

Land Use Recovery Plan – Review

August 2015 Comments

From:

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Introduction

1. The following comments and requests are being made to overcome issues associated with the restrictive requirements in Chapter 6 of the Canterbury Regional Policy Statement which were inserted by the Land Use Recovery Plan. The requirements relate primarily to **outline development plans** which are a significant component in the form of development of greenfield areas, and in particular greenfield areas for residential development. A related issue is the requirement to achieve a density of 15 household per hectare in residential greenfield areas in Christchurch City.
2. We note that the Proposed LURP Review Comments essentially say that changes to the LURP are not preferred and that matters of concern should be dealt with through normal RMA mechanisms. We consider this approach ignores the fundamental point that Chapter 6 of the CRPS was inserted by the LURP and is a recovery chapter with the purpose of expediting recovery. If it is not achieving that then it should be changed to do so. We also note that Replacement District Plan of the City Council is also a recovery plan as detailed in the Strategic Directions Chapter of the Plan.

Issues with Outline Development Plans

3. Policy 6.3.3 Development in accordance with outline development plans is an extensive and detailed policy requiring all development in residential and business 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. The full wording of this policy is attached to these comments.

4. The district plans of Christchurch City, Selwyn and Waimakariri Districts all contain outline development plans (ODPs) for areas of residential growth. These ODPs have been prepared at different times by different people and vary considerably. The majority of these were prepared prior to the insertion of Chapter 6 into the CRPS and so were developed in response to the issues of each development area rather than on the basis of detailed template as required in Policy 6.3.3. In the case of Christchurch City Council they have in most cases rolled over the existing ODPs into the proposed Replacement District Plan. Given that the majority of the areas with ODPs are at least partly developed on the basis of the existing ODP this approach makes sense.
5. The main issue that has arisen in relation to the ODPs is that the more detailed and inflexible that they are, the more they become “out of date” very quickly. There are numerous examples of details contained in ODPs such as the location of stormwater ponds, roads, reserves or medium/high density residential development that simply don’t work and need to be changed if good design and efficient infrastructure provision is to be achieved. In most of these cases Councils have acknowledged these deficiencies and permitted development (through resource consent) which is not strictly in conformity with the ODP. In response to this problem ODPs have generally moved away from containing detailed locational and development controls more typically associated with “master plans”. The newer approach is one which includes limited elements that require a fixed location due to the need to connect with services and roads etc. beyond the site, and/or where certainty of internal roads and services is required as there are multiple owners. The proposed ODPs in Stage 2 of the Replacement District Plan are an example of these less detailed ODPs.
6. The requirements of Policy 6.3.3 of the CRPS are quite strict if taken literally. For example the policy requires the distribution of different densities to be specified in all ODPs (or otherwise somehow to be articulated in text). To do this effectively the whole site would need to be master planned and rules developed for each site. This is the approach adopted in the Living G Zones in the City Plan and is something the City Council does not wish to perpetuate as it requires multiple zones each with their own rules. In our experience specifying density distributions in ODPs also commonly leads to multiple resource consent application requirements, as developers redistribute densities to better suit the practical realities and design requirements of the ODP area.
7. To date the problems with ODPs and development of large greenfield areas has resulted in sometimes significant delays in processing of subdivision and development consent applications which has had cost implications for developers and subsequent purchasers of lots.
8. Another greater problem has arisen and that is the impact of the obligations in Policy 6.3.3 as they relate to review of the district plans of the three councils. Already at the hearings of the proposed Replacement District Plan for Christchurch City there has been questioning of the

ODPs in that Plan. The questioning has been by Environment Canterbury and now the Independent Hearing Panel who have concluded that it very likely that some parts of that Plan will need to be re-notified with revised ODPs in line with Policy 6.3.3. This in itself will cause further delay and uncertainty for development of the greenfield areas as no-one will know what ODP they are to work with. This is particularly so as it will take a lot work to create replacement ODPs that satisfy Policy 6.3.3 which requires an unrealistic and unjustified level of detail - refer items 2 to 11 in the attached policy.

