

**BEFORE AN INDEPENDENT HEARINGS PANEL
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF ANITA WIESLAWA HANSBURY
ON BEHALF OF CHRISTCHURCH CITY COUNCIL**

**TREE CANOPY COVER/FINANCIAL CONTRIBUTIONS and WATER BODY
SETBACK QM**

Dated: 10 October 2023

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EXECUTIVE SUMMARY

1. I have considered and responded to submitter evidence on:
 - (a) the water body setback qualifying matter overlay; and
 - (b) the tree canopy cover and financial contribution provisions.
2. In response to submitter evidence, I have acknowledged and corrected some minor errors in my Section 42A report – these related to an incorrect reference to two submitters and the response to the relief sought. These amendments do not alter my position.
3. In respect to the water body setback qualifying matter, and submitter evidence on possible realignment in the overlay planning map, I remain of the view that the planning map overlay should be removed from PC14. If the IHP does not support removal of the planning maps overlay, I consider amendments should be made to the overlay map for accuracy.
4. In respect to the tree canopy cover and financial contribution provisions in PC14, several submitters have provided evidence on these raising similar concerns. I do not recommend any changes to these provisions in response to that evidence at this stage, although some minor wording changes/clarifications may be proposed at the time of the hearing following consideration of expert witness statements. In summary, I consider that:
 - (a) there is sufficient information to assess tree canopy area;
 - (b) overhang of tree canopy areas is intended to be provided for in PC14, to the extent it is within a development site for overlapping trees. The treatment of tree canopy areas that overhang beyond the boundary of the development site needs to be clarified / resolved in the leadup to and (if needs be) at the hearing;
 - (c) there are a number of benefits associated with tree canopy cover, beyond amenity values, and it is important that tree canopy cover is increased in residential zones; and
 - (d) the RMA amendments specifically provide for the introduction of financial contribution requirements through the IPI process. The tree canopy cover/FC provisions are complementary to the MDRS

provisions and aim to address the likely adverse effects of intensification.

INTRODUCTION

5. My name is Anita Hansbury. I am employed as a senior policy planner in the City Planning Team, Infrastructure, Planning & Regulatory Services Group of the Christchurch City Council (**the Council**).
6. I prepared a planning officer's report pursuant to section 42A of the Resource Management Act 1991 (the **Act / RMA**) dated 11 August 2023 (**Section 42A Report**). My Section 42A Report considered the issues raised by submissions and further submissions on Plan Change 14 to the Christchurch District Plan (the **District Plan; PC14**). I made recommendations in response to the issues that emerged from those submissions, as they applied to:
 - (a) Tree canopy cover and financial contributions (**FC**);
 - (b) Qualifying matters (**QM**) related to Sites of Ecological Significance, Outstanding Natural Landscape and Features, Sites of Ngāi Tahu Cultural Significance, Water Body Setbacks; and
 - (c) QM related to Open Space Zones and Specific Purpose (Cemetery) and (Ōtākaro Avon River Corridor) Zones.
7. I have the qualifications and experience set out at paragraphs 2.1.2 – 2.1.4 of my Section 42A Report dated 11 August 2023.
8. I repeat the confirmation in my Section 42A Report that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and confirm that my rebuttal evidence has been prepared in compliance with that Code.

SCOPE OF REBUTTAL EVIDENCE

9. In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters, as that evidence relates to my Section 42A Report. I respond to the following witnesses:
 - (a) Ryan Brosnahan (Planning) for Holly Lea Village Limited (submission #49);

- (b) Sophie Strachan (Landscape) for Kāinga Ora (submissions #834, #2082, #2099);
 - (c) Jonathan Clease (Tree FC Planning) for Kāinga Ora (submissions #834, #2082, #2099);
 - (d) Fraser Colegrave (Economics) for Kāinga Ora, (submissions #834, #2082, #2099);
 - (e) Matt Bonis (Planning) for Woolworths (submission #740);
 - (f) Stephanie Styles (Planning) for Summerset Group Holdings Limited (#443); and
 - (g) Julie Comfort (Planning) for various submitters (#728, 819, 820, 903, 914 and 916).
10. I have indicated throughout my rebuttal evidence where I rely on the primary or rebuttal evidence of technical witnesses for the Council.
11. I am recommending amendments to the provisions of PC14 that were attached to my Section 42A Report. Where I recommend amendments, I have undertaken a further evaluation under section 32AA of the RMA in respect of those amendments and include that evaluation in the relevant parts of this rebuttal evidence.

