

**PLAN CHANGE 14**  
**PRESENTATION OF LAY EVIDENCE**

by

- (1) Bruce Cameron Taylor and Diana Mary Taylor, 8 Allister Avenue – Ref: 328
  - (2) Tony Norbett-Munns and Sarah Norbett-Munns, 2 Allister Avenue
  - (3) Angus Binnie and Kirsty Binnie, 14 Allister Avenue
  - (4) Campbell Venning and Samantha Venning, 18 Allister Avenue
  - (5) David Gibbons and Victoria Gibbons, 54 Heaton Street
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We are not calling expert evidence or quoting statutes, regulations or case law and no lawyer is acting for us. In your assessment of our submission, we ask simply that you take a “common sense approach” and recommend such an approach to the Christchurch City Council planners.

Our submissions object to the HDR zoning for properties on east side of Allister Avenue. There are four properties affected, namely, 2, 8, 14 and 18 Allister Avenue. These properties adjoin each other. All four owners approve of this evidence, as do David and Victoria Gibbons abovementioned.

**SUBMISSIONS (1) & (2)**

We purchased our property in February 1984 (almost 40 years of ownership). We purchased this property because of its situation in a prime residential area and in the expectation that it was unlikely to significantly change its character. At that time, we knew that land south of Leinster Road was zoned Living 2, increasing to L5A around Carlton Mill Road.

We know our neighbours and co-submitters are of the same view and have been prepared to pay a premium to live in Allister Avenue. Allister Avenue has 11 properties. Four on its east side have the proposed HDR Zoning. The fifth has a heritage designation.

We would be disappointed if you were to regard our stance against the HDR Zoning as “Nimbyism”. Please refer to Judith Sloane’s article in Spectator Australia – 15 July 2023 “*In praise NIMBYism*” and the highlighted paragraphs starting “When you buy a property...”

To illustrate the value and residential ambience of an Allister Avenue location, the combined values of the 11 properties for rating purposes is over \$19.8m, an average value of \$1.80m.

Only one of these properties could be regarded as “of recent construction” that is, since the 2011 earthquake. However, all the other 10 properties have had, in recent years, significant amounts of expenditure on the houses and the land.

These rating values illustrate that modest, old, unrepaired or unmaintained properties are not involved here. The willingness of all 11 current owners to put substantial capital monies into the enhancement of their properties is obvious.

The two Heathcote Helmore properties on each side of Allister Avenue with frontages to Heaton Street have heritage designations.

The Council’s planner, Mr I Kleynbos, has rejected our submission because our “side of Allister Avenue is defined as being within walkable distance of the LCZ”. This may or may not be the case. In our view, in setting his HDR zone boundary, Mr Kleynbos has taken the easy way out, choosing the centre line of Allister Avenue. All the many passers by are astonished when told of the proposed zoning. We have not had anyone express their approval.

### **SUBMISSION 3**

Please read Simon Upton’s article referred to in our submission. It is self-explanatory. Apart from the loss of vital green spaces that he describes, we say there are other problems with an HDR Zoning in Allister Avenue.

After the 2010 and 2011 earthquakes, all the Allister Avenue land was designated TC3. You will know this is the “severest” form of green zoning, necessitating adequately designed and Christchurch City Council approved foundations. Two examples,

- (i) the foundations for the new 2 storey house at 89 Leinster Road which adjoins our (8 Allister Avenue) eastern boundary, required the installation of 74 steel piles screwed to a depth of 20 metres (and then backfilled with concrete);
- (ii) The new house at 2 Allister Avenue had no solid subsoil down to 20 metres and required a rib raft foundation 3 metres in depth.

These examples would be within the knowledge of the Christchurch City Council planners; as would the water table level following the heavy rain in March/April 2014. This caused our

swimming pool to rise out of the ground and resulted in our insurance company spending \$270,000.00 to replace the pool and landscaping in 2015. How would a developer cope with the foundations and underground parking needed for a multi storeyed apartment building? It is inconceivable that apartment owners would be satisfied with “on street” or above ground parking and no underground parking provision.

