to at least TC2 standard, if the land is to be used for residential purposes. The majority of land with the identified Priority Areas contains some TC3 land or TC2/3 land. The following methods are commonly used to remediate land.

- Remediation often requires dewatering (land drainage) of the development site as good ground for construction of a subdivision and for buildings cannot be achieved if it has a high water content. Commonly the ground water level will need to be reduced by 2.5m.
- Additional sub-surface pipes need to be laid under each new road to provide drainage away from the area.
- A discharge point for the drainage water is required which is sufficiently far from the site to achieve the required lowering of the water level. This involves locating and procuring access to the discharge point as well as the cost for pipes or swales to this point. It also requires obtaining resource consent for discharge of the water to a waterway or to land, which can be difficult to obtain because of the volumes involved. If a discharge point cannot be found then continuous pumping will be required to drain the water which involves on-going operating costs.
- Material may need to be brought in, which are usually silts or gravels (as is the case at Prestons). This can involve large volumes being trucked from out of town to the sites, which in turn requires

well-compacted roading to be constructed within the site just for this purpose. The costs of cartage are very significant and there are impacts on road users and residents who live nearby.

- A third option (which can be used in conjunction with land drainage and importing material) is over-compacting soils by impact rolling, vibration etc as was done at Pegasus. This is a very costly and time-consuming process.

(b) High ground water

- To install all the necessary below ground services such as sewer, stormwater, water supply and communications it is necessary to lower the groundwater level as it simply is not possible to install or maintain services in a continually wet environment. The difficulties associated with dewatering (draining) land are referred to above e.g. placing pipes under roads, finding a suitable discharge point, the cost of continuing pumping etc.
- Very large detention ponds need to be constructed to treat and detain the sediment-laden stormwater coming from the site. Considerable time and cost is involved in the obtaining consent for these facilities, monitoring the water quality and discharge and pumping water to the ponds.
- Springs are commonly found in high groundwater areas, some of which only become apparent after construction of the subdivision has commenced. This creates many difficulties as the layout of the subdivision is already in place and so the springs have to be capped.
- All pipes laid in these areas require specific support structures as the ground is too soft. These structures can take the form of piled concrete rafts (because concrete by itself cannot cure in the wet environment), or additional deep gravel fill.
- All roads require extra excavation and depth of material to provide the required pavement strength.

(c) Costs and Time

There are numerous additional costs associated with actions listed above. For example:

- The dewatering costs associated with development of 250 lots in south west Christchurch cost over \$1million
- The piles and additional concrete support structure for each manhole cost an extra \$2000 per manhole. Manholes are installed at a rate of one per 80m of road.
- Because of the wetness of the area work can only be carried out during longer dry periods – as a result many work hours/days are lost during rain events which all adds to the cost.
- Time and significant costs are involved in obtaining discharge and similar consents, plus monitoring of these and ensuring all drainage systems continue to function.
- The extensive stormwater treatment and detention areas reduce the land area available for housing as compared to land where stormwater can be disposed of to ground.

Poor Choice of Greenfield Sites

There is land that is subject to no or very few limitations within the Greater Christchurch area, which is or can be efficiently serviced by reticulated infrastructure and public transport and which avoids the Christchurch Groundwater Protection Zone. The reasons why this land has not been chosen as a priority area is not stated in the LURP and there is no statement regarding the criteria used to select the priority areas or criteria for areas to be avoided. The failure to develop and apply consistent and robust criteria for deciding on greenfield development areas is a fundamental failure in the planning process.

The Canterbury Regional Policy Statement and Proposed Change 1 to the CRPS, which is the predecessor of the LURP, have a long history of wanting to encircle development. The original reasons for this limit included avoiding loss of productive land and wanting a green belt around the City. The latest assumption, on which the control is stated to be based, is that to do otherwise will result in inefficient development of network infrastructure. No examples are provided for this and it would be surprising if there were as Councils do not automatically provide reticulated services simply because the zoning has been changed.

Possibly as a consequence of this attitude towards growth, and because of the desire not to “pick winners”, the three TLA have taken very little initiative in providing for residential growth since 1991. This, quite naturally, has resulted in landowners requesting rezoning by way of private plan change, as there was no other alternative means to provide for residential growth. More recently however, Selwyn has grappled with this matter and, through Plan Change 7, has set aside a range of residential growth areas at Lincoln, Rolleston and Prebbleton. Almost all the areas shown as Priority Areas in Christchurch City are a result private plan change requests. ECan has adopted these areas for inclusion in PC1 apparently without question. Clearly then there is no consistent basis for selection of the priority areas, rather they are a product of history.