RYAN BROSNAHAN FOR HOLLY LEA VILLAGE LIMITED

Water body setback QM – submissions #49.1 by Holly Lea Village LTD and #79.1 by Andy Hall

12. My Section 42A Report (at paragraph 6.18.2, Table 2 on page 99) refers to a submission "79.1" by Andy Hall as requesting amendments to the water body setback QM as it affects 123 Fendalton Road. As pointed out in Mr Brosnahan's evidence, this was an error and should be corrected to refer to submission "49.1" by Holly Lea Village Limited.
13. In addition, the same table in my Section 42A Report (at paragraph 6.18.2, Table 2) should be amended where it refers to submission "79.1 Andy Hall". The submission sought that the water body setback QM overlay on the planning maps be stopped at the boundary of the property at 41 Rountree Street (see summary of submission 79.1 on page 88 of Appendix 3 to my

Section 42A Report). Accordingly, the text in relation to submission #79.1 should be amended in Table 2 of my Section 42A Report to accurately reflect this. The property, however, may still be affected by a setback required from the network waterway (piped or utility waterway) that stops at the property boundary, as shown on the Council waterway map below.



Map 1: Network waterway in relation to 41 Rountree Street

14. In my Section 42A Report I recommend that the water body setback QM overlay is removed from planning maps and instead rely on the existing water body setback rules in District Plan Chapter 6.6.¹ On that basis, I recommend that submission 79.1 Andy Hall be accepted in part.
15. Accordingly, my Section 42A Report (at paragraph 6.18.2, Table 2 at page 99 - 100) should be amended as follows (added text is underlined and deleted text is ~~struck through~~):

Table 2 – Issues raised in submissions²

| ISSUE | CONCERN / REQUEST |
|--|--|
| 1. Water body setback QM – Opposition, or site-specific amendments | <p><i>Opposition or amendments sought to the water body setback QM</i></p> <ul style="list-style-type: none"> • Remove all qualifying matters and deliver (...) <p><i>Site specific amendments sought to Water body setback QM</i></p> <ul style="list-style-type: none"> • Include as an area (...). S896.2 |

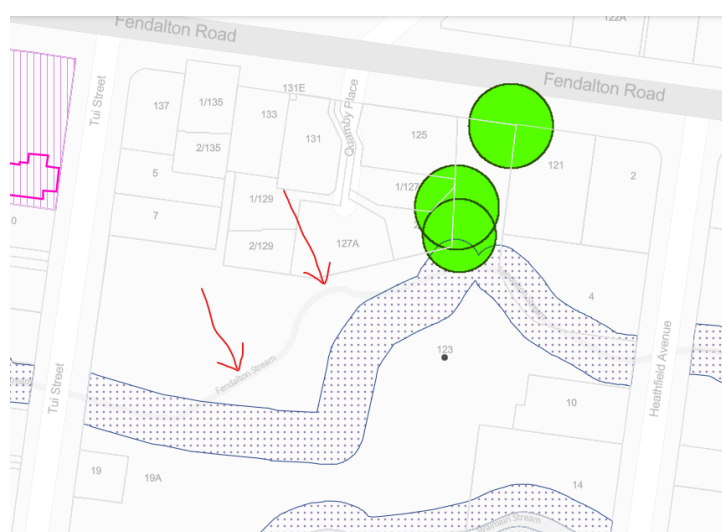
¹ Section 42A Report, paragraph 6.19.5.

