

**BEFORE INDEPENDENT HEARINGS COMMISSIONERS,
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of Submissions on the proposed Plan Change 14 to the
Christchurch District Plan

EVIDENCE OF JULIE COMFORT ON BEHALF OF

Sutherlands Estates Ltd (728), Benrogan Estates Ltd (819),
Knights Stream Park Ltd (820), Danne Mora Ltd (903),
Davie Lovell-Smith Ltd (914), Milns Park Ltd (916),

Planning - Financial Contributions

1 INTRODUCTION

- 1.1 My name is Julie Anne Comfort.
- 1.2 I am a Senior Planner at Davie Lovell-Smith Limited Planners, Engineers and Surveyors of Christchurch
- 1.3 My qualifications include a Masters of Arts in Geography from the University of Canterbury, and I am an Associate member of the New Zealand Planning Institute.
- 1.4 I have over 26 years experience as a planner working in Christchurch and Selwyn Districts. Of particular relevance to this evidence, I have prepared planning assessments and supporting evidence on a variety of residential and industrial subdivision projects including:
- (a) Sabys Estate residential development in Halswell
 - (b) Milns Park residential development in Halswell
 - (c) Benrogan Estates residential development in Halswell
 - (d) Longhurst and Knights Stream Park developments in Halswell
 - (e) Johns Park residential development in Belfast
 - (f) Hornby Quadrant industrial development in Hornby
- 1.5 I have prepared evidence and appeared before the Hearings Panel in relation to the Replacement Christchurch District Plan and the recent hearings on the Proposed Selwyn District Plan.
- 1.6 I have attended several notified hearings on behalf of clients seeking consent or plan changes to establish a range of different activities including toy libraries, preschools, medical centres and residential subdivisions.
- 1.7 I was engaged by the Submitters¹ to prepare a submission on Plan Change 14.

2 SCOPE AND SUMMARY OF EVIDENCE

- 2.1 My evidence is presented on behalf of the Submitters and responds to planning matters raised in the Council's Section 42A report prepared by Ms Anita Hansbury, and in particular Part A – Tree Canopy Cover and Financial Contributions.
- 2.2 In preparing this evidence, I have reviewed:
- (a) The submissions lodged on behalf of the Submitters including all supporting information.
 - (b) The section 42A report prepared by Ms Hansbury and supporting technical reports prepared by Toby Chapman.

¹ Sutherlands Estates Ltd (728), Benrogan Estates Ltd (819), Knights Stream Park Ltd (820), Danne Mora Ltd (903), Davie Lovell-Smith Ltd (914), and Milns Park Ltd (916)

- (c) The s32 report prepared on this matter.
- 2.3 My evidence covers the following:
- (a) An overview of the Submitters' concerns.
- (b) Response to matters raised in the Council's Section 42A report.
- 2.4 In summary, the Submitters' sought to remove the 20% canopy cover from proposed rule 6.10A.4.1.1 P2 as notified, as the application of this rule would apply this requirement to non-residential sites, including roads and reserves, and appears to double count roading areas with the addition 15% requirement on top of the 20%.
- 2.5 An example is provided of what a development site would be for a greenfield subdivision, and the types of land provide for, and what the 20% canopy coverage would be for this example.
- 2.6 I conclude that given the clear statements in the s32 that the 20% requirement is only to be applied to residential sites, that the inclusion of the 20% requirement in rule P2 is inappropriate.

3 CODE OF CONDUCT

- 3.1 I have read the Environment Court's Code of Conduct for Expert Witnesses, contained in Part 9 of the Environment Court Te Kōti Taiao o Aotearoa Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

4 SUBMISSIONS ON FINANCIAL CONTRIBUTIONS RULES

- 4.1 The Submitters all opposed² in part the new Financial Contribution rule 6.10A.4.1.1 P2 which states:

Activity		Activity specific standards – Tree canopy cover
P2	Any residential development, except for extensions or accessory buildings to existing residential units in the Christchurch City area of the Christchurch District resulting in one or more ground floor residential units on a development site located in:	<p>a. A minimum tree canopy cover of 20% of the development site area shall be provided on the development site through:</p> <p>i. Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or</p>

² 728.9 - Sutherlands Estates Limited, 819.6 - Benrogan Estates Ltd; 820.9 – Knights Stream Estates Ltd, 903.2 - Danne Mora Limited, 914.7 - Davie Lovell-Smith Ltd, and 916.4 – Milns Park Limited

Activity	Activity specific standards – Tree canopy cover
<p>a. a residential zone; or</p> <p>b. a new residential greenfield subdivision and development; or</p> <p>c. a brownfield site subject to comprehensive residential development where new roads to vest in Council have been or will be created.</p>	<p>ii. Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or</p> <p>iii. Providing a combination of existing and new trees to achieve a minimum 20% of on-site tree canopy cover at maturity; and</p> <p>iv. Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1.</p> <p>b. The tree canopy cover area may be located on any part of the development site and does not need to be associated with each residential unit.</p> <p>c. Additional tree canopy cover of 15% of the road corridor area shall be provided in the road corridor in the subdivision through:</p> <p>i. Planting new trees in the future road to be vested with the Council to provide a minimum 15% tree canopy cover at maturity, and</p> <p>ii. Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1; and</p> <p>iii. Meeting the needs and requirements of the Council as the future road owner/manager, including approval of tree species, their location and tree pit construction by the Council arborist.</p> <p>d. Financial contributions shall be paid where the 20% on-site and/or 15% road corridor tree canopy cover requirements specified in (a - c) above are not met.</p> <p>e. The financial contributions will be calculated to include the cost of the tree(s) needed to achieve the required on-site and on-road tree canopy cover, and the cost of land</p>

Activity		Activity specific standards – Tree canopy cover
		required for tree planting as specified in Rule 6.10A.4.2.2 below.

- 4.2 The Submitter’s concern in relation to this rule is that for greenfield residential subdivisions, the above rule appears to be to be double counting tree canopy required for roading, as activity standard P2(a) requires a canopy of 20% of a development site while activity standard P2(c) requires an ‘additional tree canopy cover’ of 15% of road corridors. The request by the Submitters is to delete clauses (a) and (b) of the above and to amend clause (d) to only refer to the 15% tree cover required for a road. Attachment A shows this as track changes.
- 4.3 The reasoning behind this request, is that the 20% is calculated on the development site, which encompasses the whole of a subdivision including roads and reserves, and that it is not necessary as Rule 6.10A.4.1.1 P1 is applicable to the building or extension of a residential unit, including in residential greenfield sites.
- 4.4 Rule 6.10A.4.1.1 P1 is vey similar to P2, as shown below. With the only difference in the activity description being whether or not roads are to vest. This is the rule that would apply to individual lots being developed for either a single dwelling or multiple units.

Activity		Activity specific standards – Tree canopy cover
P1	Any residential development, except for extensions or accessory buildings to existing residential units, in the Christchurch City area of the Christchurch District resulting in one or more ground floor residential units on a development site in a residential zone, a residential greenfield site or a brownfield site subject to comprehensive residential development where no new roads to vest in Council are created.	<p>a. A minimum tree canopy cover of 20% of the development site area shall be provided on the development site through:</p> <ul style="list-style-type: none"> i. Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or ii. Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or iii. Providing a combination of existing and new trees to achieve a minimum 20% of on-site tree canopy cover at maturity; and iv. Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1.

Activity		Activity specific standards – Tree canopy cover
		b. Financial contributions shall be paid, in accordance with Rule 6.10A.4.2.2, if the on-site tree canopy cover requirement or part of the requirement specified in (a) above is not met.

4.5 The activity standards (a) and (b) in P1, are the same as (a) and (b) in P2. The similarity between the rules is confusing.