A large number of the priority areas and rezoned greenfield areas identified in the LURP are subject to geotechnical, flooding and groundwater constraints, i.e Prestons, Highfield (R7), West Belfast (293 area), Upper Styx (R8), Hendersons Basin, Halswell, East Prebbleton (R14), South East Lincoln, West Kaiapoi, and East Rangiora. As mentioned previously the cost of developing this type of land are much greater than a subdivision on good land, free of these limitations. The LURP therefore contains very few areas that can be developed in an affordable and timely manner.

For this reason it is strongly recommended that the LURP contain robust criteria for the selection of Priority Areas, including new priority areas, rather than identifying the current priority areas and placing a prohibition on new development areas. It is already clear from the pricing of some of the lots that are coming on stream that the costs of development are considerable. If better land is chosen then these prices will be reduced because no additional work will be required on the land in terms of geotechnical remediation, no filling will be required to keep land above flood levels and services can be installed without any special procedures needed. In addition stormwater will be able to be disposed of to ground, thereby avoiding any potential compromise to existing waterways, and reducing the need for costly treatment and disposal facilities. Further it could be expected that buildings on good land will have a better ability to withstand severe seismic activity as compared to buildings on land that has been remediated.

Certainty versus flexibility

The authors of the LURP state that certainty as to where development can occur is a high priority and that certainty can only be achieved by identifying areas now and not allowing any further development areas. Such an approach assumes perfect knowledge of future demand and supply. With regard to demand, experience to date has been that the high demand for housing following the earthquakes has surprised everyone. The reasons why people are making various housing choices are changing all the time. Whereas once people were prepared to wait for a repair, now many are managing to finance a second home rather than waiting in limbo. Some people are returning to Christchurch.

With regard to supply, it is becoming clear that the claimed number of lots that were to be produced and their availability has been overestimated in the heady period after the earthquakes. Many of the issues discussed above have resulted in redesign of areas, reduced lot yields and delays in construction. In addition some land owners simply do not wish to use their land for residential development and/or are not in a financial position to pursue this. Another major supply consideration is the reliance on PC1 and the LURP on intensification of residential density within existing urban areas. The targets are, by any

estimation, overly optimistic and unrealistic. Many studies and work over time show that large scale intensification is very unlikely to occur in the short to medium term due to a range of factors. These include land being in multiple ownerships, the high cost of building given the likely selling price/rental income, development contributions, and resource consenting which inevitably involves disagreements about urban design matters.

A further disincentive with multi-unit/higher density development that has arisen since the earthquakes are the insurance, legal and financial complexities and difficulties associated with unit titles and cross leases. The increased obligations on body corporates under the Unit titles Act 20120 are also proving to be a disincentive to multi-unit/higher density development. These matters are resulting in almost all new titles to land being in the form of fee simple. This limits layout and density options for multi-unit development.

Given the above uncertainties regarding demand and supply in terms of the number, location and availability of lots it would be bad planning not to provide some further options. This could be achieved by identifying additional priority areas on land that is not subject to geotechnical, high ground water levels or flooding constraints and/or redirecting policy from one of limitation and constraint to one which enables development by providing options for new areas should they be required.

Consistency with the Guiding Principles of the Recovery Strategy

The LURP's approach to provision for residential recovery of Greater Christchurch is not consistent with the Guiding Principles in Section 2 of the Recovery Strategy for Greater Christchurch.

Working together and using the best available information: It appears that the TLAs have thought only of their own areas rather than taking a bigger picture strategic view of where are the best places for further urban development. It seems advice and information has not been sought as to what are the desirable characteristics for land to be developed for residential use.

Promote efficiency: This guideline is particularly relevant as it requires: *"Resources to be used wisely so that the recovery is timely and affordable and deliver value for money"*

The matters discussed above highlight that many of the areas chosen for greenfield development will not provide recovery that is timely and affordable as compared to land that is not subject to physical constraints. It is also a matter of good economic and land use planning to provide alternative sites so that the market works competitively. The policy in the LURP, and in particular the changes to the Regional Policy Statement, severely limit the possibility of additional land being rezoned. This automatically inflates the value of land within the currently identified priority areas which in turn is reflected in the price of sections.

Conclusions

The LURP and changes to the Canterbury Regional Policy Statement essentially limit recovery rather than enabling it. While identification of priority areas is helpful, this identification should not be the basis for a prohibition on rezoning of other land that is well or better suited for urban purposes. To aid the provision of timely and affordable housing options land which is subject to no physical limitations should be considered for rezoning. Examples of such land are land west of Prebbleton and adjoining Templeton.