² Table 2 of my Section 42A Report is not copied in full.

| ISSUE | CONCERN / REQUEST |
|---------------------|---|
| sought, or support. | <ul style="list-style-type: none"> • Delete Qualifying Matter Open Space (...). S2.4 • Amend the Planning Maps to ensure the Water Body Setback Qualifying Matter accurately reflects the current alignment of Fendalton Stream at 123 Fendalton Road. <u>49.1</u> 79.4 • <u>Amend the Water body setback QM overlay on the planning maps to stop it at the boundary of 41 Rountree Str. 79.1</u> • Remove the Waterbody Setback QM from 135 to 185 Wainoni Road (...) <p>Support for the Water body setback QMs</p> <ul style="list-style-type: none"> • Support the following (...) <p>Submissions:</p> <p>2.4 Greg Olive; <u>49.1 Holly Lea Village</u>; 79.1-.2 Andy Hall; 79.1 Andy Hall; 107.29 Heather Woods; 121.3 Cameron Matthews; 196.1-.2 Brian Gillman; 311.1 Barry Newcombe; 324.2 Ivan Thomson; 443.12, 443.15 Summerset Group Holdings Limited; 500.1 Hamish West; 579.1-.2 Gareth Bailey; 689.73 Environment Canterbury; 704.7 WDL Enterprises Limited and Birchs Village Limited; 741.5 Lower Cashmere Residents Association; 792.13 Carmel Woods; 804.1 Waihoru Spreydon-Cashmere-Heathcote Community Board; 834.8-.17, 834.30-.31 Kāinga Ora – Homes and Communities; 896.2 Claire Coveney; 900.2 Summit Road Society; 914.18, 914.27-.29 Davie Lovell-Smith Ltd; 916.12 Milns Park Limited</p> |

16. In my Section 42A Report at Appendix 3 I 'accept in part' submission #49.1 by Holly Lea Village Limited. In his evidence, Mr Brosnahan seeks clarification on what is meant by my recommendation to accept 'in part'. Mr Brosnahan explains that the submission sought an amendment to the alignment of the water body setback QM overlay in the planning maps and did not seek removal of the QM as I recommend. In my view, the recommendation to remove the overlay from the planning maps addresses the matter raised in the submission of misalignment of the overlay. The waterway itself appears to be aligned correctly on **Map 2** below.

17. **Map 2** below shows the water body setback QM overlay as notified (dotted area) in relation to the actual position of the waterway (red arrows pointing to it).



Map 2: Water Body Setback QM in relation to alignment of the waterway

18. Instead of re-aligning it, I have recommended that the water body setback QM overlay be removed from the planning maps. The QM will still apply but it will rely on the existing water body setback rules in Chapter 6.6. The setback would be measured from the actual position of the water body banks.
19. However, in response to the clarification sought by Mr Brosnahan, should the IHP choose not to accept the recommendation to remove the water body setback QM overlay from the planning maps, I consider that the overlay would need to be adjusted whenever it does not follow the actual position of the water body. In addition, it would also need to accurately reflect the extent of the setback, as these vary depending on the type of the water body (for example, downstream waterway – 30 metres, environmental asset waterway – 7 metres, network waterway – 5 metres). Any future adjustments to the waterways' position/course would need to be reflected in amendments to the QM overlay but that could only be done through a plan change. In my view, it would be more efficient to remove the QM overlay from the planning maps and rely on setback measurements in situ (as per Chapter 6.6).

SOPHIE STRACHAN FOR KĀINGA ORA

Tree canopy cover rules

20. In her statement of evidence Ms Strachan considers, in the context of limitations to this process and assumptions made when undertaking compliance checks for individual sites, that there is no data about tree canopy spread or area, or information on how the tree canopy cover at maturity is calculated from height data.³
21. Tree height does not always determine the tree canopy size unless the tree has a columnar shape. The height provided is additional information about the tree, to assist developers/landscape architects to make appropriate choices in their tree selection for the site. The trees in the Council Tree Planting Guide Species List (**Tree list**) (referred to in the Council Infrastructure Design Standard (**IDS**)) are grouped according to tree class size (i.e. small, medium etc.).
22. Ms Strachan considers that the tree size classes do not provide a range of tree spread.⁴ Information on a tree's canopy spread could be included in the Tree list at a later date (the Tree list can be added to and/or improved outside of the plan change process). The same applies to the number of species listed.
23. Ms Strachan also raises the issue of canopy overhang, including whether the portion of canopy outside a property boundary should be considered.⁵ The issue of canopy overhang is closely linked to the matter of loose soil provision around the tree root area. As the required root area needs to be located within the site boundaries and the tree centred within that area, the issue of the extent of the canopy overhang may not be as prominent. The canopies of trees of different size and height can overlap within the site and that is anticipated.
24. Ideally the whole tree canopy would be within a property boundary but some overhangs are anticipated. The permitted activity standards require, for example, planting "new trees on the development site to provide a minimum 20% tree canopy cover at maturity". In addition, the "tree canopy cover area

³ Statement of Evidence of Sophie Strachan on behalf of Kāinga Ora – Homes and Communities (Landscape), 20 September 2023, at paragraph 4.12(a).

⁴ Statement of Evidence of Sophie Strachan on behalf of Kāinga Ora – Homes and Communities (Landscape), 20 September 2023, at paragraph 4.12(c).

⁵ Statement of Evidence of Sophie Strachan on behalf of Kāinga Ora – Homes and Communities (Landscape), 20 September 2023, at paragraph 4.12(d).

may be located on any part of the development site and does not need to be associated with each residential unit".⁶ Therefore, the canopy cover area applies to the development site and overhang would be permitted across residential units within that site. The treatment of any area of overhang between development sites is not specified. I acknowledge that should be resolved and clarified. It may be that further discussion between the planning and expert witnesses, prior to or at the hearing, results in providing an acceptable percentage of over-the-boundary overhang for trees planted closer to the boundaries shared with neighbours.

25. Ms Strachan also refers to calculating existing trees and whether this should be calculated as its mature size.⁷ The rules and the calculator rely on the tree canopy size measured at maturity according to the tree size category. The trees in the Tree list are grouped in four size class categories according to their projected canopy size at maturity. In paragraphs 4.16 – 4.20 of her evidence, Ms Strachan questions the accuracy of the way trees are classified and considers that some large trees, for example, do not have sufficient canopy spread and would not achieve tree canopy cover required by the rules.
26. Some large trees have columnar shape and the canopy size is determined not only by their horizontal spread but also the vertical size of the canopy/leaf area. For a tall and narrow tree, such as Lombardy poplar or cypress, their size classification will take into account the overall leaf area of the canopy, not just the horizontal spread or height alone. Tree hedges 1.5m or greater in height are also permitted and their 'canopy' is measured by multiplying width and length of the trimmed hedge.

JONATHAN CLEASE FOR KĀINGA ORA

Tree canopy cover and financial contributions rules

27. Mr Clease, in his planning evidence, addresses amenity values of landscaping/trees and the fact that changes to amenity resulting from intensification are not an adverse effect in itself, in accordance with the NPS UD Policy 6(b).⁸ Mr Clease also appears to assume that the only or main function of tree canopy provision is to ensure amenity, and that the MDRS

⁶ 6.10A.4.1.1 Permitted activities (P2, activity specific standards (b)).

⁷ Statement of Evidence of Sophie Strachan on behalf of Kāinga Ora – Homes and Communities (Landscape), 20 September 2023, at paragraph 4.12(e).

⁸ Statement of Evidence of Jonathan Clease (Planning Tree FC) – Kāinga Ora, dated 20 September 2023, at paragraph 4.10.

density standard for landscaping provides acceptable levels of landscaping and associated amenity. Mr Clease does not acknowledge all the other functions and benefits of tree canopy cover outlined in PC14, i.e. stormwater attenuation, carbon sequestration and shade to alleviate heat island effects, as well as the biodiversity benefits.

28. Mr Clease comments on the MDRS standards as a baseline for landscaping provision and questions the introduction of FCs and tree canopy provisions through the IPI process, and comments that the Council could undertake separate initiatives through street upgrades and parks.⁹
29. Mr Clease does not address the fact that Christchurch City tree canopy is the lowest of all the big centres in New Zealand and is diminishing. According to the Christchurch biome, that cover should be between 20% - 25%. New development contributes to tree loss considerably by clearing development sites of all trees (two canopy surveys undertaken in Christchurch have shown a 2% loss on residential land). As outlined in the s32 report, increasing tree planting on Council land and streets would not be sufficient to achieve the overall Urban Forest Plan (**UFP**) 20% tree canopy cover target that is considered appropriate for the Christchurch environment and biome.¹⁰
30. About 69% of land in Christchurch is privately owned and contains about 57% of all tree canopy cover. A significant positive impact on the city's tree canopy cover would come from an increase of that cover in residential zones. The residential zones cover 10,795.75 hectares of land. As outlined in the s32 report, of all target increases in tree canopy cover on various types of land, including 40% tree cover on open space land, the increase in canopy cover on residential land would have the most significant effect on the overall cover in the city.¹¹
31. An increase in all residential zones to 20% of tree canopy cover would increase the city's overall canopy cover substantially and would amount to approximately 22% (which is between the desired 20%-25%). Without that increase in residential zones, the projected canopy cover would only be 17% which is below what is required. This is shown in **Table 1** below.

⁹ Statement of Evidence of Jonathan Clease (Planning Tree FC) – Kāinga Ora, dated 20 September 2023, at paragraphs 4.12 – 4.13.

¹⁰ PC14, Section 32 Evaluation – Part 7 - Tree Canopy Cover/Financial Contributions, paragraphs 2.2.1 – 2.2.6, 3.2.8 – 3.2.9, and 3.4.20 – 3.4.21.

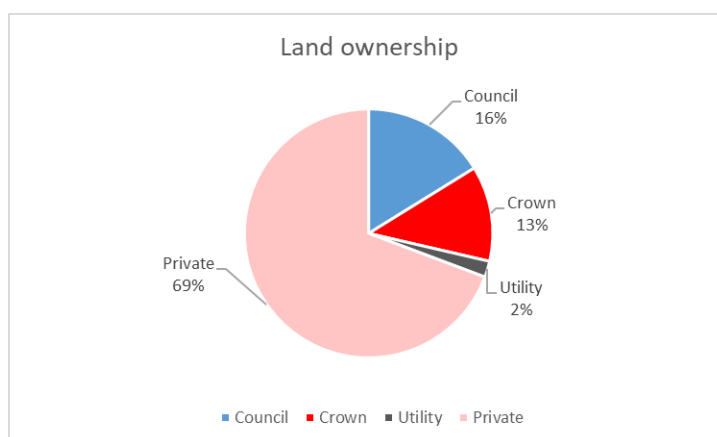
¹¹ Ibid. paragraphs 3.4.20 – 3.4.21

| Table 1: Effects of residential land on city canopy cover | | | | |
|--|-----------|------------------------|----------------------------|-----------------------|
| Land zone | Area (ha) | 2018/2019 canopy cover | Draft canopy cover targets | Projected canopy (ha) |
| commercial | 515.53 | 4.60% | 10% | 52 |
| industrial | 2095.77 | 3.68% | 10% | 210 |
| mixed use | 111.71 | 2.01% | 5% | 6 |
| open space | 9493.73 | 23.24% | 40% | 3797 |
| residential | 10795.75 | 13.44% | 20% | 2159 |
| rural | 14577.16 | 11.39% | 15% | 2187 |
| specific purpose | 2714.04 | 8.73% | 20% | 543 |
| transport | 3591.1 | 7.87% | 15% | 539 |
| Projected canopy cover with residential land included | | | | 22% |
| Projected canopy cover with residential land excluded | | | | 17% |

32. Due to the limited scope of PC14, the industrial and commercial land targets are not included in the proposed rules and until similar rules are applied to such land, this may have an impact of lowering the overall canopy outcomes for the city as set out in Table 1 above.

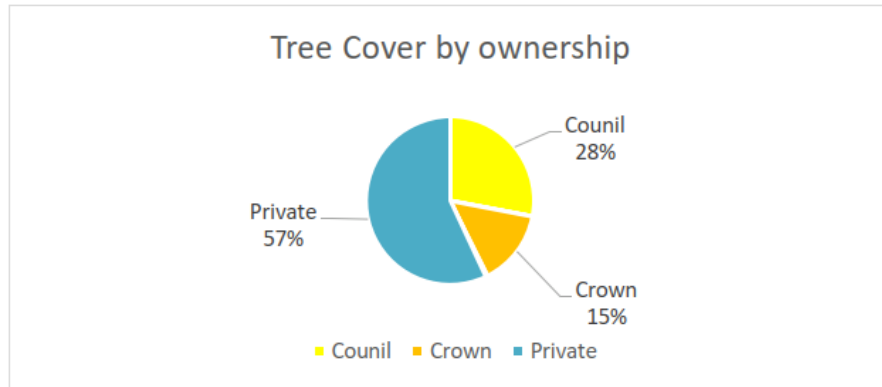
33. Mr Cleese comments that my Section 42A Report, at paragraph 6.6.17, incorrectly references the extent of existing tree canopy cover on residential land as being 70%.¹²

34. I agree that the 70% reference in my Section 42A Report is incorrect. The s32 report provides figures for the land ownership and canopy cover by ownership for Christchurch.¹³ These are as follows:



¹² Statement of Evidence of Jonathan Cleese (Planning Tree FC) – Kāinga Ora, dated 20 September 2023, at paragraph 4.22.

¹³ PC14, Section 32 Evaluation – Part 7 - Tree Canopy Cover/Financial Contributions, paragraphs 2.2.3 – 2.2.4.



35. Therefore, my Section 42A Report, at paragraph 6.6.17 should refer to 57% as that is the percentage of tree canopy cover located on private land. The reference to “almost 70%” relates to land in private ownership. Despite this unintentional error in my Section 42A Report, the overall approach to canopy cover and the recommendations are based on the correct analysis of the applicable figures as outlined in the s32 report.
36. Mr Clease appears to focus on the fact that the current residential zones’ tree canopy cover is below the UFP target and yet the suburban residential development appears to maintain its amenity. This approach does not account for the fact that the UFP and the proposed tree canopy provisions aim to increase, not just maintain, the city’s canopy cover and to improve our response to climate change challenges with all that they entail. PC14 also seeks to give effect to the higher order directions relating to these issues, as outlined in the s32 report, including the NPS-UD policies.¹⁴
37. In paragraph 4.24 of his evidence, Mr Clease summarises what he considers to be the key reasons for canopy loss during the canopy study period as “*not intensification, but rather is the normal programmed harvesting of plantation forests, along with an exceptional Port Hills fire event.*”
38. I do not agree that the Bottle Lake Forest plantation harvesting, and Port Hills fires, are the key reasons for canopy loss. The canopy survey report¹⁵ indicates that between 2015/2016 and 2018/2019, the greatest loss of canopy (2%) occurred on private land, including residential, as opposed to a 1% drop on public land, including the Bottle Lake Forest plantation. The canopy cover on private land dropped from 13% to 11% (of the city’s total tree canopy cover), and that 2% reduction constitutes a significant loss. This

¹⁴ PC14, Section 32 Evaluation – Part 7 - Tree Canopy Cover/Financial Contributions, paragraphs 2.1.5 to 2.1.13.

¹⁵ J Morgenroth, Tree Canopy Cover in Christchurch, New Zealand 2018/19, (2022).

contrasts with only a 1% drop in cover on publicly owned land, which had 23% of the city's tree canopy cover, and Crown land, which had 16% of the cover.

39. Even if some of the canopy loss on private land can be attributed to the Port Hills fire event, the research shows that residential property redevelopment contributes to canopy decline city-wide.¹⁶ The results of the study show “*a small absolute magnitude of city-wide tree canopy cover decline, from 10.84% to 10.28% between 2011 and 2015, but a statistically significant decrease in meshblock-scale mean tree canopy cover*”. Tree canopy cover losses were more likely to occur in meshblocks containing properties that underwent redevelopment.
40. Mr Clease also assesses the cost of alternative methods to mitigate the environmental effects that tree canopy is expected to help with. He considers these effects generally relate to the city-wide extent of cover and if the key issue is lack of canopy cover then other tools should be examined. Mr Clease also comments on Council owned parks and open spaces.¹⁷
41. As indicated in the s32 report, even if the former Red Zone (now Specific Purpose Ōtākaro Avon River Corridor Zone) was planted to achieve the 80% canopy cover target (i.e. covering 480 hectares), the increase in the city's overall canopy cover would only be 1.09%.¹⁸
42. The figures in **Table 1** above show that additional feasible tree planting on open space and rural land would be insufficient for the city to reach the UFP target of 20% tree cover. A lot of the open space needs to be retained as unplanted open space for sports and recreation. The open landscape and ecological character of the Port Hills also limits the amount of tree cover that can be planted in that area, predominantly due to gullies and lower slopes. The same applies to rural land which, for the most part, needs to be maintained as productive open land.
43. It is also important to emphasise that tree canopy needs to mitigate the effects of development where it occurs. For example:

¹⁶ T. Guo, J. Morgenroth, T. Conway, C. Xu, City-wide canopy cover decline due to residential property redevelopment in Christchurch, New Zealand, Science of the Total Environment, 2019, ISSN: 0048-9697.

¹⁷ Statement of Evidence of Jonathan Clease (Planning Tree FC) – Kāinga Ora, dated 20 September 2023, at paragraph 4.31.

¹⁸ PC14, Section 32 Evaluation – Part 7 - Tree Canopy Cover/Financial Contributions, paragraph 3.4.20.

- (a) the stormwater runoff attenuation needs to happen where additional buildings and impervious surfaces create more runoff;
 - (b) additional greenhouse gas emissions need to be sequestered at source (acknowledging that intensification along main transport corridors may have lesser effect through the use of public transport and car trip reduction);
 - (c) biodiversity corridors need to be created throughout the city, not just in isolated locations or on the periphery; and
 - (d) the heat created by the development needs to be mitigated at source.
44. In addition, there are also local amenity benefits for residents. Contrary to what Mr Clease is suggesting, amenity is not the main purpose for increasing tree canopy cover in residential areas.
45. Mr Clease provides some costs per tree based on planting them in open spaces and concludes that the FC costs are unjustified. Mr Clease does not mention that the majority of FC costs come from the cost of purchasing land, at the current market prices, for planting FC trees in the relevant residential area, as close to the development site as practicable, where no nearby open space is available and street planting is impractical or impossible. While it is acknowledged that the FC cost may be relatively high, it may also incentivise planting of the required trees on the development site as a more economical option.
46. In summary, contrary to what Kāinga Ora's submission and the supporting evidence is implying, provision of 20% tree canopy cover on residential development sites does not interfere with the MDRS provisions and intensification development. Rather, the tree canopy cover provisions are complementary to the MDRS and will ensure a number of important benefits.

FRASER COLEGRAVE FOR KĀINGA ORA

Financial contributions

47. Mr Colegrave provides an analysis of the tree canopy provisions from an economic perspective. The argument that FCs add cost to new housing and that in turn affects affordability and potentially pushes development to peripheral areas of Selwyn and Waimakariri, is similar to the issues identified

by Council's economic expert Phil Osborne. Such effects, however, would only potentially occur if developers choose to pay financial contributions in lieu of the much more economical option of planting tree cover on site.

48. Landscape mock-ups of existing Kāinga Ora and other existing developments by Council, however, show that the required tree canopy can be accommodated on development sites where the maximum 50% building coverage applies, and does not need to affect development yield, feasibility or residents' amenity. In fact, the examples of landscaping applied to these Kāinga Ora developments show that tree planting, as designed, on the majority of sites (if not all), already achieves the proposed requirement of 20% tree canopy cover.
49. In some cases, the drawings did not accurately represent the size of the canopy that the trees would achieve but their true size could be verified by the tree species described on the plans. Where the cover was slightly under, it could easily be rectified by using different tree species to achieve the required canopy extent, without impacting the development yield, site amenity or useability. In other words, where there is a will, there is a way.
50. Overall, I do not consider that the economic impact of the tree canopy requirements would be as significant as it may appear when assumptions are made that FCs would need to be paid in lieu of planting to enable the desired intensity of development permitted by the new MDRS rules.

MATT BONIS FOR WOOLWORTHS

Tree canopy cover and financial contributions rules

51. Mr Bonis, in his evidence, opposes the proposed tree canopy cover and FC provisions, and considers that these represent an incorrect statutory mechanism.¹⁹
52. Mr Bonis appears to consider that there is no connection between the implementation of the MDRS Schedule 3A provisions and the associated NPS UD objectives that PC14 sets out to implement, and the tree canopy cover/FC proposal. Mr Bonis also considers the incorrect regulation has been used and, among other things, that there is a disjunct between the

¹⁹ Statement of Evidence of Matthew Bonis (Planning) for Woolworths, dated 20 September 2023, at paragraph 17(c).

benefits and imposition of development costs on residential development rather than the community as a whole.²⁰

53. As explained in my Section 42A Report, the RMA amendments specifically provide for the introduction of a financial contribution through the IPI process.²¹ As I explain above, tree canopy cover/FC provisions are complementary to the MDRS provisions and aim to address the likely adverse effects of intensification.
54. The required canopy cover can be accommodated on sites developed according to the mandated MDRS rules, with the maximum 50% site coverage rule, without affecting the newly enabled development capacity.
55. While it is acknowledged that the cost of financial contributions can be high due to land values, it is going to be the developer's choice rather than a necessity. The impacts on the development capacity are not considered to be a constraint on development potential or affordability created by these provisions, but rather an encouragement to use a thoughtful and environmentally friendly design.
56. Mr Bonis notes that the benefits of tree canopy cover do not relate solely to Residential Zones. However, the scope of PC14 imposed a limit on the areas/zones to which the proposed Chapter 6.10A rules could be applied. That does not preclude potential future changes to the District Plan to widen the applicability of the rules, where considered necessary. The costs of the new regulation are borne by new development that creates effects that the provisions are aiming to mitigate.
57. Mr Bonis also discusses the issue of tree canopy loss in Christchurch and what it is attributed to. I have addressed these matters in my response to Mr Cleese for Kāinga Ora above.

STEPHANIE STYLES FOR SUMMERSET GROUP HOLDINGS LIMITED

Tree canopy cover and financial contribution rules for retirement villages

58. Ms Styles provides planning evidence on the tree canopy cover provisions as they apply to retirement villages (**RVs**), Summerset RV sites in particular. The relevant provisions of Chapter 14 have been amended by two planning

²⁰ Statement of Evidence of Matthew Bonis (Planning) for Woolworths, dated 20 September 2023, at paragraph 30.

²¹ Section 42A Report, paragraph 6.4.15.

officers considering two separate sets of issues and submissions. Despite their best efforts, some amendments to the provisions appear to create confusion in terms of how and where the bespoke landscape provisions and exemptions from tree canopy cover rules apply with respect to retirement villages.

59. The confusion appears to stem from the assumption that RVs, in all residential zones, are subject to similar bespoke landscaping rules, such as those in the operative Plan (Rules 14.5.2.2 and 14.6.2.7), and that exemptions from tree canopy rules should apply to all residential zones equally. I understand from Mr Kleynbos that this was not the intent. The tree canopy cover rules, and the applicable exemptions, were drafted accordingly, i.e. are limited to the zones that currently provide bespoke landscape rules for RVs/ non-residential activities.
60. Some of the amendments to the Chapter 14 rules that Ms Styles refers to, as they relate to retirement villages, were inserted by Mr Kleynbos as part of residential zones rules amendments.
61. Mr Klynbos and I will seek to discuss this matter with Ms Styles and to update the hearing panel accordingly.

JULIE COMFORT FOR VARIOUS SUBMITTERS

Tree canopy cover and financial contributions

62. Ms Comfort provides planning evidence on behalf of various submitters (Sutherlands Estates Ltd #728, Benrogan Estates Ltd #819, Knights Stream Park Ltd #820, Dann Mora Ltd #903, Davie Lovell-Smith Ltd #914 and Milns Park Ltd #916). The submitters seek the deletion of Rule 6.10A.4.1.1 P2. There appears to be a misunderstanding as to how this rules applies to greenfield subdivision and development, and how to interpret the new defined term 'development site'. The submitters suggest that the rule may allow for 'double-dipping' because of how the new definition may be applied to a 'development site'.
63. Ms Comfort states in her evidence "... *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%.”²²

64. I do not agree. The rules in P1 and P2 distinguish between 'infill' development where no new roads are created, and greenfield development where new roads are formed to be vested in Council. The apparent confusion caused by the interpretation of the new definition of 'development site' would not be resolved through the proposed solution.

Anita Wieslawa Hansbury

10 October 2023

²² Statement of Evidence of Julie Comfort (Planning) for submitters, dated 20 September 2023, at paragraph 2.4.