

SUMMARY STATEMENT SUBDIVISION, EARTHWORKS AND DEVELOPMENT

- 1.1 My full name is **Ian William Bayliss**. I have prepared evidence on behalf of the Christchurch City Council (the **Council**) in relation to Chapter 8 Subdivision, Earthworks and Development, the Future Urban Zone (**FUZ**), and Outline Development Plans (**ODPs**).
- 1.2 I am here today to be heard on my evidence and recommendations regarding submissions affecting the Subdivision Earthworks and Development Chapter (**Chapter 8**) of the District Plan. I appeared separately on 1 November in relation to the FUZ and related rezoning requests as well as ODPs. My qualifications and experience are set out in my statements of evidence.
- 1.3 I was not involved in the development or drafting of the section 32 evaluation for this topic. The most directly relevant parts of the Council's section 32 analysis for this topic relied on in my evidence are:
- (a) "Revised Provisions for Residential Subdivision Including in The Residential New Neighbourhood Zone, and Areas Subject to Outline Development Plans¹"; and
 - (b) "North Halswell ODP Connections section 32 evaluation" (paragraphs 6.24.1-6.24.6 pages 190-191)²; and
 - (c) "Plan Change 14 – Section 32 Evaluation – Part 3: Residential Sub-Chapter Evaluation Report". Issue 5 pages 79-88³.
- 1.4 The introduction to Chapter 8, states" *by comparison with other parts of this Plan, provisions of this chapter (particularly its rules) are significantly more detailed and prescriptive*". As well as providing a framework for land ownership and for development and activities to take place, the provisions of this chapter enable intensification, influence the form and structure of urban growth, regulate the provision of services and community infrastructure and the management of the effects of development activities. The provisions create expectations and property rights, the impacts of these provisions are often irreversible, and to state the obvious, they require careful planning.

¹ [Plan-Change-14-HBC-NOTIFICATION-Section-32-Subdivision-Development-and-Earthworks.pdf \(ccc.govt.nz\)](#)

² [Plan-Change-14-HBC-NOTIFICATION-Section-32-Qualifying-Matters-Part-2.pdf \(ccc.govt.nz\)](#)

³ [Plan-Change-14-HBC-NOTIFICATION-Section-32-Residential.pdf \(ccc.govt.nz\)](#)

1.5 Following the exchange of evidence and reflecting on questions from the Panel to date, key issues arising from my evidence on this topic are highlighted in this summary statement in six sections set out below.

2. POLICIES AND RULES RELATING TO DENSITY

2.1 While several submitters supported introducing the term "net yield" into Policy 8.2.2.7 Urban density, a key policy to "encourage" subdivision to enable development to achieve a net yield of at least 30 households per hectare in the MRZ, and 50 households per hectare in the HRZ, and *require* 15 households per hectare in the FUZ, Danne Mora seeks the insertion of a new definition for "net yield" in the plan.

2.2 As explained in my section 42A report⁴, I consider that the absence of a definition is not problematic. The policy's wording should enable interpretation of "net yield" without a plan specific definition, and while the District Plan already has an extensive definition for "net density" which applies to large greenfield developments, this definition would not be appropriate for the smaller subdivisions expected to occur as part of intensification enabled by PC14 outside of the FUZ.

2.3 I also support the wording of policy 8.2.2.7, in stating that if the net density requirement in the FUZ is not achieved it is considered to affect other landowners within an ODP and can be limited or fully notified, and note that within the MRZ and HRZ, achieving density outcomes is "encouraged" rather than required and notification is not provided for.

3. MINIMUM ALLOTMENT SIZE AND SHAPE REQUIREMENTS

3.1 As set out in the section 32 report and in my evidence, the subdivision rules are significantly more permissive than those in the Operative Plan and, as is required, seek to ensure levels of development otherwise permitted by the MDRS are not thwarted by subdivision provisions that constrain the ability to build. The proposed minimum site area dimensions for vacant allotments (400m² in the MRZ, 300m² in the HRZ and 650 m² in the MRZ Residential Hills Precinct) are assessed to be suitable to enable development as prescribed in the MDRS, while ensuring a level of certainty about access and amenity and yield outcomes (for example) can be achieved and provide for an efficient use of land resource.

⁴ See paragraphs 8.3.12 – 8.3.18 of [my section 42A report](#).

3.2 Kāinga Ora’s evidence seeking the use of an 8m x 15m shape factor rule replacing the use of minimum allotment sizes and minimum dimension rule for vacant allotments has not changed my views set out in my section 42A and rebuttal evidence⁵. While I accept there are flexibility benefits with this approach, given the lack of certainty it would create, these do not outweigh the advantages of the tested minimum lot size requirements for vacant allotments which can (for example, together with other methods) limit sedimentation effects in certain areas and focus more intensification in accessible areas.

4. RULES FOR ALLOTMENTS WITH EXISTING OR PROPOSED BUILDINGS

4.1 It has come to my attention since completing my section 42A report⁶ that the current drafting of Rule 8.6.2 and associated Table 6, which address allotments with existing or proposed buildings is confusing in its current drafting and should be amended to reduce the potential for misinterpretation.

4.2 Rule 8.6.2 in the Operative Plan specifies in clause (i.) no minimum net site area is required for allotments with existing or proposed buildings in the RMD and RNN zones. Technically, the omission of MRZ and HRZ from Table 6 in PC14 has no effect in that Rule 8.6.2 clause (a.)(ii.) and (iii.) clarify that if the development meets relevant standards for a permitted activity or is approved through a consent and does not exceed the minimum areas in Table 6, no minimum net site area and dimension requirements in Rule 8.6.1 apply. As the MRZ and HRZ zones have no minimum net site areas in the table (in relation to residential buildings) no minimum net site areas apply. However, the following drafting changes (shown as underlined text) will make the table consistent with the drafting conventions of the Operative Plan and further clarify that the changes in PC14 are not more constraining than the equivalent existing ones:

	<i>Zone</i>	<i>Minimum net site area</i>
<i>a.</i>	<i>Residential Suburban Zone (except as provided for below)</i>	<i>400m²</i>

⁵ See paragraphs 8.4.5-6 of [my section 42A report](#), and paragraphs 8-12 of [my rebuttal evidence](#)

⁶ See paragraphs 8.4.19-8.4.24 of [my section 42A report](#).

...
g.	<i>Allotments for a residential unit where an elderly person's housing unit has been converted to a separate residential unit that may be occupied by any person(s) in compliance with Chapter 14</i>	<i>No minimum</i>
h.	<u><i>Medium Residential Zone, High Density Residential Zone, and Future Urban Zone, where the 'building' is a residential unit/s (except as provided for below)</i></u>	<u><i>No minimum</i></u>
i.	<i>Medium Density Residential Zone, <u>Residential Hills Precinct</u>, High Density Residential Zone and <u>Future Urban Zone</u>, where the 'building' is not a residential unit/s.</i>	<i>400m² in the Medium Density Residential Zone 650m² in the Residential Hills Precinct 300m² in the High Density Residential Zone <u>300m² in the Future Urban Zone (except as provided for in Rule 8.6.11 Table 8)</u></i>
j.	<i>Industrial General, Industrial Heavy, Industrial Park, Commercial Office, Neighbourhood Centre, Local Centre, Town Centre, City Centre, Commercial Banks Peninsula, Mixed Use, Central City Mixed Use and Large Format Zones ...</i>	<i>No minimum</i>
...

4.3 I note that the above change requires an amendment to my accept/reject table in relation to submission #732.2 from Kristan Jordan and further submission #FS2037.1472 Christchurch Civic Trust, which can be provided as part of Council's reply. Table 6. could also be further amended as a result of the changes to the proposed Residential Hills Precinct addressed by Mr Ike Kleybos.

5. EARTHWORKS AND INFRASTRUCTURE RULES

5.1 Several submitters seek increases in the permitted earthworks volumes. Setting aside the issue of scope addressed in legal submissions and my s42A report⁷, I support further investigation of this issue and can confirm that Council is in the process of preparing a plan change addressing its earthworks controls to make sure they are fit for purpose and fulfil obligations in higher order documents, particularly, but not limited to the

⁷ See paragraphs 8.5.1-8.5.5 of my section 42A report. and paragraphs 13-18 of my rebuttal evidence

NPS FM. In my view, a separate plan change is a more suitable process to carefully consider this issue in-the-round and not just in relation to intensification through the Housing and Business Choice plan change.

6. CONTROLS ON CHANGES OF TENURE SUBDIVISIONS

- 6.1 The drafting of the provisions for converting from unit title or cross lease to fee simple as a controlled activity subdivision, which applied in all zones in the Operative Plan, in PC14 sought to adapt the existing controlled activity framework, to apply in the MRZ and HRZ. My section 42A recommends expanding this from applying to vacant allotments to also apply to sites containing existing, consented or permitted buildings⁸.
- 6.2 Other relief seeking that all residential units that are attached are to be subdivided under Unit Title are beyond the ambit of the District Plan.

7. ODP CONTROLS AND THE FUZ

- 7.1 The Council will provide further information on the Panel's questions on whether the RNN zone should be considered to be a *relevant residential zone* subject to the incorporation of MDRS, and the requirements of s77G in relation to whether the subdivision and related ODP provisions applied through the subdivision chapter could be applied. However, as this relates to my evidence on the subdivision chapter, I note that:
- (a) It is the subdivision provisions that most starkly distinguish what was the RNN zone (proposed to be renamed FUZ in PC14) from residential zones in the residential section of the plan where the MDRS has been applied, noting National Planning Standards have no objectives policies and rules for the FUZ or residential zones.
 - (b) I would support retaining the proposed FUZ provisions to manage significant greenfield developments and encourage integrated subdivision, development and infrastructure planning for these areas as discussed in my evidence, and applying a further policy approach that applies MRZ provisions to subdivision and development after initial subdivision of the land is implemented⁹ to better align these

⁸ See paragraphs 8.4.25-8.4.34 of [my section 42A report](#).

⁹ Following a suitable measurable milestone such as the issue of s224C or an equivalent step; exact wording and consequential changes are still to be confirmed.

areas with other residential areas and lessen the need for plan changes;

- (c) Reconciling MDRS with the subdivision and related ODP provisions of the plan in the RNN zone (while obviously possible) would be highly complex. The “major surgery” and extensive QM analysis re-evaluating the evidence that informed the current settled ODP provisions (which are reported to be working well) to achieve this, in my analysis, may achieve limited benefits in terms of outcomes.

Date: 21 November 2023

Ian Bayliss