5 COUNCIL'S s42A REPORT

5.1 Ms Hansbury considers these submissions in paragraph 6.6.16-6.6.18 on page 72 of her s42a report. I consider that Ms Hansbury has missed the point of what the Submitters' are seeking, as she appears to consider that the Submitters are seeking an exemption from the 20% tree cover requirement for greenfield developments. On this basis Ms Hansbury recommends rejecting these submissions.

6 DISCUSSION

6.1 I agree with Ms Hansbury that the planting of trees on residential land will play a vital part in maintaining and increasing the tree canopy cover within the City, and that this should include greenfield residential allotments. The issue arises when applying the 20% cover at the time of subdivision of a greenfield site. Greenfield developments under the current District Plan generally provide for vacant lots upon which third parties build the dwellings, they do not typically include the dwellings.

6.2 Plan Change 14 has introduced a new definition of 'Development Site', as follows:

Development site

means the total area of land subject to development within the boundaries shown on the development plans, whether the boundaries are legally defined or otherwise nominated. It must include any access for the development and may comprise an area of land held in one, part of one or more records of title.

6.3 For a greenfield subdivision the above definition means the whole site that is to be subdivided, and includes residential lots, roads to vest in Council, Recreation Reserves to vest in Council, Local Purpose (Utility) reserves to vest in Council and occasionally a non-residential lot identified for a preschool for example. Attached to this evidence are two examples of recent greenfield subdivisions, which show these various aspects of a greenfield residential subdivision.

- 6.4 As an example, of how rule 6.10A.4.1.1 P2 would be applied at the time of a greenfield subdivision, I refer to the Meadowlands subdivision in Attachment B which involved a total site area of 20.79ha. This includes 3.7437ha of roads, 6.0005ha of Local Purpose (Utility) reserves, 0.1556ha of Recreation Reserves, and a balance future lot of 3.8017ha. The residential sites within this subdivision have total area of only 7.0885ha. In applying rule P2 to this development, the 'development site' would be 20ha at the subdivision stage. Therefore, the 20% tree cover would apply to this whole area, which equates to approximately 4.158ha of canopy cover. The 3.7437ha of roads would then have an additional 15% of tree cover, which would be an additional 0.56ha.
- 6.5 The Sutherlands Estate subdivision in Attachment C shows a greenfield development site that incorporates residential lots, roads, reserves, and a preschool site. Again the definition of development site would have applied to the subdivision, and not just the residential lots.
- 6.6 I understand that the 20% requirement would be enforced through a consent notice on the new titles, however these can only be placed on the individual residential sites. Yet, as in the example above, the 'development site' includes more than just the residential sites. It is unclear in a case such as the above example, how the 20% requirement calculated at the time of subdivision would be allocated to the residential sites.
- 6.7 In examining the s32 it identifies the 20% tree cover as being associated with residential sites, and not other land such as preschools or reserves, and is simply summed up by the following statement from the s32 conclusions:
- The PC14 proposed rules introduce additional matters of control for residential subdivision and development that will require provision of 20% tree canopy cover on residential sites, with an additional 15% cover requirement for future road corridors in greenfield subdivisions.³*
- 6.8 It is clear from the s32 that the 20% tree canopy cover requirement is to apply to residential sites and not to apply to other land, such as reserves and roads. As such I consider that the application of 20% requirement to a greenfield subdivision under rule P2 is incorrect. The 20% cover is most appropriately applied to the residential allotments created by a greenfield subdivision by rule P1 at the time that building consent is applied for.

³ Plan Change 14 – Section 32 Evaluation - Tree Canopy Cover/Financial Contributions, Para 6.1.5 pg. 47.

- 6.9 As I noted earlier, the similarity in the rules P1 and P2 is confusing, and the removal of the 20% requirement from P2 would resolve this issue. I consider that this is a simpler solution than trying to amend or provide exemptions to the development site definition or the calculation rules. Through removing the 20% cover requirement from P2, this rule then can solely relate to the provision of street tree canopy cover when roads are vested, while P1 would remain as it and address the tree canopy cover associated with the building of the residential units.
- 6.10 I consider that the amended rule framework remains supported by the policies introduced as part of this Plan Change.
- 6.11 On this basis I consider that the relief sought by the Submitters in seeking to amend rule 6.10A4.1.1 P2 is appropriate.

