

Christchurch District Plan evidence on PC14

Date: 6 December 2023

Submitter: Rutherford Family Trust

Submitter #: 879

Document: Submitter evidence

1. My name is Carlin Rutherford. I have prepared this document in support of the Rutherford Family Trust (RFT) submission on PC14. This submission is in relation to our Land on Moncks Spur (the *Land*) as set out in our original submission dated 12 May 2023, and depicted in the Appendix herein.
2. RFT submission of 12 May 2023 sought (in summary):
  - 2.1. Removal of the Moncks Spur/Mt Pleasant overlay and 6 numbered related matters.
  - 2.2. That the zoning of the Land optimally provide for Enabling Housing and Housing Choice to better accord with NPS-UD objectives. e.g. ability to achieve some smaller sites of 400sqm
  - 2.3. Removal of LPTAA from the land.
3. The s42 reports of Ian Bayliss and Ike Kleynbos deal with 3 submission points in our submission of 12 May 2023:
  - 3.1. Re RFT Submission #1: The s42 reports accept the removal of the overlay and the 6 items referred to in the submission point #1 of RFT.
  - 3.2. Re RFT Submission #2: The CCC propose to zone the Middle Land and Lower Land MRZ with SHDP (Suburban Hills Density Precinct).
  - 3.3. Re RFT Submission #3: SHDP is proposed to limit density (as with LPTAA this based at least in part on transport Qualifying Matter)

#### **Submission #1: The Moncks Spur/Mt Pleasant overlay**

4. As both the CCC and the Land owner have agreed that the Moncks Spur/Mt Pleasant overlay (and 6 numbered points relating to that overlay) should be removed, we understand this overlay and its 6 related aspects will now be removed.

#### **Submissions #2 & 3**

5. The CCC propose MDZ zoning but with density limitation SHDP (based on transport as a Qualifying Matter). Accordingly, our submission of 12 May 2023, which asked for LPTAA to be removed, now needs to be updated terminology: for SHDP to be removed.
6. [The Middle Land was for many years RH with overlay, and had been marked FUZ at the time of our 12 May 2023 submission. The CCC have advised us the FUZ designation was in error, and in reliance on that we have provided no further evidence on the FUZ zoning. For the reasons set out in the legal submission of Kainga Ora dated 22 November 2023, we would not see it appropriate to zone the land FUZ. This land should not move from an operative zone, RH, to a holding zone.]

#### **Rationale for Submissions 2 & 3**

7. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*the Act*) requires all “relevant residential zones” shall have the density standards applied unless a Qualifying Matter exists.
8. We do not believe Public Transport limitations should be sufficient in this instance to amount to a Qualifying Matter under sections 77I to 77R and refer to and support the conclusions in the evidence of transport planning expert David John Robert Smith (for submitter #681) and Kainga Ora Legal submissions dated 22 November 2023, that insufficient justification has been provided for the QM. Allowing transport to amount to a QM to this extent would have the effect that it would make intensification enduring in some areas, and never in other areas such as Greenfield residential land.

#### **Stormwater QM**

We do not believe that Stormwater matters should amount to a QM as:

1. There are alternative tools and powers the Council has in place to manage stormwater effects (See Brian Norton’s original evidence (para 55)).

2. Allowing Stormwater as a QM to prevent the extent of density at the outset, overlooks that larger blocks are more likely to enable site-specific solutions than smaller blocks. Many hill blocks will be able to mitigate stormwater issues by for example, use of rainwater storage tanks, and planting areas, others will not. Therefore, using a QM at the outset to prevent further density does not allow the site specific considerations and allow density where it is more appropriate.
9. The NPS-UD and the Enabling Act both seek to ensure that housing supply meets demand, that a greater range of housing typologies are delivered to meet the diverse housing needs of the community. While this land is unlikely to be developed to the full extent permitted under MRZ, MRZ (without SHDP) would allow flexibility to develop more appropriately with the contours of the land, and allow housing flexibility, for example for people who are at a time of life where they want to remain in their community on the hill, but not necessarily have a large section to maintain.
10. In terms of demand/capacity, there is a limited amount of residentially zoned sections in this area. The Land is one of the last larger areas of greenfields residential development land in this area. Accordingly, unlike developed land in the region, where introducing MDZ (without SHDP) would mean retrospective density where houses exist, this land is in a position where services can be developed to support greater density.