#### **SUBMISSIONS (4) & (5)**

Has the Christchurch City Council planner taken into account the width of Allister Avenue of only 9 metres, reducing to 5.3 metres when vehicles are parked on both sides of the road? There is a bend in the road with an “S” shaped white printed centre line. There is significant non-compliance from drivers and vehicles when, after 5pm there are no vehicles parked either side. There is almost total non-compliance when vehicles are parked on both sides.

There are two main entrances for pupils attending Elmwood Primary School, one of which is directly opposite the southern end of Allister Avenue. In term time school patrols operate each weekday morning and afternoon on Leinster Road. Many children (including pupils attending Heaton Intermediate, Girls High, St Andrew’s College, St Margaret’s College and Rangi Ruru) cross Leinster Road and use Allister Avenue daily in term time, walking, scootering and cycling. As well additional vehicles drop off and pick up pupils. Staff at St George’s Hospital park their vehicles in the all-day parking on the west side of Allister Avenue.

Other submitters (Doctors Angus and Kirsty Binnie and David and Victoria Gibbons) have school age children and have also expressed their concerns that multi-storied buildings would add to the daily congestion along the narrow Allister Avenue, quite apart from the need for extensive infrastructure changes and the increased danger for children using the Avenue. There are no formed pedestrian crossing for these pupils or other pedestrians on Leinster Road.

Is it using common sense for the Christchurch City Council planners to ignore or not give adequate weight to these factors? We suggest that any one of them is sufficient a ground to change the HDR zoning.

## GENERAL

Owners do not need the interference of developers changing the landscape to the detriment of adjoining owners. Our 1503m<sup>2</sup> property would be the prime target for a developer. While it is our intention to continue living at 8 Allister Avenue indefinitely, in seeking the cancellation of the proposed HDR Zoning, we wish to place the possibility beyond any doubt of the future demolition of our home and the destruction of our beautiful garden by a money-orientated developer. For the record, there are 143 Rhododendrons, 46 roses (including 18 climbing roses) and numerous other plantings including magnolias, acers, camelias, dogwoods, michelias and a rare davidia involucrata (handkerchief) tree.

We have had the advantage of planting advice and plans from Robert Watson, a well-known landscape architect. Our terrace, swimming pool/pergola and fish pond/water fountain are his designs. See attached the 2023 house and recent garden photos.

In the 1950's Sir Anthony Eden (a former UK prime minister) was a guest of the late Mrs Toswill who owned 14 Allister Avenue. Her property adjoins our property. The existing gate between the properties was used by him to access our property to view the extensive flower garden. It is still referred to as the Eden gate. Tour buses used to stop outside our gate for the passengers to see the garden over the then low front fence. See attached the 1984 house and garden photo.

We mention these matters to further illustrate the undesirability of the HDR Zoning continuing on the four east side properties. To give a developer the legal right to demolish the existing houses and clear the land and build an apartment block up to 32 metres in height would be quite wrong.

## CONCLUSIONS

Common sense would suggest that multi-storied buildings up to 32 metres (arising from HDR Zoning) are totally out of order for the four properties in Allister Avenue. They are special and should not be so impeded.

For all the reasons and objections in our submissions and in today's presentation, we are asking you as commissioners and, in turn, the Christchurch City Council planners, where is the common sense in proposing a high-density zoning for the east side of Allister Avenue properties? We are asking you to recommend to the Council that a HD Zoning is wrong.

### **ATTACHMENTS**

1. Simon Upton (Commissioner for the Environment) Article 16 March 2023 "Levelling the playing field-green spaces as vital urban infrastructures".
2. Judith Sloan's article 15 July 2023 in Spectator Australia "In praise of NIMBYism".
3. Photographs: (i) taken Friday 23 September 2023 at 3.10pm of Allister Avenue  
(ii) 1984 and 2023 photos of 8 Allister Avenue.



## News

16 March 2023

# Levelling the playing field – green spaces as vital urban infrastructure

As we densify our cities to accommodate population growth, we must not lose sight of the environmental benefits that urban green space provides, warns the Parliamentary Commissioner for the Environment, Simon Upton, in a new report.

“Planning for and providing urban green spaces of any description, public and private, should not be optional,” the Commissioner said in the report released today.