Julie Comfort

20 September 2023

Attachments:

A – Proposed Rule Amendments

B – Meadowland Subdivision

C – Sutherland Estate Subdivision

Attachment A Proposed change to Rule 6.10A.4.1.1

	Activity	Activity specific standards – Tree canopy cover
P2	<p>Any residential development, except for extensions or accessory buildings to existing residential units in the Christchurch City area of the Christchurch District resulting in one or more ground floor residential units on a development site located in:</p> <ul style="list-style-type: none"> a. a residential zone; or b. a new residential greenfield subdivision and development; or c. a brownfield site subject to comprehensive residential development <p>where new roads to vest in Council have been or will be created.</p>	<p>a. A minimum tree canopy cover of 20% of the development site area shall be provided on the development site through:</p> <ul style="list-style-type: none"> i. Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or ii. Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or iii. Providing a combination of existing and new trees to achieve a minimum 20% of on-site tree canopy cover at maturity; and iv. Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1. <p>b. The tree canopy cover area may be located on any part of the development site and does not need to be associated with each residential unit.</p> <p>c. Additional Tree canopy cover of 15% of the road corridor area shall be provided in the road corridor in the subdivision through:</p> <ul style="list-style-type: none"> i. Planting new trees in the future road to be vested with the Council to provide a minimum 15% tree canopy cover at maturity, and ii. Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements

Activity	Activity specific standards – Tree canopy cover
	<p>specified in the Rule 6.10A.4.2.1, Table 1; and</p> <p>iii. Meeting the needs and requirements of the Council as the future road owner/manager, including approval of tree species, their location and tree pit construction by the Council arborist.</p> <p>d. Financial contributions shall be paid where the 20% on-site and/or 15% road corridor tree canopy cover requirements specified in (a– c) above are not met.</p> <p>e. The financial contributions will be calculated to include the cost of the tree(s) needed to achieve the required on-site and on-road tree canopy cover, and the cost of land required for tree planting as specified in Rule 6.10A.4.2.2 below.</p>

Evidence of Julie Comfort for Sutherlands Estates Ltd (728), Benrogan Estates Ltd (819), Knights Stream Park Ltd (820), Danne Mora Ltd (903), Davie Lovell-Smith Ltd (914), Milns Park Ltd (916),

Attachment B Meadowlands Subdivision



AMENDMENT	DATE	DESCRIPTION
R7	04.11.20	EASEMENTS OVER LOT 2008 UPDATED.
R8	24.11.20	LOT 2008 UPDATED & LOT 2009 ADDED.
R9	09.12.20	COUNCIL RFI AMEND
R10	16.12.20	STAGE 4A ADDED

- NOTES:
- Areas and dimensions are subject to final survey and deposit of plans.
 - Service easements to be created as required.
 - This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purpose.
 - This plan has been prepared for the use of our client and no liability is accepted in relation to any other parties.
 - Any measurements taken from information which is not dimensioned on the electronic copy are at the risk of the recipient.
 - This plan is subject to the granting of subdivision and/or resource consents and should be treated as a proposal until such time as the necessary consents have been granted by the relevant authorities.
 - Contour Interval: Major 1.0m Minor 0.2m.
 - Origin of Levels
 BM144 [EHC2]
 R.L.23.52m
 Masonry Anchor and Disk flush in kerb.
 Located corner Cardinal Drive and Wolseyplace.
 Levels in terms of Christchurch Drainage Datum January 2012.



Proposed Memorandum of Easements

Nature	Servient Tenement (Burdened Land)		Grantee
	Lot No	Shown	
Right to drain water in gross.	2008 3000	A, B & C D	Christchurch City Council

Easements A & D will be provided in Stage 1.
 Easement B will be provided in Stage 2.
 Easement C will be provided after Stage 3.