### **Relief sought**

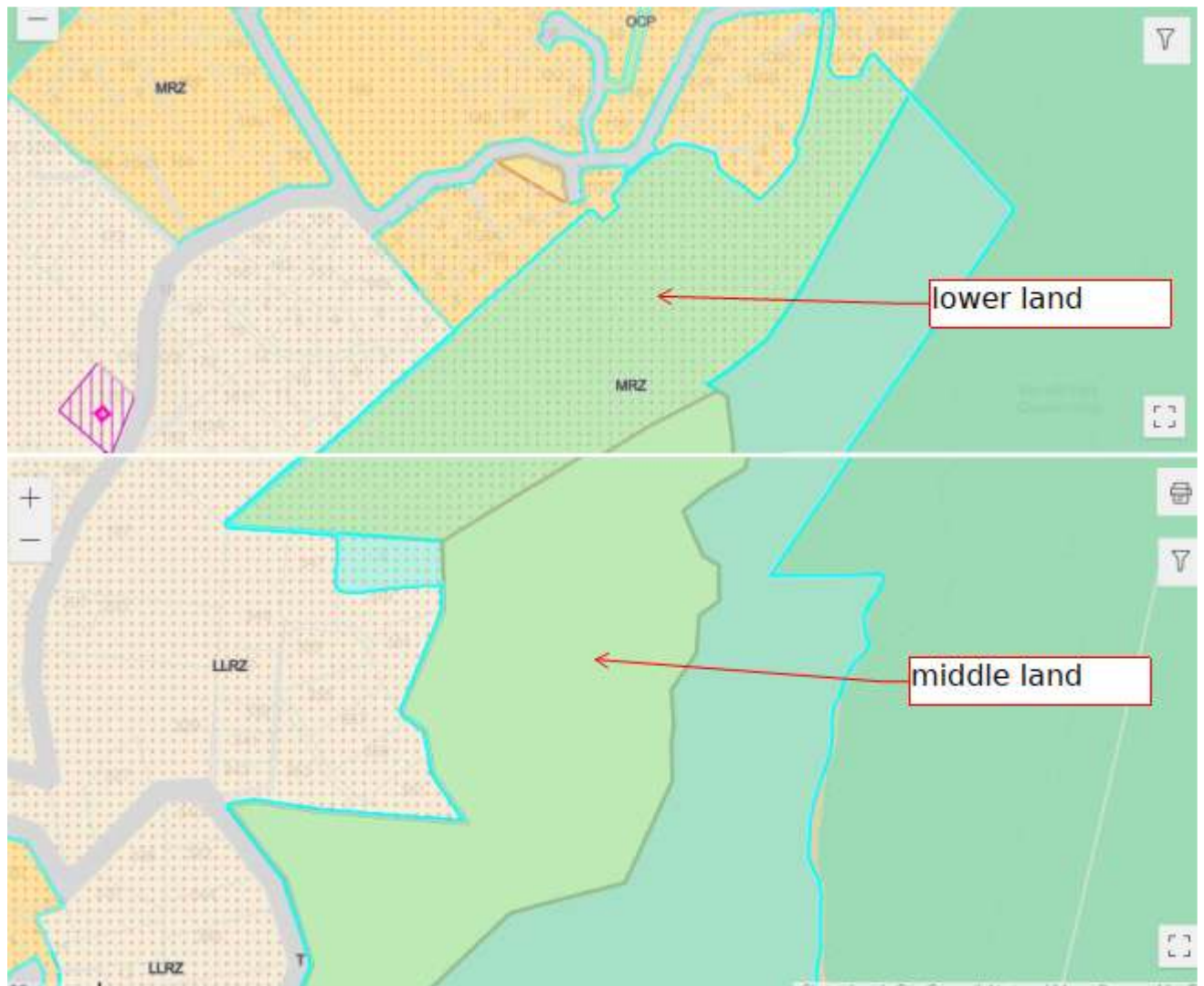
11. The Moncks Spur/Mt Pleasant Overlay be removed, with 6 related matters removed. The CCC have agreed with this. In reliance, we have not provided further evidence on this matter to the IHP.
12. We would prefer the zoning of the Lower Land and Middle Land as MRZ, but without Suburban Hills Density Precinct or Residential Hills Precinct density restrictions, on the basis such would be more closely align with NPS-UD.
13. Failing the submission in 12 herein being successful, we request that if the land is to be zoned MRZ with SHDP (or Residential Hills if that zoning is reverted to), then some flexibility remain in policy for the CCC to approve a greater density. i.e. MRZ can still be considered on its merits in any case without having a policy barrier. For example where servicing and accessibility can be addressed.

## Appendix

### The Land:

The subject land is described in the submission and the relevant areas are herein described as:

1. The Lower Land
2. The Middle Land



(on the latest CCC s42 recommendation mapping the land the Middle and Lower land are shown as MRZ but the middle land has a Residential Hills Precinct outline).

### Zoomed out:

