

**BEFORE THE CHRISTCHURCH DISTRICT PLAN PROPOSED CHANGE 14 HEARINGS
PANEL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 14 to the
Christchurch District Plan

BRIEF OF EVIDENCE OF PAULINE FIONA ASTON

FOR RED SPUR LTD

(Submission no. 881)

20 September 2023

QUALIFICATIONS AND EXPERIENCE

1. My name is Pauline Fiona Aston (MA Cambridge University, England; M.Phil Town Planning, University College London; MNZPI; MRMLA). I have 40 years resource management and planning experience.
2. I am Principal of Aston Consultants Resource Management and Planning, and have operated my own consultancy practice, based in Christchurch, since 1995.
3. I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.
4. Aston consultants works extensively in the Greater Christchurch area, with numerous clients with interests in subdivision, land development and land use planning matters. I am familiar with the Greater Christchurch planning environment, including the Christchurch District Plan.
5. I have read the officer planning reports relevant to the Red Spur submission, namely the reports prepared by Sarah Oliver and Ike Kleynbos (planners).

SCOPE AND SUMMARY

6. My evidence focusses on the key matters raised in the Red Spur submission and further submissions on Proposed Change 14 (**PC 14**) to the Christchurch District Plan. It draws on, and should be read in conjunction with, the lodged submission, which includes 'fulsome' background and reasons for the relief sought.
7. The submission opposes the proposed Large Lot Residential Zoning (**LLRZ**) and requests two alternative forms of relief, depending on whether or not the Low Public Transport Accessibility Qualifying Matter (**LPTA QM**) is retained.

8. *If the LPTA QM is retained*, Red Spur seeks either:
 - a. MRZ with a Redmund Spur Density Precinct – consistent with the s42A approach to rezone areas under the LPTA QM to MRZ and to apply a Density Precinct, but with appropriate consideration of the extent to which MDRS should be enabled at Redmund Spur; or
 - b. Residential Hills with a Redmund Spur Density Precinct – consistent with notified PC14 approach of retaining the existing zoning under the LPTA, but with appropriate consideration of the extent to which the MDRS should be adopted within the existing zone.
 - c. In both cases, amended standards for the Redmund Spur Density Precinct, to incorporate the MDRS (within the LPTA), as follows:
 - a minimum vacant lot size of 400m² for a maximum of 15% of lots for the entire Redmund Spur; and
 - for the balance lots, a minimum vacant lot size of 650m²; and
 - for lots under 650m² net site area, a maximum site coverage of 50%.
9. The larger RHP minimum lot size is not justified here under the Resource Management Enabling Housing Amendment Act (the Enabling Act). Red Spur is well suited to medium density housing, with large areas of flatter land, particularly in the mid and upper slopes.
10. *If the LPTA is not retained*, I am not aware of any matters which would provide a basis for application of a qualifying matter to Redmund Spur. Red Spur accordingly seeks application of the MDRS through rezoning to MRZ.
11. My understanding is that the purpose of the LPTA QM is to limit the potential for increased population densities above Operative District Plan levels in areas considered to have relatively poor levels of accessibility by public transport. For Red Spur, this is a maximum of 400 lots. If the LPTA QM is retained, Red Spur accepts that it may be appropriate for this 'cap' to be retained.
12. In my opinion, the proposed 'downgrading' of the Redmund Spur zoning is beyond the scope of the Enabling Act as it does not support or is consequential on incorporating the MDRS or giving effect to policies 3 and 4 of the NPS-UD.

13. Mr Kleynbos states that the purpose of the 'zoning change' is to align the zoning with the National Planning Standards (**NPS**). If the Panel considers this is within scope, then in my opinion, the operative Residential Hills - Redmund Spur Mixed Density Overlay is far more closely aligned to the NPS General Residential Zone, not the LLRZ zone. Accordingly, this is a relevant residential zone, which the Enabling Act requires to incorporate MDRS. The Council officers now recommend that PC14 incorporate the MDRS by way of rezoning these areas MRZ.
14. If the Panel considers it appropriate to apply an LLRZ zoning to Redmund Spur, then the rules package should as a very minimum be no less restrictive than the Operative District Plan rules package.
15. The submission opposes the tree canopy rules as impractical and unworkable. The rules adversely affect the feasibility and take up of housing development opportunities including intensification enabled by PC14. The reasons for the tree canopy rules are understood and accepted 'in principle'. My evidence focusses on the requirements for tree planting in road reserves. A more flexible approach is requested as a minimum, including the ability to offset required planting elsewhere, either on private land or within reserves where the 'tree canopy' reserve is additional to the amount of reserve land required under the Council's Development Contributions policy.

BACKGROUND AND CONTEXT

16. Attachment 1 to the Red Spur submission (reproduced here as **Appendix A**) provides background and context to the Red Spur submission.
17. In summary, Red Spur Ltd (**Red Spur**) is developing the Redmund Spur hill suburb at Halswell, comprised of a residential subdivision together with a neighbourhood commercial centre.
18. The residential subdivision has an anticipated yield of around 400 sections of mixed densities, with lots ranging from 280m² up to 1500m² +. This mix provides for a wide range of housing choices, including smaller more affordable housing. It also responds to the varying topography and site conditions within the subdivision area. Redmund Spur

is particularly suited to some medium density development because it includes substantial areas of flatter north facing land.

19. The first two stages of the Redmund Spur subdivision were developed under the former City Plan Living Hills A (**LHA**) zone (minimum net site area 850m², minimum average 1500m²). The land in these first two stages is generally steeper than the later 'middle stages'.
20. Subsequent stages have been developed under the Residential Hills Mixed Density Overlay (**RH MDO**) which was introduced by the Replacement Christchurch District Plan. The site is an existing urban area so does not have an Outline Development Plan.
21. The RH MDO provides:
 - a. Minimum vacant lot size and built form standards for site density - minimum lot size of 650m², a minimum 30% of sites must be 1500m²+, and a maximum of 400 lots;
 - b. No minimum lot size for lots with existing or proposed buildings;
 - c. Site coverage –
 - For sites greater than 1000m² – 25% or 250m² ground floor area, max 350m² floor area
 - For sites 450m² to 1000m² – 35%
 - For sites less than 450m² – 45%
22. An associated company has also developed Quarry Hill which is a neighbouring Upper Kennedys Bush subdivision, comprising 100 sections, with lot sizes in the 850m² to 2400m² size range, approved under the previous City Plan LHA zone provisions. The current zoning Quarry Hill is also Residential Hills, however it is not subject to the Mixed Density Overlay. The two subdivisions are separated by a band of Rural Hills zoned land, also owned by associated interests and part of a larger balance Rural Hills zoned area (totalling approximately 250 ha). The Halswell Quarry Park is on the west boundary of the properties.

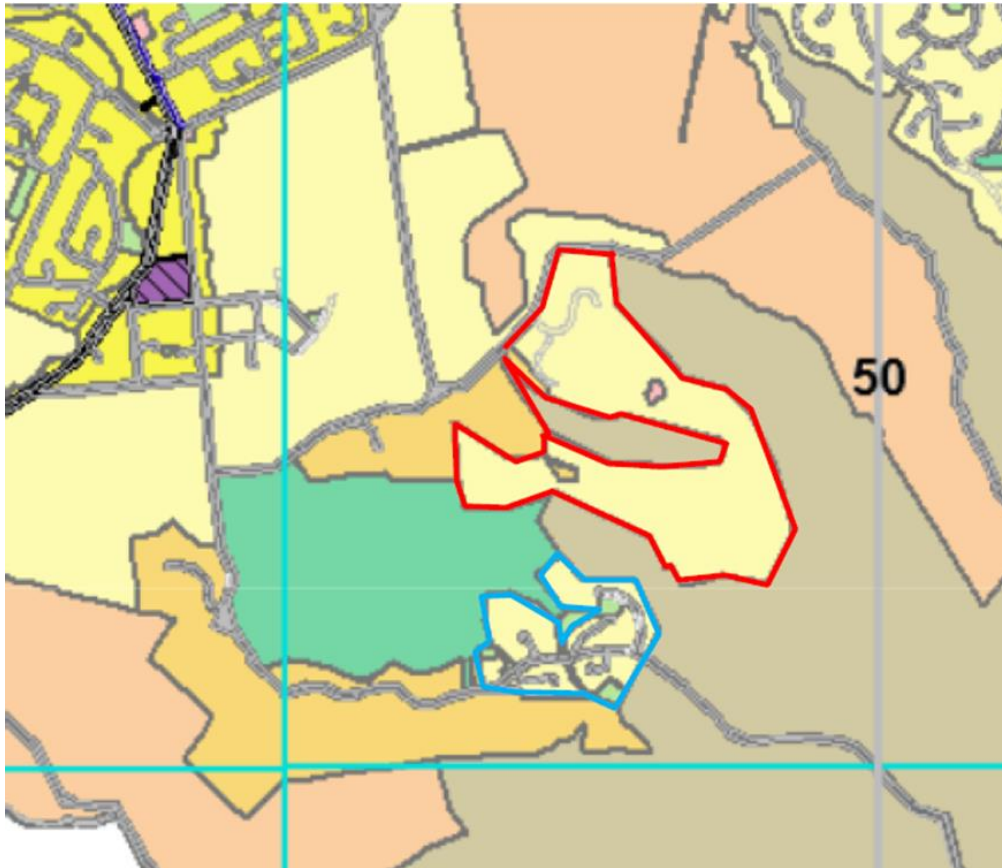


Figure 1: Zoning Map – Christchurch Operative District Plan. Redmund Spur outlined in red; Upper Kennedys Bush outlined in blue. Light yellow – Residential Hills; Mustard yellow – Residential Large Lot

PC14 ZONING

In notified PC14 Redmund Spur is proposed to be downgraded to LLRZ, with a Residential Mixed Density Precinct – Redmund Spur applied. This precinct modifies the LLRZ standards so that they are consistent with the standards for the RH MDO, with the exception that there is currently no minimum lot size for subdivision to create lots with existing or proposed building (rule 14.7.2.1(iii)), and this rule has not been carried over for the LLRZ Residential Mixed Density Precinct – Redmund Spur.

23. In contrast, PC14 as notified retained Residential Hills zoning for Upper Kennedys Bush. Like the majority of hills suburbs, Kennedys Bush is identified as being within the Low Public Transport Accessibility Area qualifying matter (**LPTA**). This position is revised in Council's evidence, with Mr Kleynbos recommending rezoning the notified Residential

Hills zones to Medium Residential but that a 'Suburban Hill Density Precinct' apply through applying the LPTA. The MDRS shall apply except:

- a) Site density: One residential unit per 650m² on residential hills sites.
- b) Building height: 8m permitted.
- c) Setbacks: Front: 4.5m or 5.5m where a garage door faces the street.
- d) Building coverage: 35% building coverage of net site area.
- e) Windows to street: Built form standards for MRZ do not apply to the Precincts.

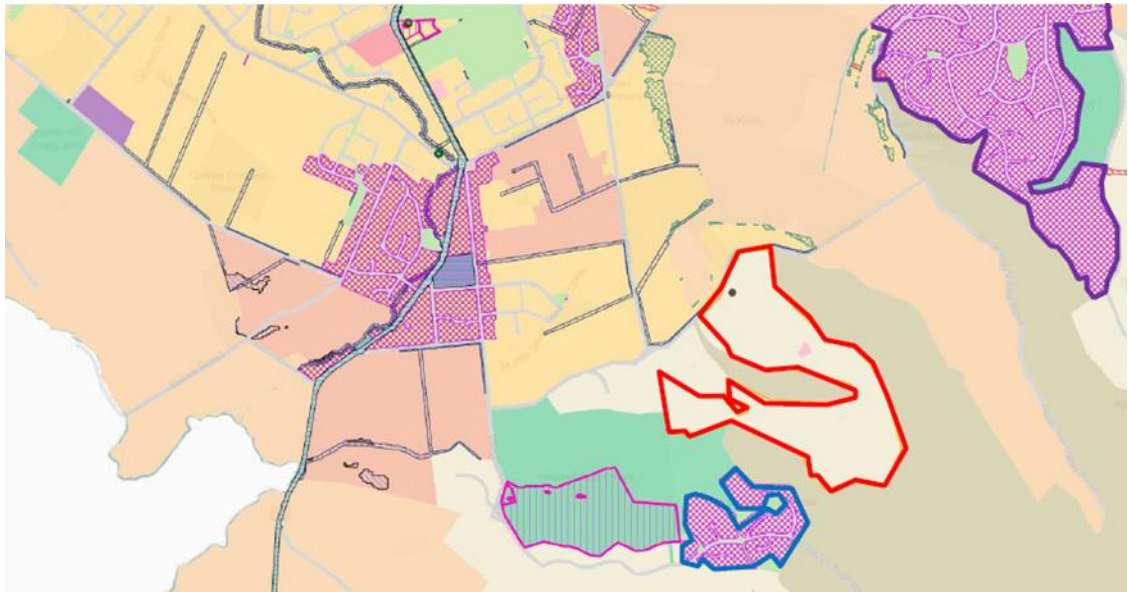


Figure 2: PPC14 planning maps – Redmund Spur and vicinity (Redmund Spur outlined in red, Quarry Hill outlined in blue, Westmorland outlined in purple)



24. Mr Kleynbos recommends that should the Panel consider that the RH MDO areas are within the residential scope of PC14 that they be rezoned MRZ, with the Suburban Hill Density Precinct through applying the LPTA.

25. In my assessment, the rezoning of the Redmund Spur to LLRZ is not within the scope of an IPI, and does not reflect the current RH MDO zoning or represent the nearest equivalent zone within the National Planning Standards zones. I address these matters below.

Scope to amend RH MDO to LLRZ

26. In my assessment, the proposed downgrading of the Redmund Spur zoning from RH MDO to LLRZ is outside the scope of the Enabling Act, and is ultra vires. I realise this is a matter of legal interpretation – but below is my analysis of the application of the relevant RMA provisions as a planner.
27. S77Ga) RMA mandates that “*Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone.*” A relevant zone is defined in the Enabling Act as every existing residential zone, except a LLRZ zone or a Settlement Zone (s 4 Enabling Act).
28. The Operative District Plan predates the National Planning Standards (NPS), and Residential Hills is not a NPS zone. Notified PC14 adopts the NPS zone descriptions for some areas but not others. For example, it proposed downzoning Redmund Spur to LLRZ but retains the Residential Hills zoning for other parts of the Port Hills. Mr Kleynbos’ s42A report recommendations seems to rectify this inconsistency. My understanding is that he recommends that all zones assessed as a relevant residential zone are rezoned MRZ, with qualifying matter standards addressed by way of precinct specific standards (or other methods).
29. The notified PC14 Section 32 Assessment Residential addresses the Residential zones with density overlays in Issue 5 ‘How to recognise operative density overlays in the District Plan through the IPI’. It considers that three of the residential density overlays in the Operative Plan have special characteristics which align with the Residential Large Lot Zone and therefore these areas should be rezoned LLRZ in PC14, with current density provisions retained through site specific Density Precincts. With respect to Redmund Spur, the s32 assessment states:

This site potentially has specific characteristics, in that the framework under the overlay is more closely related to RLL, which also reflects the transitional nature of this site between the Rural Urban Fringe Zone and the start of the denser urban area. Removal of the overlay would therefore enable development of a scale and density that would potentially be out of character within the surrounding area.

30. The scope of an IPI is prescribed in the RMA. It utilises the IPP “*in order to achieve an expeditious planning process that is proportionate to the complexity and significance of the planning issues being considered.*” (s80B1)). The local authority must not use the IPI for any purpose other than those specified in s80E (s80G) i.e. changes to the District Plan to:
- a) incorporate the MDRS; and
 - b) give effect to policies 3 and 4 of the NPS-UD; and
 - c) related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential to the above.
31. Related provisions relate, without limitations, to any of:
- a) district-wide matters
 - b) earthworks:
 - c) fencing:
 - d) infrastructure:
 - e) qualifying matters identified in accordance with section 771 or 770:
 - f) storm water management (including permeability and hydraulic neutrality)
 - g) subdivision of land.
32. Mr Kleybos, in recommending that the Red Spur submission be rejected, states:
- I do not accept that the site is able to be considered further as part of the IPI as the effect of the zoning and density overlays are not considered to represent a relevant residential zone, or are within a Policy 3 catchment of the NPS-UD. The proposal has simply been to apply the appropriate National Planning Standards response to the site without any change to the application of rules. I recommend that changes are only made to ensure that operative controls and their effects are best addressed in the proposed RLL*

framework. The proposal has simply been to apply the appropriate National Planning Standards response to the site without any change to the application of rules.¹

33. Reclassifying Operative District Plan zones to be consistent with the National Planning Standards is not any of the above s80E matters – it does not incorporate the MDRS, give effect to Policy 3 or 4 of the NPS-UD, or introduce a related provision that supports or is consequential on application of the MDRS or giving effect to the Policies 3 or 4 of the NPS-UD. To the contrary, applying the LLRZ prevents the application of the MDRS to Redmund Spur.
34. I have considered whether rezoning the land to LLRZ is consequential on application of the MDRS, as part of the first step of identifying whether the site is a relevant residential zone. In my opinion the ‘nearest equivalent zone’ for the site under the NPS is not LLR and therefore rezoning to LLR is not consequential on application of the MDRS.

Is RH MDO a relevant residential zone?

35. I have considered which NPS description ‘best fits’ Redmund Spur. In my opinion it is General Residential not LLRZ.
36. The test is to compare the respective operative zone descriptions and provisions, and compare these with the ‘nearest’ NPS zone descriptions.

National Planning Standard Zones

37. The NPS description for the LLRZ is:

Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.

38. The NPS General Residential Zone (GRZ) description is:

¹ Mr. Kleybos s42A report p121

Areas used predominantly for residential activities with a mix of building types, and other compatible activities.

Operative zoning - description

39. The operative RH zoning of Redmund Spur is consistent with the purpose and intent of the RHZ as described in the Operative District Plan under Policy 14.2.2.1 Housing distribution and density Table 14.2.1.1a, and conversely inconsistent with the purpose of LLRZ as described in the Table.²

Residential Hills Zone

Covers all the living environments that are located on the slopes of the Port Hills from Westmorland in the west to Scarborough in the east. It provides principally for low density residential development that recognises the landscape values of the Port Hills, including opportunities for planting and landscaping, and control of reflectivity of roof finishes in order to blend buildings into the landscape. Provision is made for a range of housing options that will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons). Provision is also made for a range of appropriate non-residential activities.

Residential Large Lot Zone

Covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hillslopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula.

40. The RLLZs are discrete outlying residential areas on Banks Peninsula or small fully developed existing areas on the Port Hills which have 'legacy' LLRZ zoning, or where there are topographical or servicing constraints. Bridle Path Road has subdivision approval and is being developed as a mixed density area (10 lots). Redmund Spur is a Port Hills hill suburb sandwiched between two existing RH hill suburbs (Westmorland to

² Note that the Table 14.2.1.1a incorrectly describes the Residential Hills Zone as applying from Westmorland in the west – although the zone already applies as far west as Kennedys Bush. If the Residential Hills Zone is retained, Red Spur requests an amendment to correctly identify the location of this zone.

the east and Quarry Hill to the west) which anticipates a wide range of residential densities, including smaller lots than elsewhere on the Port Hills i.e. under 650m². The operative Redmund Spur RH MDO zoning is consistent with this setting and context.

41. The notified PC14 Section 32 Assessment describes the operative Redmund Spur RH MDO zoning as:

- Underlying zone is Residential Hills.
- Overlay caps site to 400 lots maximum, and 30% of sites must have minimum net site area of 1,500m². Coverage controls for sites greater than 1,000m² - 25% or 250m² of ground floor area to a maximum of 350m² in total floor area. For sites less than 450m² the maximum site coverage is 45%.
- The majority of the overlay area is adjacent to Rural Urban Fringe Zoning (1-4ha density), with some at the western edge adjoining Residential Large Lot (RLL) and land across the road to the north zoned Residential New Neighbourhood.
- The IHP decision notes that the zone would result in a similar net yield to the LHA – being the equivalent of the RLL Zone. The discussion on the submission in the context of the District Plan review also notes that while a submitter requests a change from RLL to a new Residential Hills Mixed Density Zone, the proposed zone “would result in a similar net yield to the Residential Large Lot.”
- This site potentially has specific characteristics, in that the framework under the overlay is more closely related to RLL, which also reflects the transitional nature of this site between the Rural Urban Fringe Zone and the start of the denser urban area. Removal of the overlay would therefore enable development of a scale and density that would potentially be out of character within the surrounding area.

42. The justification for LLRZ zoning seems to be based on a combination of density and location characteristics.

Density

43. The operative zoning anticipates a mixed density, with a minimum of 30% of lots at the density equivalent to that for the RLL zone ie. minimum net site area 1500m². For the balance, the minimum net site area is the same as for the RH i.e. 650m², but some small lots are anticipated – this is the only part of the RHZ where there is no minimum site density standard, other than a total cap on the number of lots (400) and requirement for a proportion (a little under a third) of lots to be at least 1500m² in size.

44. These operative provisions enable an overall residential density much ‘closer’ to the RH zoning applying elsewhere (minimum lot size 650m²) than the LLRZ zone (minimum lot size 1500m²) – the enabled average lot size is appx 900m². This is because the zoned area (56.7 ha) includes land (10.5 ha) which is not ‘buildable’ as it is generally too steep and/or difficult to access. The buildable area is 46.3 ha. The non buildable areas have been identified as part of more detailed topographical work undertaken as the later stages of the subdivision have been considered. This is not uncommon with larger hill sites. Potentially some of this land could be incorporated into individual lots to create larger lots but it will be essentially unbuildable.

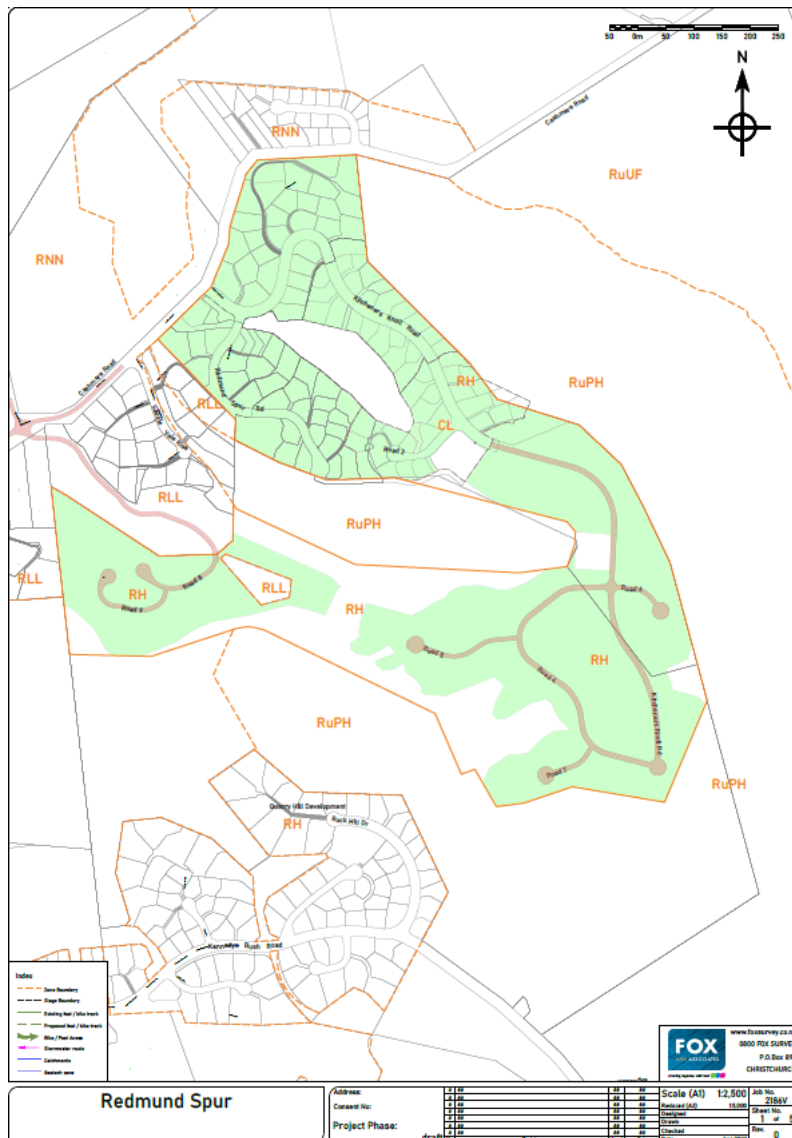


Figure 4: Buildable shaded green

45. Under the previous City Plan, a number of the hill suburbs, including Redmund Spur, were zoned Living Hills A (LHA) (in some cases deferred) with a minimum lot size of 850m² and minimum average 1500m². Some of the others were ‘upzoned’ to RH in the Christchurch Replacement District Plan – the Moncks Spur/Mt Pleasant Density Overlay, Shalamar Drive Density Overlay, and Upper Kennedys Bush Density Overlay. In these areas the minimum residential density standard is 850m² (compared to 650m² for other RH areas and no minimum for Redmund Spur). Proposals for a more than 10% reduction in the residential density standard are discretionary (14.7.1.4 D4). These areas are all recommended by Mr Kleynbos to be upzoned further in PC14 to MRZ (Suburban Hills Precinct) with a minimum lot size of 650m².

46. This previous LHA zoning is recognised in the PC14 Section 32 Assessment. It describes each of these overlay areas as:
- a) Underlying zone is Residential Hills.
 - b) Density required per residential unit is 850m². This site is stated as having been subject to the LHA zoning (deferred) under the previous plan, which had a minimum net site area of 850m² and a minimum average of 1500m². It was recommended that the site be zoned RH with a density overlay. It therefore appears that the 850m² minimum area was rolled over from the previous Plan.
 - c) In the previous District Plan, the densities for this area are described as being applied “to minimise the visual effects of urban development and maintain the character of the adjacent residential area.”
 - d) Criteria used does not align with sub-sections a) to g) of s77I, therefore cannot be a qualifying matter without meeting the tests under s77J.
47. I further note that the operative RH rules require a higher minimum lot size for a number of Port Hills residential areas, namely minimum 850m² for Montgomery Spur, Moncks Spur, and Shalamar Drive (8.6.1 Table 1i). These areas are all recommended to be upzoned in PC14 to MRZ (Suburban Hills Precinct) with a minimum lot size of 650m².
48. The average enabled residential density for Redmund Spur (average 900m² lots) is very similar for some other hills suburbs where a minimum 850m² standard applies, and far closer to the RH standard average than the RLLZ standard average.

Location

49. Mr Kleynbos describes the Redmund Spur site as having a *“transitional nature... between the Rural Urban Fringe Zone and the start of the denser urban area’* noting *“the majority of the overlay area is adjacent to Rural Urban Fringe Zoning (1-4ha density), with some at the western edge adjoining Residential Large Lot (RLL) and land across the road to the north zoned Residential New Neighbourhood.”*
50. I disagree that the Redmund Spur site has a ‘transitional character’. Redmund Spur does not share any boundaries with the RUFZ – flat land on the opposite side of Cashmere Zone is zoned Residential New Neighbourhood Zone (RNNZ) in the Operative District

Plan and Medium Residential in PC14. It may be that reference to the Rural Urban Fringe Zone (RUFZ) was a mistake, and Mr Kleynbos meant the Rural Port Hills Zone (RPHZ) which is the principal 'shared' zone boundary. This has a minimum lot size of 100ha.

51. Lower Redmund Spur adjoins existing LLRZ zoning to the west. A number of the Port Hills suburbs have some adjoining LLRZ zoning – for example western side of Upper Kennedys Bush, Upper Westmorland and a small area at western Cashmere – but in all cases only on a portion of the rural boundary (see **Appendix C** for maps of these areas). In some cases the LLRZ zoning may be due to more challenging topography. Overall, the Residential Hills Zone directly adjoins the Rural Port Hills Zone either largely or entirely, and in most cases it is entirely. From my general knowledge, including previous work on hill rezoning matters as part of the previous plan reviews, I understand the intention was to create a strong rural/urban contrast which in landscape terms helps distinguish and emphasise the distinctive character of the respective urban residential and rural zones, rather than a blurring created by a transitional lower density residential zone. The operative RH MDO facilitates this to a greater extent than a LLRZ.

52. The zoning of neighbouring areas to Redmund Spur is shown on the Figure 1 planning map above. This can be compared with the aerial photo which shows the developed urban form. Stages 1 and 2 of Redmund Spur, closest to Cashmere Road, were developed under the earlier LHA rules and have larger lot sizes, comparable to the operative RLL zones adjoining to the west also fronting Cashmere Road. However, this is not the case for the later stages, which were subdivided under the later Replacement District Plan RH MDO. Upper Kennedys Bush also has LLRZ character lot sizes as it was also developed under the former LHA zone rules. Notwithstanding, Mr Kleynbos recommends rezoning Upper Kennedys Bush MR (SHP) in PC14. Yet under the operative rules, Redmund Spur can achieve substantially higher density than the existing developed density for Upper Kennedys Bush (average 900m² lots).



Figure 5: Aerial photos of Redmund Spur and neighbouring areas

53. For the reasons set out above, I conclude that Redmund Spur is not a LLRZ, and is a relevant residential zone for the purposes of application of the MDRS.

Identification of Redmund Spur as a relevant residential zone and application of the MDRS

54. Redmund Spur is a relevant zone and therefore the MDRS should be applied, unless a QM applies, in which case restrictions should only be to the extent necessary to manage the QM specific characteristics such that the maximum level of compatible intensification is enabled.

55. S77I specifies a number of types of QM. Under s77I j) it also provides for “*any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.*”

56. S77L requires that the s32 evaluation report:

(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and

(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics

57. Notified PC14 proposes the LPTA QM to apply to all Port Hills residential areas, apart from some more accessible lower hill suburbs.
58. Red Spur is neutral on the proposed LPTA QM. Its submission proposes two alternative reliefs, depending on whether the LPTA is retained. I address these below.

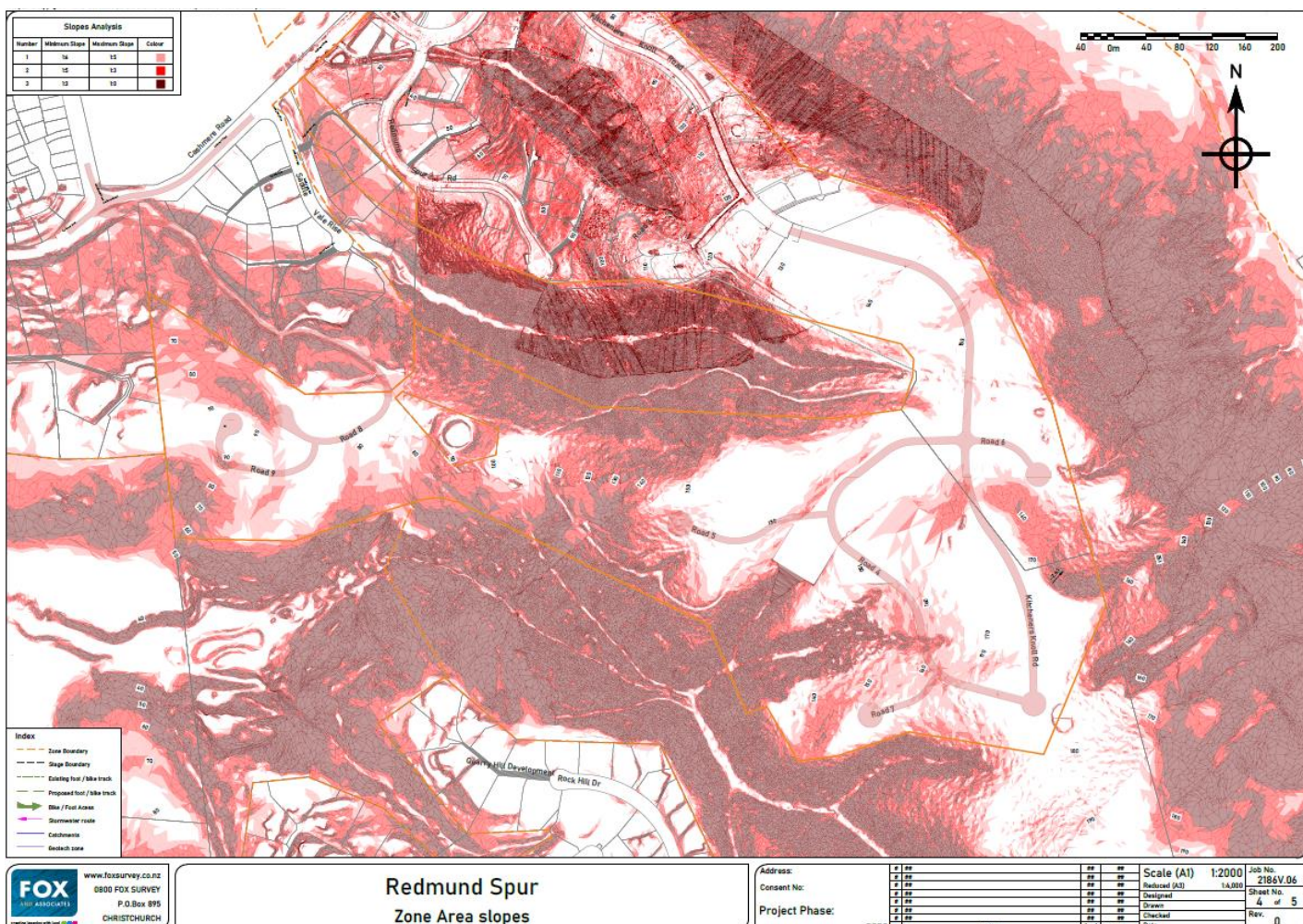
If the LPTA is retained

59. If the LPTA QM is retained, I agree that for consistency it should be applied to Redmund Spur. However, I question whether the rules package recommended by Mr Kleynbos for the Suburban Hills Overlay in its entirety is appropriate for Redmund Spur. The tests to be met are the s77L tests. In addition, the *Waikanae* decision provides direction about the inclusion of standards that are more restrictive than the Operative District Plan standards.
60. With respect to the s77L tests, Mr Kleynbos states³ that the purpose of the LPTA QM is to ensure that intensification directed by the Housing Supply Amendment Act is delivered in the most efficient means possible, aligning infrastructure investment and reducing greenhouse gas emissions. The public transport network has been used for three core reasons: infrastructure investment; private vehicle use and alignment with commercial centres. The effect of the LPTA QM is to restrict the ability for medium density to be developed. Mr Kleynbos recommends applying the operative Residential Hills Zone site density (650m²), site coverage (35%) and building height controls to the MRZ Suburban Hills Precinct, presumably because this generally reflects the status quo and therefore does not enable further development or intensification in most locations, although there are some areas such as Upper Kennedys Bush, developed under the former LHA rules, where further intensification is enabled by these standards.
61. With respect to hills sites, Mr Kleynbos also takes into account what he considers to be the greater physical constraints associated with hill sites:

³ Mr Kleynbos s42 A report at 7.1.83

Hill sites are far more sensitive and constrained. There is erosion/water risk (not part of QM); the topography means network (re)configuration is very constrained. Public transport accessibility on hill sites is a key constraint. ⁴

My understanding is that the extent and severity of physical constraints within the Port Hills residential areas is highly variable. Some areas are very steep, and difficult to develop. Other areas, including substantial parts of Redmund Spur are flat, gentle sloping and north facing and well suited to medium density development, as illustrated on Figure 3 below.






Slopes Analysis			
Number	Minimum Slope	Maximum Slope	Colour
1	1:6	1:5	
2	1:5	1:3	
3	1:3	1:0	

Figure 3: Redmund Spur Topography, - steeper land dark red, white has slope of 1:6+.

62. In addition, the *Waikanae* case found that a proposal under the IPI which imposed additional controls or restrictions that affect status quo/pre-existing development rights was ultra vires. This may be relevant to Mr Kleynbos' alternative relief for Redmund Spur because the current RH MDO enables smaller vacant lot sizes in some circumstances.
63. There is no minimum lot size under the Operative District Plan residential density built form standard (Rule 14.7.2.1 iii) and no minimum lot size applies to subdivision where an allotment is to be created around an existing building (that has been constructed to the extent that its exterior is fully closed in), or a proposed building where the subdivision consent is to be issued at the same time as, or after, the building consent for that building is issued (Rule 8.6.2). The operative site coverage rules for Redmund Spur anticipate some higher density development, with a maximum site coverage of 45% applying to sites under 450m² (Rule 14.7.2.3).
64. The above operative rules have been utilized to enable some smaller lot development at Redmund Spur (appx 11 approved to date).
65. Considering the development currently enabled by the Operative Plan, and the suitability of the Red Spur site to provide smaller residential lots, Red Spur seeks the following density standards:
- a minimum vacant lot size of 400m² for a maximum of 15% of lots for the entire Redmund Spur; and
 - for the balance lots, a minimum vacant lot size of 650m²; and
 - for lots under 650m² net site area, a maximum site coverage of 50%.

66. The density standards will not be too dissimilar to the rest of the Suburban Hills Density Precinct in terms of potential yield, (noting that there is no minimum lot size in the Suburban Hills Density Precinct where subdivision and residential development proceed concurrently), but they will facilitate some smaller lots, consistent with the operative RH MDO rules.
67. These standards could be provided through a zoning of either:
- a. MRZ with a Redmund Spur Density Precinct - consistent with the s42A approach to rezone areas under the LPTA to MRZ and to apply a Density Precinct, but with appropriate consideration of the extent to which MDRS should be enabled at Redmund Spur; or
 - b. Residential Hills with a Redmund Spur Density Precinct – consistent with notified PC14 approach of retaining the existing zoning under the LPTA, but with appropriate consideration of the extent to which the MDRS should be adopted within the existing zone.

If the LPTA is not retained

68. If the LPTA QM is not retained, then the MDRS should apply to Redmund Spur, through rezoning of the site to MRZ.
69. I have considered whether another alternative QM should be applied to the site. As discussed above, the s32 assessment finds that the RH MDO zoned Redmund Spur site has a transitional nature between rural and denser urban areas, and that removal of the density overlay would potentially be out of character with the surrounding area. However, the assessment for other similar areas (such as the Upper Kennedys Bush Density Overlay) records that current densities were applied to minimise visual effects and maintain the character of adjacent residential areas, and that these criteria do not align with s77I a) – g), and therefore cannot be a qualifying matter without meeting the tests under s77J. The only real difference with Redmund Spur is that there is a larger remaining development potential than other hill suburbs, and therefore development towards MRZ standards is more likely to occur in the short to medium term (in comparison with developed areas where this would occur through redevelopment). However, I do not consider that there is otherwise anything different about the character of Redmund Spur which justifies a different treatment.

70. Beyond the LPTA QM (which Red Spur does not oppose), I am not aware of any matters which would provide a basis for application of a QM to Redmund Spur. I expect that a similar position would be reached for other hill suburbs in the absence of the LPTA, however if an alternative QM is identified for other hill suburbs, it may be appropriate to consider whether it should also apply to Redmund Spur.

71. I do consider that one amendment to the standard MRZ should be provided. With respect to subdivision, the notified PC14 proposes a minimum vacant lot size of 400m² for the MRZ, below which a restricted discretionary resource consent is required (8.5.1.3 RD2). I consider that this rule may also be ultra vires because it will be inconsistent with the level of development permitted under the other clauses of Schedule 3A. This includes provision for subdivision as a controlled activity where it is for the purpose of the construction and use of residential units in accordance with clauses 2 and 4. (Clause 3).

72. The Red Spur Ltd submission seeks an amendment to Table 14.2.1.1a Residential Hills zone description to reflect this setting. It should include the current operative RH zones west of Westmorland as below

Covers all the living environments that are located on the slopes of the Port Hills from ~~Westmorland~~ **Quarry Hill** in the west to Scarborough in the east.

Application of LLRZ to Redmund Spur

73. I have concluded that Redmund Spur is not an LLRZ and should be addressed as a relevant residential zone in PC14. However, should the Panel agree with the notified PC14 proposal to zone Redmund Spur as LLRZ, this section of my evidence addresses further amendments required as a result of that rezoning.

74. PC14 proposes an additional Policy for the proposed LLRZ Mixed Density Overlay areas i.e. Redmund Spur and the now fully developed Bridle Path Road (Heathcote) Mixed Density OL.

14.2.5.11 Policy – Managing site-specific Residential Large Lot development

a. Enable development within mixed density precincts in a way that:

i. Within the Rural Hamlet area, avoids reverse sensitivity to airport activities and surrounding rural environment;

ii. Within the Redmund Spur area, provides for a mixture of low-density residential and rural-residential living opportunities; and

iii. Within the 86 Bridal Path Road area, limits the overall scale of development across the site to be consistent with the rural-residential setting across the foothills of Heathcote Valley.

75. If the Panel retains the notified LLRZ (Mixed Density Overlay) zoning for Redmund Spur and Bridle Path Road, then this policy needs to be revised to better reflect what is anticipated and 'enabled'. The Rural Hamlet area is not Mixed Density so reference to it should be removed by deleting clause (a)(i). The MDO at Redmund Spur provides for medium density residential as well as low density and large lot residential living (1500m² lots). It does not provide for rural residential living which in the Canterbury Regional Planning Scheme is defined as a density of 1-2 households / ha⁵.

76. Suitable amended wording (in bold and underlined and ~~strike through~~) would be:

a. Enable development within mixed density precincts in a way that:

i. ~~Within the Rural Hamlet area, avoids reverse sensitivity to airport activities and surrounding rural environment;~~

ii. Within the Redmund Spur area, provides for a mixture of **medium**, low-density and **large lot** residential ~~and rural-residential~~ living opportunities; and

iii. Within the 86 Bridal Path Road area, limits the overall scale of development across the site to be consistent with the ~~rural-residential~~ **large lot residential** setting across the foothills of Heathcote Valley.

77. Red Spur Ltd otherwise wish to ensure that as a very minimum, the operative Mixed Density Overlay standards are retained, and no additional restrictions apply.

⁵ RPS – rural residential activities means residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.

79. s80E of the Enabling Act provides for other changes to a District Plan which support or are consequential to incorporating MDRS. MDRS must be applied to relevant residential zones and the IPS can create new residential zones (s 77G4)). The small areas of the operative RPHZ sought to be rezoned MRZ are technically a new residential zone. In my opinion, the boundary changes are within scope because they support the incorporation of MDRS (but to the reduced standards applying due to the LPTA QM) by ensuring that the MRZ only includes land which is well suited to residential development and excludes topographically constrained areas.

AMENDMENT TO THE LOCATION OF THE NEIGHBOURHOOD CENTRE ZONE

80. An amendment to the Redmund Spur Neighbourhood Zone is also sought, such that it is consistent with the approved Stage 6 subdivision plan, and the location of the NCZ approved under RMA/2022/2892. In my opinion, this is also within the scope of PC14 – it will support incorporation of the MDRS by ensuring that the NCZ is in the ‘right place’ and not applying to land that is appropriate and intended to be developed for residential purposes.

TREE CANOPY COVER

81. PC14 requires a 15% street tree canopy cover for greenfield and brownfield residential areas. Red Spur supports the operative and PC14 definitions of greenfield and brownfield areas, which by definition exclude Redmund Spur (which is an ‘existing urban area’) and are referenced in 6.10A.2.1.1 Policy – Contribution to tree canopy cover and 6.10A.4.1.1 Permitted activities P2.
82. Ms Hansbury does not consider existing urban areas are exempt from P2 which she says also applies to ‘(a) any residential zone’ ‘where new roads to vest in the Council have been or will be created’⁶.
83. In all other respects, the lodged Red Spur submission opposes the tree canopy cover rules as impractical and unworkable and adversely affecting the feasibility and take up of housing development opportunities including intensification enabled by PC14.

⁶ Ms Hansbury s42A report paragraph 6.6.27

84. The purpose and intent of the tree canopy cover rules is understood. As Ms Hansbury explains it assists in achieving the Council's recently adopted Urban Forest Policy 2023 which seeks to increase the overall city tree canopy cover from the current 13.56% cover to 20% by 2070. Intensification without tree cover canopy requirements runs the risk of reducing tree canopy cover further, because she notes that research indicates that greatest potential for loss of tree canopy cover in residential areas arises in mesh blocks where entire sites are redeveloped at higher densities.
85. Such intensification risks do not arise in greenfield areas, which are for the most part conversion of farmland/open space with very limited tree cover, to residential subdivision. Residential subdivision by virtue of creation of domestic gardens and reserves results in a greatly improved tree cover in comparison to the status quo.
86. Red Spur is most concerned about the street tree canopy cover requirements. Currently street trees are installed optionally by the Developer (subject to Council's approval). PC14 proposes that 20% of residential sites will have tree canopy cover, and vested roads will have 15% of tree canopy cover.
87. This exceeds the levels of tree planting currently undertaken at Redmund Spur. As an example, the proposed planting for Stage 6 has a total of 16 trees with a total projected canopy area of 314m². The area of road to vest is 6241m² and 15% of this is 936m², so the current planting is a third of the requirements.
88. It may be technically feasible to plant the additional required number of trees in the berms – but will be tight. It would require careful planning to meet the required offsets from streetlights (6m), signs (6m), and vehicle entrances (3m), and avoid conflict with underground services. It will probably mean that vehicle entrances are dictated by tree positions (rather than the flexibility section purchasers currently enjoy). In places it may be that additional road width is required to meet the requirements
89. The maintenance requirements for the trees is of concern, as they will require attention as they grow. And the leaves are likely to block stormwater grates. And I suspect that on hill suburbs residents will be asking Council to trim trees to maintain their views.

90. The land available for planting in the road corridor dictates that the trees will be a linear feature, rather than a more natural clump or group. Whilst not being a tree expert, my understanding is that planting trees in groups is generally preferable for native trees in particular.
91. If retained, Red Spur seeks an alternative, more workable approach to the tree canopy rules which includes the option of providing tree canopy off site, but within the wider subdivision area or elsewhere e.g. for a hill subdivision, protection of existing trees in gully areas which are not appropriate to develop, are suited to tree growth (wetter conditions) and where tree growth helps stabilize soils and reduce risk of erosion. It supports submissions by others which request a similar relief. For Redmund Spur there are potentially suitable tree gully areas separating two existing subdivided areas and on land to the west, owned by a related company. The intention would for this area to become Council reserve, with walkway and pedestrian links enhancing amenity of the subdivision.



Figure 7: Aerial photo of Redmund Spur (lower and middle)

92. Ms Hansbury advises that the ability to 'offset' is already provided for in PC14 under 6.10A4.1.3 RD. This reads:

- RD2**
- a. Providing the minimum 15% street tree canopy cover required in Rule 6.10A.4.1.1 P2 by retaining existing and/or planting new trees within an alternative area of the subdivision that is not set aside for reserves contribution.**
 - b. Any application arising from this rule shall not be limited or publicly notified.**

80. RD2 only allows for an offset within the subdivision area whereas the matters of discretion (6.10A.5) allow the offset to be in the vicinity on private land (my emphasis):

a. Whether the non-compliance or the amount of the contribution is appropriate to its context taking into account:

i. Whether the benefits of tree canopy cover in building resilience to climate change effects, including carbon sequestration, stormwater infiltration, and reducing heat island effects, as well as improving residential amenity, can be achieved by the developer by retaining or planting the required tree canopy cover on another part of the subdivision/private site in the vicinity (other than publicly owned land);

ii. Whether a reduction in financial contribution, due to provision by the developer of partial tree canopy cover elsewhere in the vicinity of the development site, is justified;

iii. Whether the site or development has unique or unusual characteristics which mean that planting of the required tree canopy cover is not possible and a financial contribution in lieu of the tree planting is unnecessary or inappropriate;

iv. The extent to which the built development is designed to minimise or mitigate adverse effects on resilience to climate change effects or on the amenity values of the surrounding area.

b. Whether scheduling or staging of financial contributions payments is appropriate.

c. Whether taking of land instead of monetary financial contribution is appropriate and whether the Council will, at its discretion, accept land for the purpose of tree canopy cover planting instead of cash for financial contributions for land. If the Council or developer identify opportunities for land to be taken in lieu of cash financial contributions for the land for tree planting, this will be progressed if agreeable to both parties. Such

land cannot be the same as the land taken for reserves through development contribution.

81. The District Plan Strategic Objective 3.3.2 reproduced below requires the District Plan to minimise transaction costs and reliance on resource consent processes.

3.3.2 Objective - Clarity of language and efficiency

a. The District Plan, through its preparation, change, interpretation and implementation:

i. Minimises:

A transaction costs and reliance on resource consent processes; and

B the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and

C the requirements for notification and written approval; and

ii. Sets objectives and policies that clearly state the outcomes intended; and

iii. Uses clear, concise language so that the District Plan is easy to understand and use

82. If a requirement can be accommodated as a permitted activity, avoiding the need for a resource consent, it should be. I consider this is the case with tree canopy cover offsets.
83. My suggested amendment to P2 is set out below. I suggest that the rule specify that the offset be provided 'elsewhere on private land and/or on reserve land where the tree canopy reserve is additional to the amount of reserve land required for the subdivision under the Council's Development Contributions Policy for reserves'.
84. The RD2 matters of discretion use the wording 'in the vicinity' which is too uncertain and open to variable officer interpretation. The definition of vicinity is 'surrounding district/nearby' (Oxford Dictionary).
85. The rules do not require the tree canopy cover financial contribution to be limited in this way, although I note in response to submitters, Ms Hansbury advises that the Council's intention to ensure that "*if the FC funded trees cannot be planted in the street by the development site, then they are planted in a suitable nearby park if available or on land purchased with FC funds in the same neighbourhood/area*" (paragraph 6.9.1). As an alternative the wording 'in the same neighbourhood area' could be used for the amended P2 rule which I suggest would read:

c. Additional tree canopy cover of 15% of the road corridor area shall be provided in the road corridor in the subdivision through:

i. Planting new trees in the future road to be vested with the Council to provide a minimum 15% tree canopy cover at maturity, or

ii. retaining and/or planting an equivalent quantity of tree canopy cover elsewhere (in the same neighbourhood or area) on private land and/or on reserve where the 'tree canopy' reserve is additional to the amount of reserve land required for the subdivision under the Council's Development Contributions Policy for reserves; and

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

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. **(in the case of c ii only.)**

86. If the Panel prefers to retain RD2, then the wording of matter of discretion c. should be amended to allow additional tree canopy reserve where it is additional to the Council Development Contribution Policy requirements:

c. Whether taking of land instead of monetary financial contribution is appropriate and whether the Council will, at its discretion, accept land for the purpose of tree canopy cover planting instead of cash for financial contributions for land. If the Council or developer identify opportunities for land to be taken in lieu of cash financial contributions for the land for tree planting, this will be progressed if agreeable to both parties. ~~Such land cannot be the same as the land taken for reserves through development contribution.~~

Fiona Aston

20 September 2023



Submission on Proposed Plan Change 14 - Housing and Business Choice

Red Spur Ltd

Christchurch City Council

RESOURCE MANAGEMENT ACT 1991**CHRISTCHURCH CITY COUNCIL****SUBMISSION ON PLAN CHANGE 14
HOUSING AND BUSINESS CHOICE****Submitter Details**

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Specific Proposals to Which this Submission Applies:

Proposed Plan Change 14 (PC14) in its entirety, including but not limited to zoning, subdivision, activity and built form standards, qualifying matters and tree canopy provisions, in particular as they affect Redmund Spur. For background and context see Attachment 1 to this submission.

Submission:**Opposes the following proposed provisions**

PC14 in its entirety, including but not limited to zoning, activity, subdivision, built standards and qualifying matters, in particular as they affect Redmund Spur, and in particular the proposed 'downzoning' of Redmund Spur to LLR.

We do wish to be heard in support of our submission**The decision the Submitter seeks from the Council is:**

Relief Sought

- A** If the proposed Low Public Transport Accessibility Qualifying Matter (LPTA QM) is retained in the P14 decision, zone Redmund Spur (except for the Neighbourhood Centre), Residential Hills (the current zoning of the Site) subject to the operative RH zone provisions, except that the RH (Redmund Spur) Precinct provisions as described below shall apply.
- B** If the LPTA QM is **not** retained in the PC14 decision, rezone Redmund Spur MDR and subject to the RH (Redmund Spur) Precinct provisions below.
- C** PC14 rules and other provisions are consistent with the requirements of the Resource Management Enabling Housing (and other matters) Amendment Act, including but not limited to Clauses 3-8 relating to subdivision, including the requirement for subdivision provisions to be consistent with the level of development permitted under the other clauses of Schedule 3A, and provide for subdivision applications as a controlled activity.

In both cases, subject to C above, add the RH (Redmund Spur) Precinct Provisions:

- a minimum vacant lot size for a maximum of 15% of lots for the entire Redmund Spur of 400m²; and
- for the balance lots, a minimum vacant lot size of 650m²
- for lots under 650m² net area, a maximum site coverage of 50%

For clarity, there shall be no other additional rules (I.e. in addition to the RH/MDRZ rules) in the RH (Redmund Spur) Precinct.

Give effect to the above by amending PPC14 as below. Amendments sought by submitter highlighted yellow.

Chapter 8 Subdivision

Rule 8.6.1 Minimum net site area and dimension

	<u>Zone</u>	<u>Minimum net site area</u>	<u>Additional standards</u>
b.	<u>Residential Hills/Medium Density Residential Zone –</u>	<u>650m² for a vacant allotment except that in the Residential Hills (Redmund Spur) Precinct, a</u>	a. An identified building area must be shown on the scheme plan of subdivision on every

	Residential Hills Precinct	maximum of 15% of vacant lots for the entire Precinct shall have a minimum lot size of 400m².	allotment on which a residential unit is anticipated
<u>h.</u>	Residential—Large Lot Residential	1500m ²	e. In the Residential Mixed Density Precinct—Redmund Spur; i. the minimum allotment size shall be 650m² ; however a minimum of 30% of sites shall have a minimum of 1,500m² ; and ii. the maximum number of allotments shall be 400.

Rule 8.6.2 Allotments with existing or proposed buildings

	<u>Zone</u>	<u>Minimum net site area</u>
<u>j.</u>	Residential Hills/ Medium Density Residential Zone - Residential Hills (Redmund Spur) Precinct	No minimum

Chapter 14 Residential

Delete the reference to Redmund Spur in the Large Lot Zone Description (14.2.1.1 Policy – Housing distribution and density, Table 14.2.1.1a) as below

Covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hills slopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula, **and a low density hamlet centred on the northern part of Gardiners Road, Redmund Spur, and 86 Bridle Path Road.**

Correct Table 14.2.1.1a Residential Hills zone description to include the current operative RH zones west of Westmorland as below

Covers all the living environments that are located on the slopes of the Port Hills from **Westmorland Quarry Hill** in the west to Scarborough in the east.

Consequential amendments to Table 14.2.1.1a if the LPTA QM is not retained or is amended including to the zone description for the RHZ (which for the most part will be zoned MDR).

Delete 14.2.5.11 Policy – managing site specific Residential Large Lot development a. ii (which refers to the Redmund Spur area) as below

14.2.5.11 Policy – Managing site-specific Residential Large Lot development

a. Enable development within mixed density precincts in a way that:...

~~ii. Within the Redmund Spur area, provides for a mixture of low-density residential and rural-residential living opportunities; and~~

Residential Hills Zone Rules:

14.7.2.1 Site Density

	Activity/Area	Standard
iii	Residential Hills/MDRZ (Redmund Spur Precinct)	No minimum

14.7.2.3 Site coverage

a. The maximum percentage of the net site area covered by buildings shall be as follows:

	Activity/Area	Standard
iv.	Within the Residential Hills (Redmund Spur Precinct)	Sites under 650m² net site area – 50%

14.7.1.3 Restricted discretionary activities

	Activity	The Council's discretion shall be limited to the following matters
RD20	a. Within the Residential Hills Mixed Density Overlay, any activity that does not meet Rule 14.7.2.1 Site density. b. Any application arising from this rule shall not be limited or publicly notified.	a. Scale and nature of activity – Rule 14.15.5 b. Traffic generation and access safety – Rule 14.15.6 12 c. Residential design principles – Rule 14.15.1.g – Hillside and small settlement areas (Plan Change 5D Council Decision)
RD21	a. Within the Residential Hills Mixed Density Overlay, the creation of any attached residential units where the total floor area is greater than 500m² b. Any application arising from this rule shall not be limited or publicly notified	a. Residential design principles – Rule 14.15.1

Residential Large Lot Zone Rules:

14.9.2.1 Site **and precinct** density

a. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:

	Area	Standard
viii.	Residential Mixed Density Precinct Redmund Spur	1. 650m² per residential unit. 2. The maximum number of lots shall be 400. 3. A minimum of 30% of sites shall have a minimum net site area of 1500m².

14.9.2.3 Site coverage

~~b~~ a. The maximum percentage of the net site area covered by buildings shall be as follows:

	Zone/activity	Standard
viii.	Residential Mixed Density Precinct Redmund Spur	1. For sites greater than 1000m² – 25% or 250m² of ground floor area to a maximum of 350m² in total floor area. 2. For sites less than 450m² the maximum site coverage shall be 45%

14.9.2.5 Minimum building setbacks from internal boundaries

a. The minimum building setback from internal boundaries shall be as follows:	Activity/area
viii	Within the Residential Mixed Density Precinct – 86 Bridle Path Road, Residential Mixed Density Precinct – Redmund Spur , and Rural Hamlet Precinct, the following standards apply:

14.9.2.6 Road boundary building setback

a. The minimum road boundary building setback shall be:

	Area	Standard
vii.	Within the Residential Mixed Density Precinct – 86 Bridle Path Road, Residential Mixed Density Precinct – Redmund Spur	4 metres

b. The following exemptions apply for the Residential Mixed Density Precinct – 86 Bridle Path Road, Residential Mixed Density Precinct – Redmund Spur, and Rural Hamlet Precinct:

14.9.2.10 Minimum setback for living area windows and balconies facing internal boundaries

a. Within the Residential Mixed Density Precinct – 86 Bridle Path Road, Residential Mixed Density Precinct – Redmund Spur, and Rural Hamlet Precinct, the following standards apply:

- i. The minimum setback for living area windows and balconies at first floor from an internal boundary shall be 4 metres.**
- ii. Where the window is adjacent to an access way, the setback shall be measured from the far side of the access way.**

14.9.2.11 Service, storage and waste management spaces

a. Within the Residential Mixed Density Precinct – 86 Bridle Path Road, Residential Mixed Density Precinct – Redmund Spur, and Rural Hamlet Precinct, for multi-unit residential complexes and social housing complexes:

- i. each residential unit shall be provided with at least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;**
- ii. each residential unit shall be provided with at least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and**
- iii. the required spaces in i. and/or ii. for each residential unit shall be provided either individually, or within a dedicated shared communal space.**

14.9.2.12 Street scene amenity and safety – fences

a. Within the Residential Mixed Density Precinct – 86 Bridle Path Road, Residential Mixed Density Precinct – Redmund Spur, and Rural Hamlet Precinct, for multi-unit residential complexes and social housing complexes:

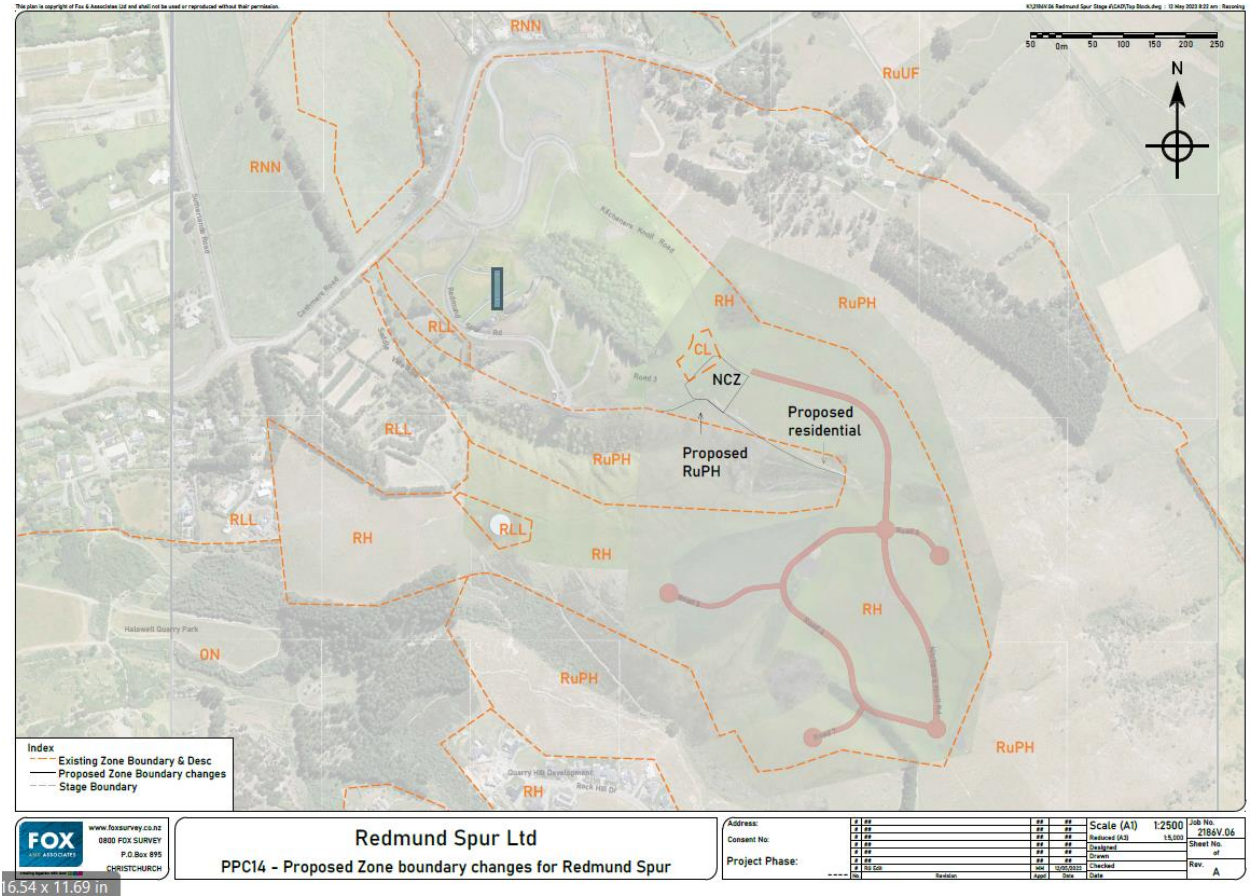
- i. The maximum height of any fence in the required building setback from a road boundary shall be 1.8 metres.**

ii. This rule shall not apply to fences or other screening structures located on an internal boundary between two properties zoned residential, or residential and commercial or industrial.

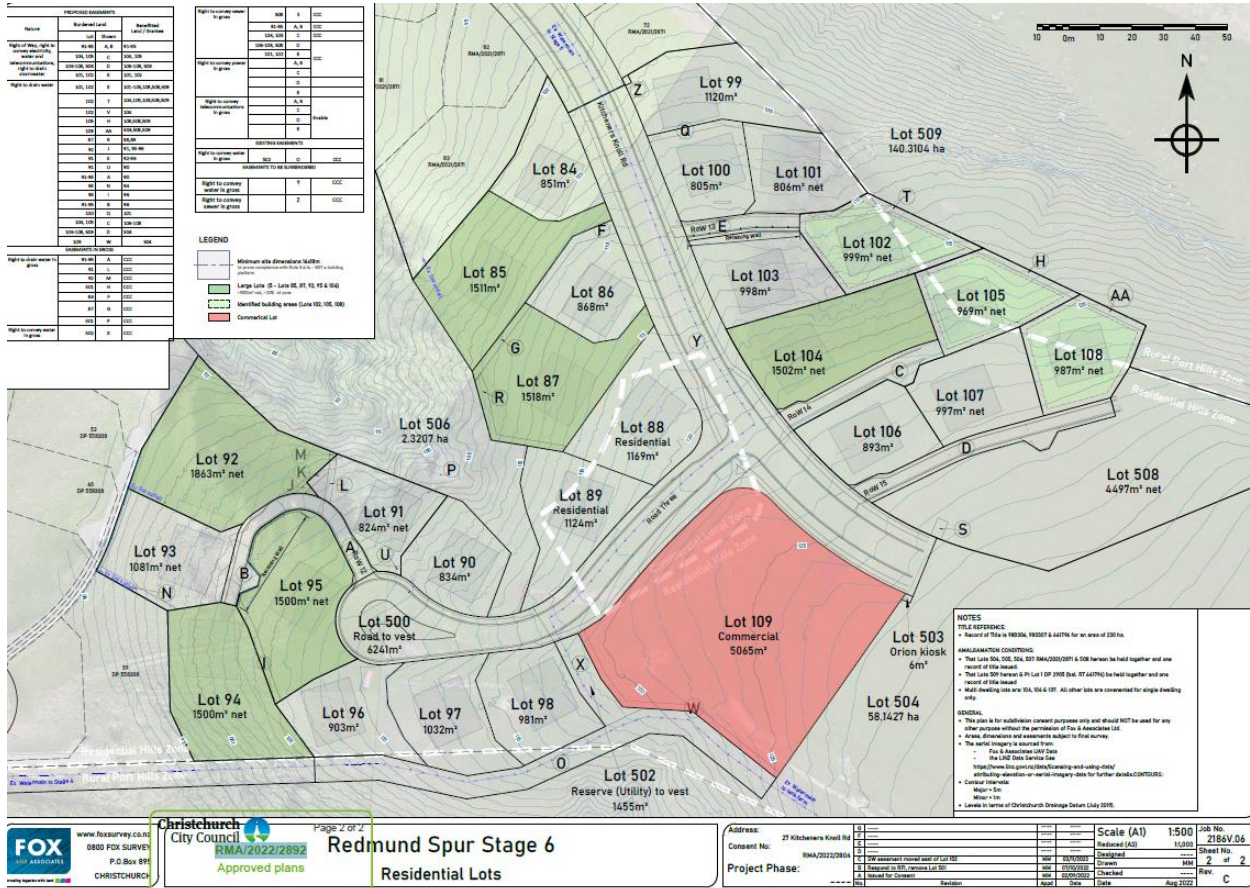
iii. For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building.

Support Redmund Spur Neighbourhood Centre subject to retention of Rule 5.6.1.1. P21 and for clarity change reference in a. from ‘local centres’ to ‘neighbourhood centres’.

Amend the residential zone boundaries of Redmund Spur as shown on the map below i.e rezone the areas identified as B.1 – B.4 to Residential Hills/ Medium Density Residential (Redmund Spur Precinct); and rezone the areas identified as A.1 – A.2 to Rural Port Hills.



Amend the location of the Redmund Spur Neighbourhood Centre on the relevant planning maps and Table 15.1 below to be consistent with the location and size of the NC approved under Stage 6 subdivision consent (RMA/2022/2892) as below.



Amend 15.2.2.1 Policy – Role of centres Table 15.1 – Centre’s role as below:

Role	Centre and size (where relevant)
E	All other commercial centres zoned Commercial Local Neighbourhood Centre Zone. Size: Up to 3,000m ² excluding Redmund Spur Redmund Spur – 5100m²

Any consequential, further or alternative amendments to PPC14 to be consistent with and give effect to the intent of this submission and the interests of the Submitter.

Reasons for Relief Sought

- 1) The relief sought is consistent with and gives effect to the Resource Management Act 1991 (RMA), including the Enabling Housing (and other matters) amendments, and in terms of s32 of the RMA is the most appropriate way for achieving the purpose of the objectives of the proposal (including any consequential amendments to the same to give effect to the purpose and intent of this submission).
- 2) Redmund Spur is zoned RH in the current operative Christchurch District Plan. The Enabling Act requires all existing zones except LLR and SSZ to incorporate the MDRS. The proposal to 'downzone' Redmund Spur to LLR is contrary to the Enabling Act and not legally possible. There is simply no scope under the Act for the proposed downzoning.
- 3) The existing District Plan density provisions applying to the Redmund Spur Overlay enable an overall residential density 'closer' to the RH zoning applying elsewhere (minimum lot size 650m²) than the LLR zone (minimum lot size 1500m²). The average lot size based on a maximum of 400 lots, and minimum 30% 1500m² is appx 900m².
- 4) RH zoning for Redmund Spur (in the event that the LPTA QM is retained) is consistent with the proposed RH zoning for the neighbouring Quarry Hill subdivision to the west, which also has an overall lower average density (1500m²) than Redmund Spur (appx 900m²).
- 5) The topography of Redmund Spur includes large areas of gently sloping land which are suitable for some smaller lots. The existing operative RS Mixed Density Overlay rules package recognizes this and anticipates some smaller sites. A higher (45%) site coverage applies for smaller sites (under 450m²) - Rule 14.7.2.3 Site Coverage. Provision for smaller lots will enable this emerging hill suburb to deliver a wider range housing types and price points than other hills suburbs (where the minimum vacant lot size is 650m²), consistent with the NPS-UD 2020 requirement for well functioning urban environments to meet the needs, in terms of type, price, and location, of different households (Policy 1), including smaller, more affordable housing.
- 6) The amendments to the residential zone boundaries are minor in nature and ensure that

the zoning better fits the site topography than the existing zone boundaries which relate to existing fencelines and/or other non-topographical features. Land currently zoned Residential Hills but which is topographically unsuited for residential development will be rezoned Rural Port Hills (2960m²) and land currently zoned RPH but which is suitable for residential development will be rezoned RH (Redmund Spur Precinct) or MDR (Redmund Spur Precinct) (2100m²) slightly reducing the amount of land zoned for residential purposes.

- 7) The amendments to the NCZ boundary and Table 15.1 is consistent with the approved Stage 6 subdivision scheme plan, and the location of the NCZ approved under RMA/2022/2892.
- 8) There is no need to continue with the current RHMDO rules package, which in some parts is inconsistent with the Enabling Act. These include the requirement for a proportion of larger lots and site coverage requirements including as below
 - For sites greater than 1000m² – the lesser of 25% or 250m² of ground floor area to a maximum of 350m² in total floor area (Rule 14.7.2.3)
 - Restricted discretionary activity consent required for attached residential units where the total floor area is greater than 500m² (RD21)

The site coverage requirements for larger sites have proven problematic in practice, with variable interpretation and application by consenting officers concerning matters of visual appropriateness of site coverage on the larger lots. The maximum site coverage under the MDRS is 50% as stipulated in the Enabling Act, and 35% in the current operative RHZ. It is not appropriate that a different standard apply to development at Redmund Spur compared with other RH zoned areas (with respect to sites 650m² and larger). Further, the Enabling Act (Policy 6) anticipates changes to character of the urban environment with the proposed intensification, which applies to virtually all residential zones including RH. Such changes are not to be considered of themselves an adverse effect, which needs mitigation.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

- (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
- (ii) are not, of themselves, an adverse effect

9) Market feedback is that lot sizes of 1500m²+ are larger than desired.

10) The current District Plan RH zoning of Redmund Spur (to apply in the event that the LPTA QM is not retained) is consistent with the purpose and intent of the RHZ as described in the District Plan under Policy 14.2.2.1 Housing distribution and density Table 14.2.1.1a, and conversely inconsistent with the purpose of LLR as described in the Table.

Residential Hills Zone

Covers all the living environments that are located on the slopes of the Port Hills from Westmorland in the west to Scarborough in the east. (an amendment is sought to correct this to reference Quarry Hill as the westernmost RHZ). It provides principally for low density residential development that recognises the landscape values of the Port Hills, including opportunities for planting and landscaping, and control of reflectivity of roof finishes in order to blend buildings into the landscape. Provision is made for a range of housing options that will enable a typical family home to be retained, but also provide greater housing stock for dependent relatives, rental accommodation, and homes more suitable for smaller households (including older persons). Provision is also made for a range of appropriate non-residential activities.

Residential Large Lot Zone

Covers a number of areas on the Port Hills where there is an existing residential settlement that has a predominantly low density or semi-rural character as well as the Akaroa Hillslopes and rural residential areas of Samarang Bay and Allandale on Banks Peninsula , **and a low density hamlet centred on the northern part of Gardiners Road, Redmund Spur, and 86 Bridle Path Road.**

The RLLZs are discrete outlying residential areas on Banks Peninsula or in the rural area north of the city (Gardiners Road). Bridle Path Road has subdivision approval and is being developed as a mixed density area (10 lots). Redmund Spur is not an outlying area – it is a Port Hills hill suburb sandwiched between two existing RH hill suburbs (Westmorland to the east and Quarry Hill to the west). RH/RMD (Redmund Spur Precinct) zoning is

consistent with this setting and context.

- 11) LLR zoning of Redmund Spur is inconsistent with the purpose and intent of LLR zoning as specified in the national planning standards:

LLRZ

Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.

The current development with average lot sizes of around 900m² is not low density. There are few physical limitations or constraints to development of RHZ areas on the balance of the site.

Significant parts of Redmund Spur are well suited to more intensive development, as reflected in the current MDO rules which anticipate higher density development.

- 12) MDR zoning of Redmund Spur is consistent with the Intensification objectives and policies that the Enabling Act required to be included in the District Plan in particular

Objective 1

(a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future:

Objective 2

(b) a relevant residential zone provides for a variety of housing types and sizes that respond to—

(i) housing needs and demand; and

(ii) the neighbourhood's planned urban built character, including 3-storey buildings.

(2)

A territorial authority must include the following policies in its district plan:

Policy 1

(a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

Policy 2

(b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi

tapu, and other taonga):

- 13) Amended Rule 5.6.1.1 P21 will retain the status quo with respect to the approved zoning of the proposed Redmund Spur neighbourhood centre. The next development stage (Stage 6) will include the neighbourhood centre, which is currently being designed.

Relief Sought – Tree Canopy Cover

The submitter supports the exclusion of Redmund Spur from the Operative Christchurch District Plan and PC14 definitions of greenfield and brownfield areas, which by definition exclude Redmund Spur and are referenced in 6.10A.2.1.1 Policy – Contribution to tree canopy cover and 6.10A.4.1.1 Permitted activities P2.

In all other respects, the Submitter opposes the tree canopy cover provisions in their entirety.

If the tree canopy provisions are retained in the PC14 decision, an element of an alternative, more workable approach should include the option of providing tree canopy off site, but within the wider subdivision area or elsewhere e.g. for a hill subdivision, protection of existing trees in gully areas which are not appropriate to develop, are suited to tree growth (wetter conditions) and where tree growth helps stabilize soils and reduce risk of erosion.

Reasons for Submission – Tree Canopy Cover

1. The relief sought is consistent with and gives effect to the Resource Management Act 1991 (RMA), and in terms of s32 of the RMA is the most appropriate way for achieving the purpose of the objectives of the proposal (including any consequential amendments to the same to give effect to the purpose and intent of this submission).
2. The Submitter supports existing urban areas, including Redmund Spur in its entirety, as being excluded from the tree canopy requirements with respect to greenfield and brownfield development road reserve areas.
3. In all other respects the PC14 tree canopy cover provisions are impractical and unworkable and will adversely affect the feasibility and take up of housing development opportunities including intensification enabled by PPC14 and the current District Plan. The outcomes will be contrary to the intent of the RMA including the RM Enabling Housing Amendment Act in enabling increased housing choice and affordability which contributes to a well functioning urban environment.

A handwritten signature in black ink, appearing to read "T. D. A.", enclosed in a thin black rectangular border.

.....
(Signature of applicant or person authorized to sign on behalf of the applicant)

Date: May 12, 2023

ATTACHMENT 1: BACKGROUND AND CONTEXT

Background – Submitter and Zoning

The Submitter, Red Spur Ltd (Red Spur), owns land at Redmund Spur, Halswell. An associated company has also developed Quarry Hill which is a neighbouring Upper Kennedys Bush subdivision, comprising 100 sections, with lot sizes in the 850m² to 2400m² size range, approved under the previous City Plan LHA zone provisions (minimum net site area 850m², minimum average 1500m²).

The two subdivisions are separated by a band of Rural H zoned land also owned by associated interests and part of a larger balance Rural H zoned area (totaling appx 250 ha). The Halswell Quarry Park is on the west boundary of the properties.

Red Spur is now developing Redmund Spur - see <https://www.redmundspur.co.nz/>. Stages 1-6 (116 lots) are now complete or consented with lot sizes in the appx 450m² to 5000m² range. Later stages are anticipated, including some lots in the 280m² – 450m² size range.

Both Upper Kennedys Bush and Redmund Spur are zoned Residential Hills in the Christchurch District Plan.

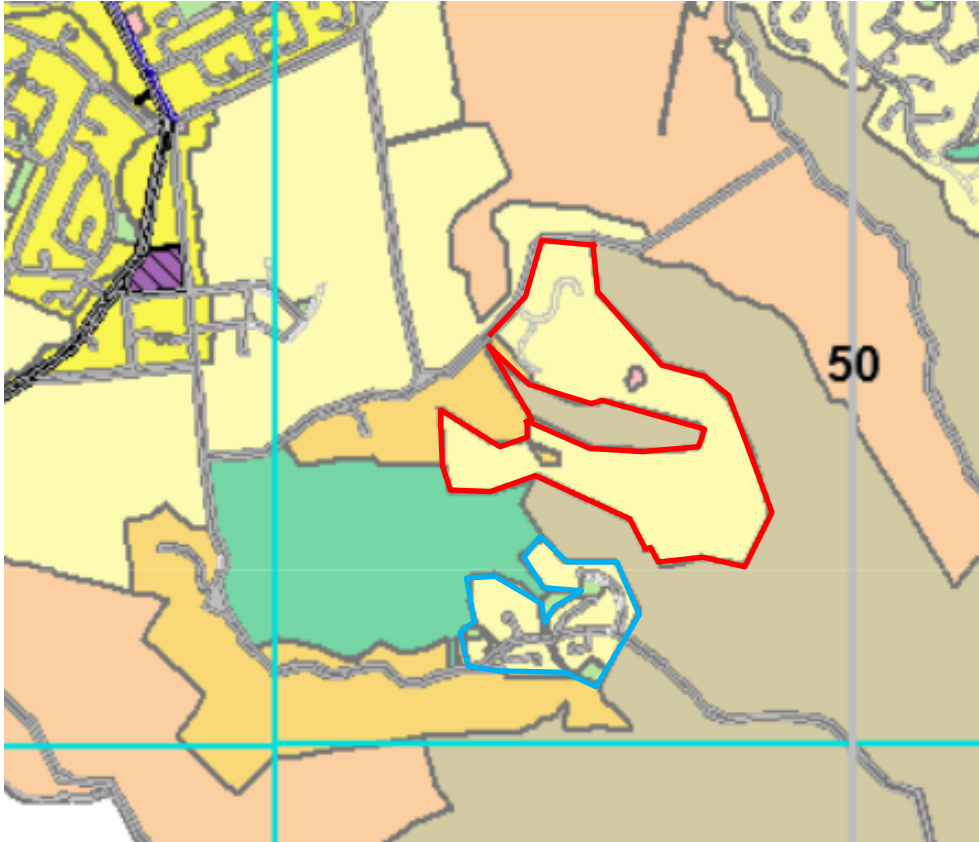


Figure 1: Zoning Map – Christchurch District Plan

Redmund Spur outlined in red; Upper Kennedys Bush outlined in blue.

Light yellow – Residential Hills; Mustard yellow – Residential Large Lot

Under the current provisions Redmund Spur is subject to a 'Mixed Density Overlay' (MDO) which specifies

- The maximum number of allotments shall be 400.
- A minimum of 30% of sites shall have a minimum net site area of 1500m²

There is no minimum lot size.

The MDO was introduced in the Christchurch District Plan. The anticipated section mix based on the MDO is

- 15% 200-650m²
- 55% 650-1500m²
- 30% 1500m²+

The MDO takes its 'cue' from the existing Cashmere Hills suburb which is a very attractive high

amenity suburb. It provides for a wide range of section sizes and housing types, ranging from townhouses and apartments to substantial homes on larger sites and an overall 'leafy' feel. A local neighbourhood centre is zoned at Redmund Spur positioned in a similar position at a local roads intersection with north facing views to plains and Alps to the café/bar cluster, gift shop and florist at the Dyers Pass/Hackthorne Road intersection on Cashmere Hill.

There is only one other equivalent MDO in the Residential Hills, at 86 Bridle Path Road, Heathcote. This provides for up to 9 lots. Development is underway there. Consent has been obtained for a 10 lot subdivision.

Redmund Spur is particularly suited to a some medium density development because it includes substantial areas of flatter north facing land suitable for higher density development. This provides added housing choice, including smaller more affordable housing, in accordance with the intent of PPC14, and is currently one of only two locations on the Residential Hills where higher density development can occur. There is no minimum lot size under the residential density standard (14.7.2.1 iii) and no minimum lot size applies where an allotment is to be created around an existing building (that has been constructed to the extent that its exterior is fully closed in), or a proposed building where the subdivision consent is to be issued at the same time as, or after, the building consent for that building is issued (8.6.2). The operative site coverage rules for Redmund Spur anticipate some higher density development, with a maximum site coverage of 45% applying to sites under 450m².

The above operative rules have been utilized to enable some smaller lot development at Redmund Spur (appx 11 approved to date).

PPC 14 – Zoning

PPC14 essentially proposes 'upzoning' all of the existing residential zones in the Christchurch District Plan except for the Large Lot Residential and Small Settlement Zones and where qualifying matters apply. The proposed Residential Medium Density Zone enables 3 houses per site, up to 3 storeys high, subject to development standards as specified in the Resource Management Enabling Housing Amendment Act 2021 (the Enabling Act), but with an amendment to the Height in Relation to Boundary rule (for which a proposed qualifying matter applies).

One Qualifying Matter applies to areas with low public transport accessibility where the

Residential Suburban Zone, Residential Banks Peninsula and Residential Hills Zone (part) and their current standards in the District Plan continue to apply. This limits the application of the Medium Density Residential Zone (and the MDRS standards) to residential areas with the following spatial characteristics:

- Residential areas within 800m walk from five High Frequency (Core) Routes
- Residential areas within 800m walk from additional bus routes with significant potential to connect employment centres together
- Residential areas more than 200m from High Density Residential Zones and the application of Policy 3 in relation to centres, snapping to the nearest city block
- Areas zoned Residential Suburban Density Transition Zone, Residential New Neighbourhoods (RNNZ) and Residential Medium Density¹

However, based on the PPC14 planning maps, parts of the operative RNNZ have been rezoned Future Urban Zone. The MDRS does not apply to the FUZ which retains the operative RNNZ standards.

The justification for the Low Public Transport Accessibility Qualifying Matter (LPTA QM) is summarized as below:

This qualifying matter will provide for a level of intensification within the qualifying matter area consistent with the level of existing and likely future accessibility to employment, education and community services in these areas and promote an integrated and more efficient and effective approach to the provision of public transport and three waters network infrastructure focussed on areas most suited to enable intensification close to centres and areas with relatively strong demand. It will support well-functioning urban environments reductions in greenhouse gas emissions and support resilience to climate change effects without significantly impacting on housing affordability and competitive land and development markets.²

It aligns the location of medium density development with existing and committed structural investments and cross organisational planning for the provision of public transport in Greater Christchurch, including as set out in the Greater Christchurch Public Transport Combined Business Case 2020 (the PT Combined Business Case).³

¹ Qualifying Matters Section 32 Assessment paragraph 6.32.1

² Qualifying Matters Section 32 Assessment paragraph 6.32.49

³ Qualifying Matters Section 32 Assessment paragraph 6.32.11

The PPC14 proposed zoning of Redmund Spur and surrounding areas is as below:

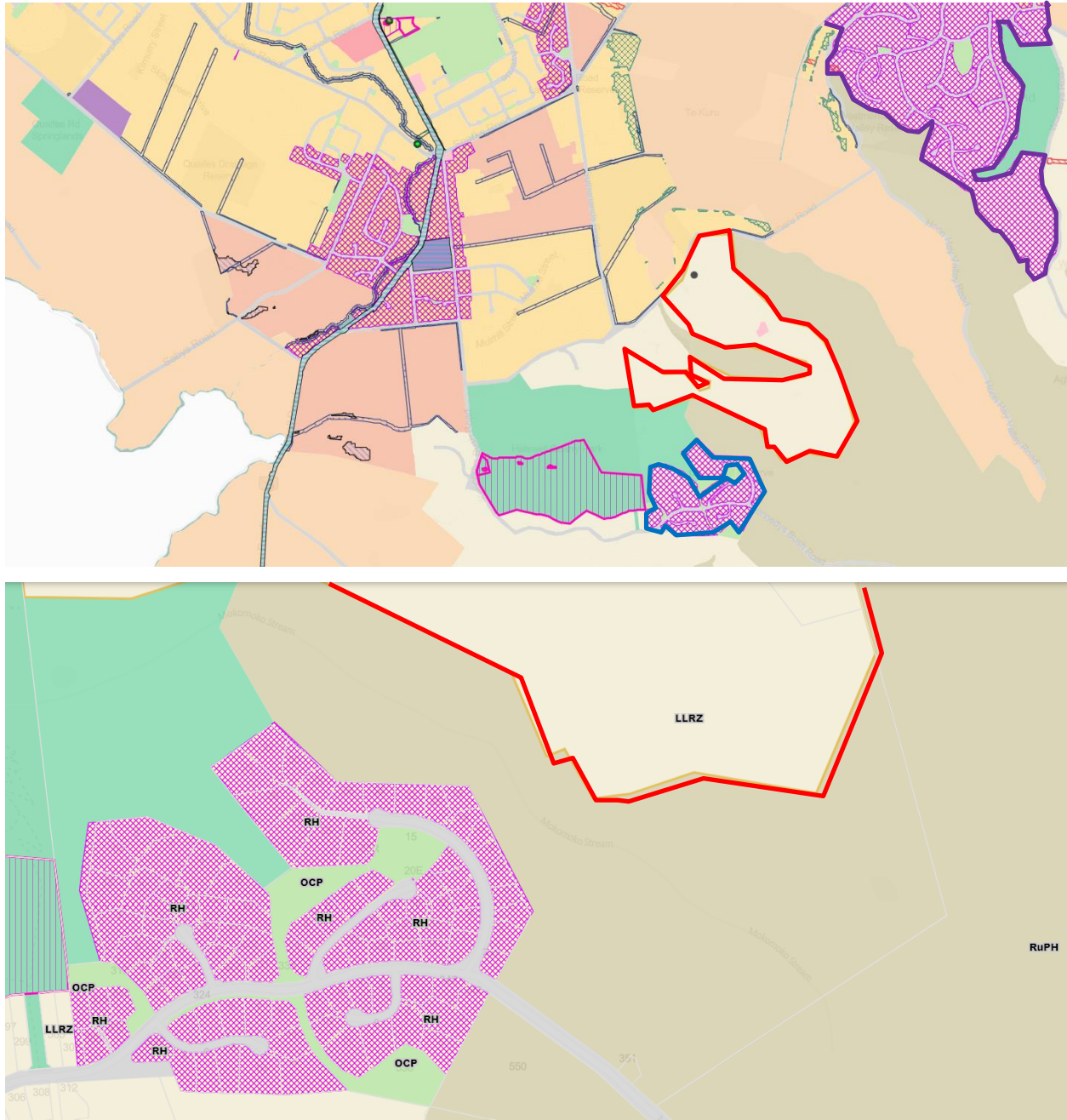


Figure 1: PPC14 planning maps – Redmund Spur and vicinity (Redmund Spur outlined in red, Quarry Hill outline in blue, Westmorland outlined in purple) including close up of Quarry Hill and southern Redmund Spur

- LLRZ** Large Lot Residential Zone
- RH** Residential Hills Zone

RNN	Residential New Neighbourhood Zone
FUZ	Future Urban Zone
RuUF	Rural Urban Fringe Zone
NCZ	Neighbourhood Centre Zone
	Low Public Transport Accessibility Area

PPC14 proposes to 'downzone' Redmund Spur to Large Lot Residential, but retain the existing MDO development standards. The 'downzoning' of Redmund Spur to LLR is opposed.

PPC14 retains the Redmund Spur Commercial Local Centre, but rezones it Neighbourhood Centre to align with the National Planning Standards. Rule 5.6.1.1 P21 as below is retained with some amendments.

With regard to neighbouring land, the land on the north side of Cashmere Road opposite Redmund Spur is zoned MDR, and land within the current RNNZ at south Halswell is zoned FUZ. It is understood that parts of the RNNZ fully or partially developed are zoned MDR. Upper Kennedys Bush and Westmorland are LPTA areas, and retain the current Residential Hills zoning. Further east, Cashmere Estates is zoned FUZ, and lower Cashmere is zoned MDR but middle and upper areas are LPTA areas and retain the current RH zoning.

Tree Canopy Cover

PPC 14 requires a tree canopy cover financial contribution to be paid at the time of subdivision or building consent where a proposed development does not include:

- 20% tree canopy cover within a development site; and
- For residential greenfield and brownfields subdivision, in addition, an additional 15% of the future road area to be vested in Council.

The additional 15% requirement for greenfield and brownfields residential subdivision does not apply to Redmund Spur and it is not a greenfield or brownfield area, as defined in the Operative Christchurch District Plan and PC14.

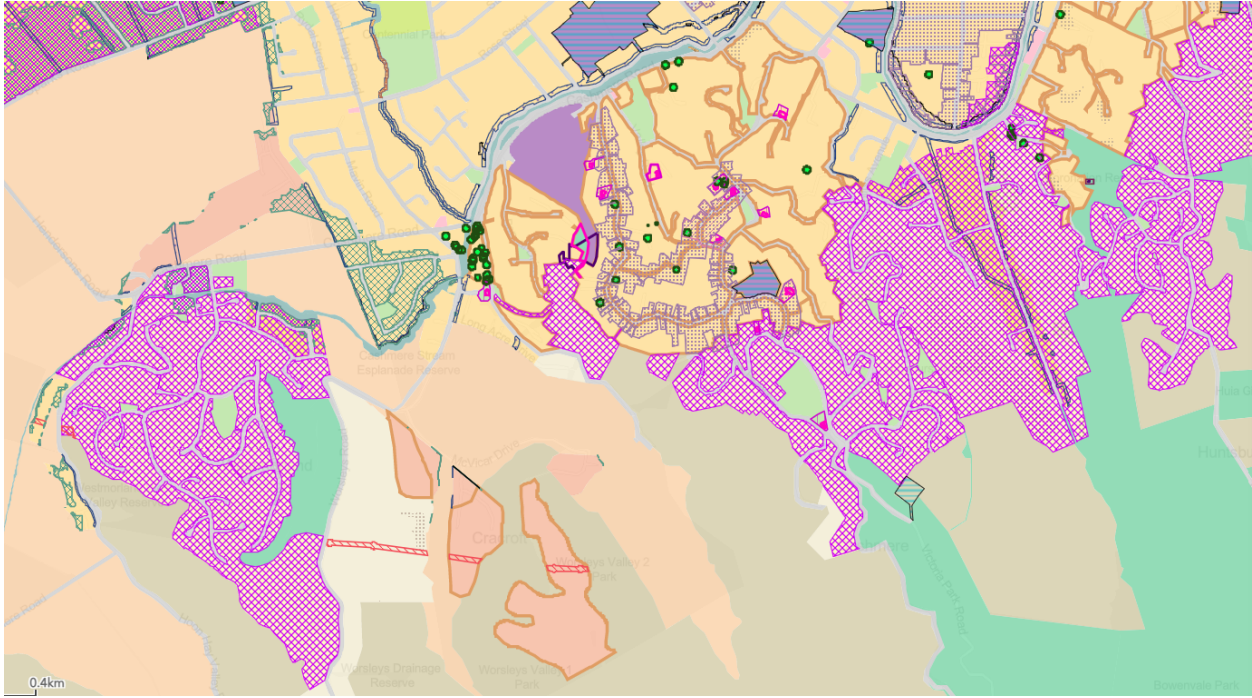


Figure 2: PPC14 planning map – Westmorland, Cashmere Estates, Cashmere and Bowenvale