Total Area : 20.7900 ha
 Comprised in: RT's .CB13B/1453, 798800 & 916068



116 Wrights Road P O Box 679 Christchurch 8140. New Zealand
 Telephone: 03 379-0793 Website: www.dls.co.nz E-mail: office@dls.co.nz

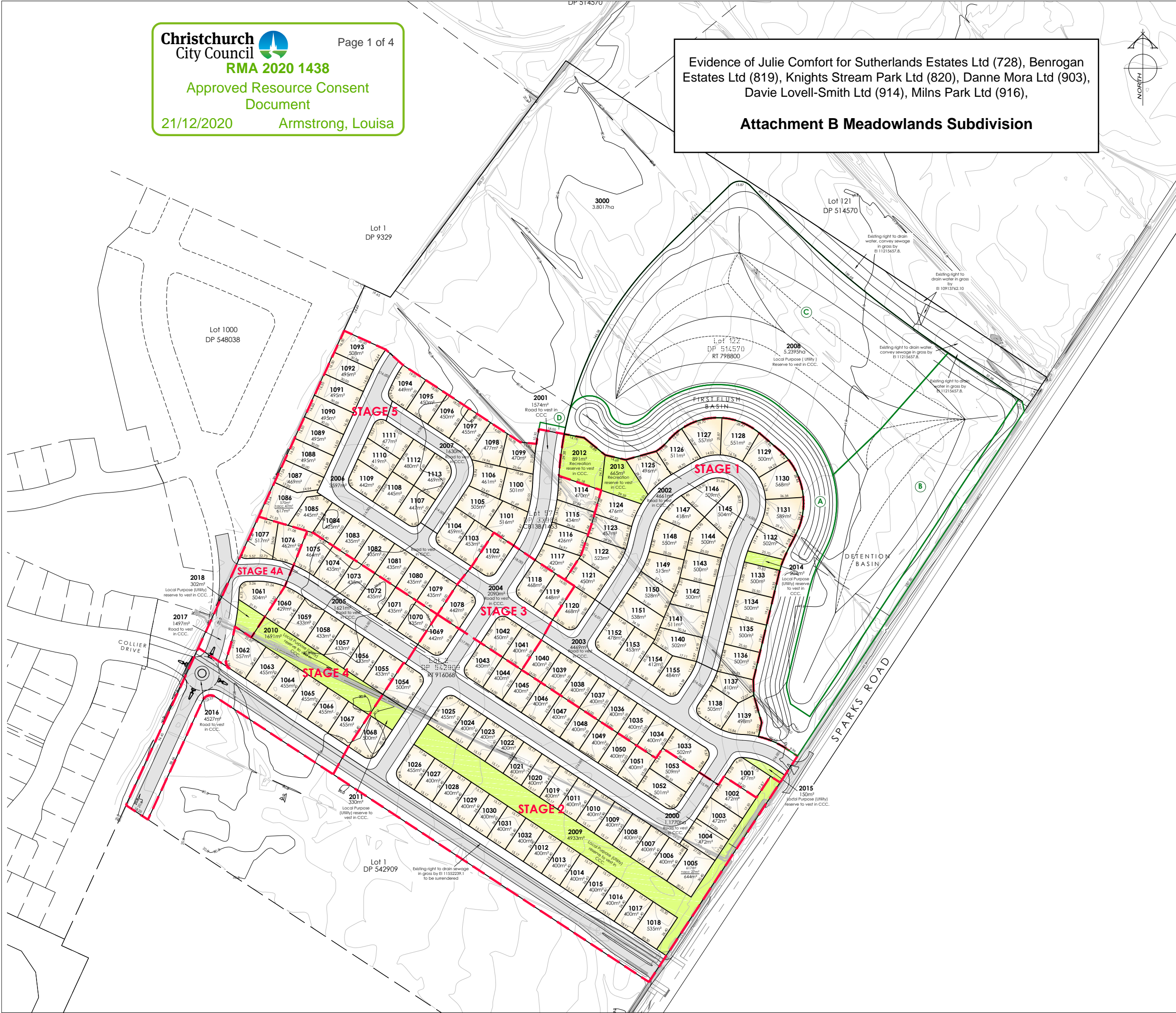
JOB TITLE: **Meadowlands**

SHEET TITLE: **Proposed Subdivision of Lot 57 DP 33988, Lot 122 DP 514570 & Lot 2 DP 542909**

DRAWING STATUS: **Proposed Subdivision**

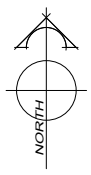
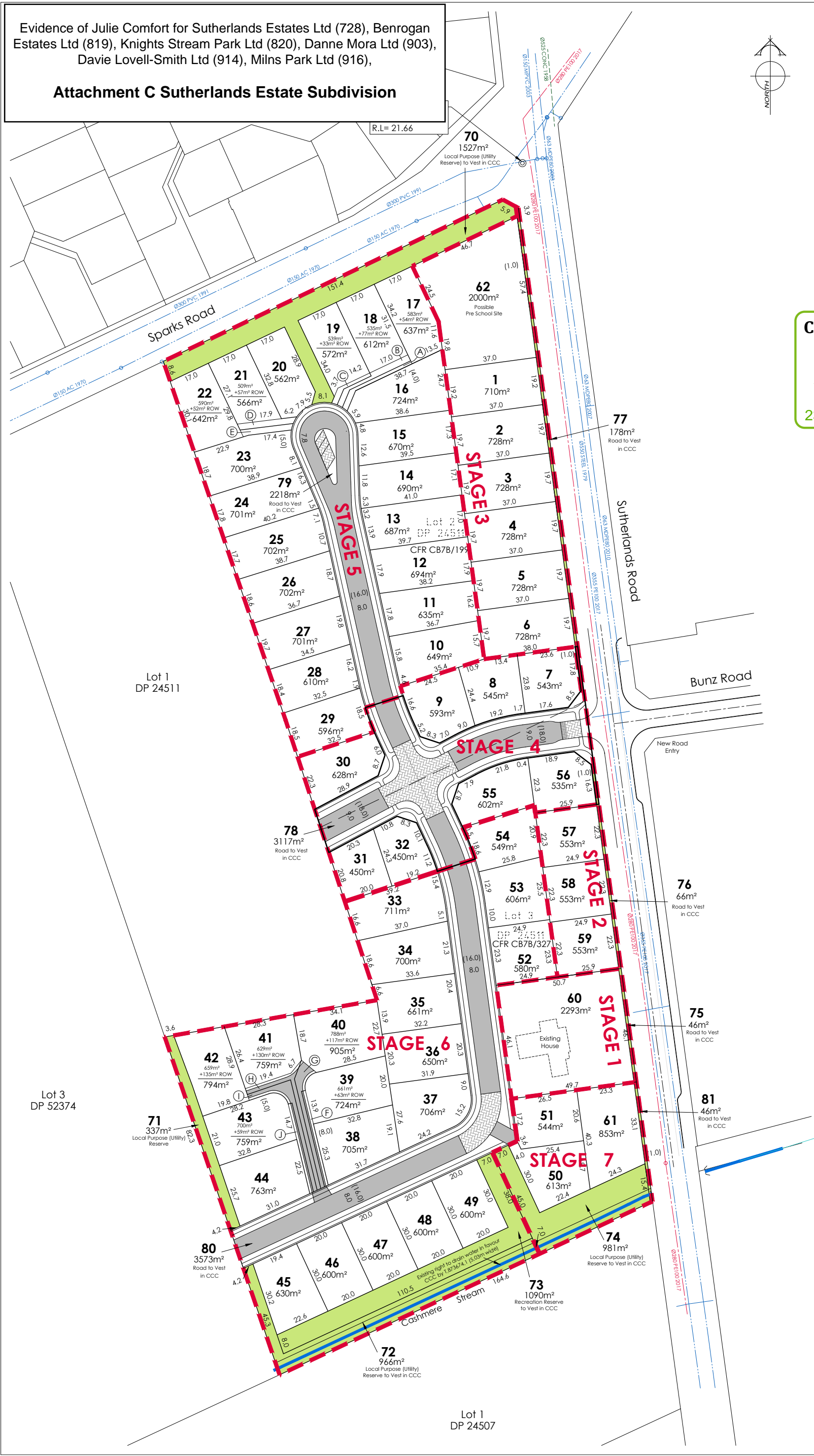
SCALE: 1:1250@A1 DATE: December 2020
 1:2500@A3

CAD FILE: J:\2011\4\SUBCON\E20114 Subcon R10.dwg REVISION:
 DRAWING No: **E.20114** SHEET No: **1 OF 1** R10



Evidence of Julie Comfort for Sutherlands Estates Ltd (728), Benrogan Estates Ltd (819), Knights Stream Park Ltd (820), Danne Mora Ltd (903), Davie Lovell-Smith Ltd (914), Milns Park Ltd (916),

Attachment C Sutherlands Estate Subdivision



AMENDMENTS:		
AMENDMENT	DATE	DESCRIPTION
R1	6.12.19	Lots 1, 60 & 62 amended.
R2	27.1.20	staging amended, road & reserve lot no amend

NOTES:

- Areas and dimensions are approximate only and are subject to final survey and deposit of plans.
- Service easements to be created as required.
- This plan has been prepared for subdivision consent purposes only. No liability is accepted if the plan is used for any other purposes.
- Topographical and services information supplied by Suburban Estates Limited.
- Contours shown are from Suburban Estates Limited Interval: 0.25m
- Survey is in terms of Mt Pleasant Circuit 2000. Existing Boundaries are subject to earthquake related movement and are approximate only until completion of the Land Transfer Survey.
Site Bench Mark: Screw
R.L.= 21.66

Levels in terms of Christchurch Drainage Datum.
Origin of levels - BM3293, EHAL RL23.799
Corner Halswell Road & William Britain Avenue.

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RMA/2020/176
 Approved Resource Consent Plan
 23/04/2020 Lowe, Paul

LEGEND

EX. SANITARY SEWER	---
EX. STORMWATER	---
EX. WATER	---
EX. KERB	---

Proposed Memorandum of Easements

Nature	Servient Tenement (Burdened Land)		Dominant Tenement (Benefited Land)
	Lot No	Shown	
Right of way, right to drain water & sewage & to convey water, electricity & telecommunications.	17	A	Lots 18, 19
	18	B	Lots 17, 19
	19	C	Lots 17-18
	21	D	Lot 22
	22	E	Lot 21
	39	F	Lots 40-43
	40	G	Lots 39, 41-43
	41	H	Lots 39, 40, 42, 43
	42	I	Lots 39-41, 43
	43	J	Lots 39-42

SCHEDULE OF AREAS

Description	Area
Residential Lots - (Lots 1-61)	4.0535ha
Rights of Way	777m ²
Road to Vest in Christchurch City Council (Lots 75-81)	9246m ²
Recreation Reserve to Vest in Christchurch City Council (Lot 73)	1090m ²
Local Purpose Utility Reserve (Lots 70-72 & 74)	3811m ²
Lot 62	2000m ²

Total Area : 5.7459ha
 Comprised in: RT's CB7B/199 & CB7B/327


DAVIE LOVELL-SMITH
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JOB TITLE: **Sutherlands Road**

SHEET TITLE: **Proposed Subdivision of Lots 2 & 3 DP 24511**

DRAWING STATUS: **Proposed Subdivision**

SCALE: 1:750@A1 DATE: January 2020
 1:1500@A3

CAD FILE: J:\2000\SUBCON\YE2000_Scheme Plan_R2.dwg

DRAWING No: **E.20000** SHEET No: 1 OF 1

REVISION: **R2**