9. Selwyn District Council has commenced a review of their District Plan. They have numerous existing ODPs (40) in their Plan which relate to greenfield priority areas and are therefore informed by Policy 6.3.3. Selwyn's current living Z ODPs do not contain excessive detail yet developers experience with a variety of applications that specific conformity with the ODPs is the exception, not the rule. This would only be exacerbated by adding more detail. We expect the Council will be very concerned at the prospect of having to revise all these ODPs, especially to the level anticipated in Policy 6.3.3.
10. Another related issue is that Policy 6.3.3 requires ODPs to show the distribution of densities as set out in CRPS Policy 6.3.7. Again the issue of inflexibility arises with this requirement. The definition of net density (i.e. include roads and recreation reserves) is such that it can be very difficult to achieve the required 15 households per hectare (in Christchurch City) and achieve good urban subdivision design in all parts of a greenfield area. This can be due to topography, an existing house or substantial plantings being retained and other features peculiar to individual sites. To achieve the "required" density in these circumstances will necessarily involve creation of a number of very small regular lots. This can result in a poor urban design outcome if these lots are not able to be located near green space to compensate for the lack of outdoor space on each of the lots. There is now greater acceptance of the need for medium and high density development however the current approach of putting the 15hh/ha density requirement as the overriding requirement is not facilitating intended outcomes for both design and number of lots. Greater flexibility is therefore needed.

Basis for requested changes

The Land Use Recovery Plan specifies as an outcome (3.3 Pg. 16)

"RMA plans and regulatory processes enable rebuilding and development to go ahead with unnecessary impediments."

The requirements in relation to ODPs in Recovery Chapter 6 of the CRPS are unnecessary impediments. Both Councils and organisations involved in developing residential greenfield areas are frustrated by the limitations placed on them by ODPs that are not flexible and by the requirement to meet the density requirements in all cases. The delays in having to apply for and process multiple development applications are costly which has a flow-on effect on the availability and affordability of section and house prices. In addition the impact of the ODP requirements on the processes and timing associated with the proposed Replacement District Plan (Christchurch) and the review of the

Selwyn District Plan will be significant. It is therefore appropriate that this matter be addressed through the Review of the LURP.

Options

The organisations who made this submission would like to meet with Environment Canterbury and CERA to discuss the matters raised and to develop an appropriate response.

Possible options include:

1. **Amending Policy 6.3.3** of the CRPS to either reflect or refer to **Policy 5.3.3** in the CRPS dealing with **Management of Development**. This policy refers to ODPs and as one the tools that can be used to achieve high quality development, and in particular a comprehensive approach to urban development.

OR

2. **Replacing Policy 6.3.3** with the following:

Integrated Development

Development of greenfield priority areas and rural residential development needs to occur in a 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.*

3. Amend **Policy 6.3.7(3)** to provide greater flexibility in achieving net densities in residential greenfield areas.

ATTACHMENT

Policy 6.3.3 – Development in accordance with outline development plans

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;
- (3) To the extent relevant show proposed land uses including:
 - (a) Principal through roads, connections with surrounding road networks, relevant infrastructure services and areas for possible future development;
 - (b) Land required for community facilities or schools;
 - (c) Parks and other land for recreation;
 - (d) Land to be used for business activities;
 - (e) The distribution of different residential densities, in accordance with Policy 6.3.7;
 - (f) Land required for stormwater treatment, retention and drainage paths;
 - (g) Land reserved or otherwise set aside from development for environmental, historic heritage, or landscape protection or enhancement;
 - (h) Land reserved or otherwise set aside from development for any other reason, and the reasons for its protection from development;
 - (i) Pedestrian walkways, cycleways and public transport routes both within and adjoining the area to be developed;
- (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;
- (5) Identify significant cultural, natural or historic heritage features and values, and show how they are to be protected and/or enhanced;
- (6) Document the infrastructure required, when it will be required and how it will be funded;
- (7) Set out the staging and co-ordination of subdivision and development between landowners;
- (8) Demonstrate how effective provision is made for a range of transport options including public transport options and integration between transport modes, including pedestrian, cycling, public transport, freight, and private motor vehicles;
- (9) Show how other potential adverse effects on and/ or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or appropriately mitigated;
- (10) Show how other potential adverse effects on the environment, including the protection and enhancement of surface and groundwater quality, are to be avoided, remedied or mitigated;
- (11) Show how the adverse effects associated with natural hazards are to be avoided, remedied or mitigated as appropriate and in accordance with Chapter 11 and any relevant guidelines; and

(12) Include any other information that is relevant to an understanding of the development and its proposed zoning.

This policy implements the following objectives:

Objectives 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.6

Methods

The Regional Council:

Will

(1) Establish a protocol and guidelines to assist all parties involved in the preparation of outline development plans to ensure Policy 6.3.3 is efficiently and effectively applied.

Territorial authorities:

Will

(1) Require an outline development plan to be developed and 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

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

Principal reasons and explanation

The use of outline development plans for residential and business greenfield development is necessary for the recovery of Greater Christchurch. They will assist with the efficient use of resources when planning land uses, provide for sustainable urban development, and ensure adequate housing supply and choice to facilitate earthquake recovery. Background information provided through the process provides the necessary background evaluation work before or at the same time as the land is rezoned.