“The environmental services green spaces provide – such as temperature regulation, stormwater management, air filtration and habitat provision – don’t just benefit individuals. They benefit everyone around them. They are a form of infrastructure every bit as important as pipes and roads.

“The ability of our trees and parks to filter stormwater flows and cool their immediate surroundings can mitigate some of the heat and excess water that impervious surfaces generate. These services will be in even higher demand as our cities become hotter and more subject to extreme rain events in a changing climate.”

The Commissioner’s report, [Are we building harder, hotter cities? The vital importance of urban green spaces](#), presents new data on how public and private green space in Auckland, Hamilton and Greater Wellington has evolved over the decades.

New Zealand cities are currently well-endowed with green space, though some suburbs are greener than others.

“But our data show that urban green space has been declining over time. Between 1980 and 2016, green space per person fell by at least 30% in Auckland, and at least 20% in Hamilton. Nearly all of this loss occurred on private residential land,” the Commissioner said.

The report found two main factors have driven this trend. The first is infill development – the conversion of yards and sections into houses and driveways in existing urban areas. The second is a shift towards larger houses on smaller sections in new subdivisions.

Many councils are struggling to improve the quality and availability of public green spaces to compensate for the loss of private yards and gardens. Greater Wellington is the exception as the proportion of urban green space has remained the same as the city has grown. Almost two thirds of the urban area is green space, and that figure increases if the outer green belt is included.

The trends documented in this report were already playing out before recent Government moves to promote further intensification. The [Medium Density Residential Standards](#) will place particular pressure on private residential green space in years to come.

There are real benefits to ongoing urban intensification. Not only does it help to address New Zealand’s housing supply shortage, it does so without the increase in transport emissions that would likely accompany growth outwards.

“But not all intensification is the same, and the style of infill townhouse development that is currently happening within our cities comes with particular risks for the existing network of urban green space.”

One solution lies in building high-rise apartments rather than low-rise infill development. Building upwards uses urban land more efficiently and reduces pressure to develop green spaces elsewhere in the city.

More attention could also be given to counteracting the loss of private yards and gardens by improving nearby public green space. That could include improving canopy cover in local parks, road reserves and other neglected corners of public land by planting trees, or repurposing impervious grey spaces such as carparks with some form of vegetation.

The difficulty of retrofitting green space into existing neighbourhoods highlights the importance of adequately providing it from the outset in new subdivisions on the city fringe. Councils could take a more proactive approach to land acquisition for future parks and reserves to help achieve this.

“The changes we are making to the shape and form of our cities are largely irreversible. We must make sure the underlying environmental services that green spaces provide are taken into consideration. Once they are gone, they are difficult to get back.”

[Read the Commissioner's report, Are we building harder, hotter cities? The vital importance of urban green spaces](#)



St Heliers, Auckland, 2009, Google Earth Pro



# In praise of NIMBYism

... and my backyard!

JUDITH SLOAN

**N**IMBYism is a term of unclear origin. The phrase 'not in my backyard' apparently first appeared in print in the *Christian Science Monitor*, a fact I just love. Initially, it had a narrow meaning, referring to a community's understandable reluctance to have dangerous facilities located near their dwellings – think toxic waste dumps, in particular.

But it quickly morphed into a term of derision used by progressives to ram unwelcome and unsightly developments down the throats of those who have the temerity to prefer their neighbourhoods to retain their core features and character.

The uncontested argument is that well-heeled residents in leafy suburbs who object to the construction of multi-storey, dog-box apartment buildings located on every corner of their neighbourhood should be ignored. Their complaints can just be filed away; compulsory acquisitions can be used if required.

These left-wing types have even dreamt up a new term – YIMBism – yes, in my backyard. Oh, please! Mind you, I'm yet to see too many examples of YIMBism, with protestors out on the street passionately chanting away: what to do want? more high-rises/when do we want them? now.

Let me put another spin on NIMBYism and suggest that protecting the nature of your local neighbourhood is a perfectly legitimate reaction to maniacal town-planners and lefty zealots. **When you buy a property, it's not just the actual dwelling you are purchasing, it's also its location and the character of the precinct in which it is located.** In other words, the property rights extend beyond the boundaries of the residence.

Of course, no one expects a neighbourhood to remain unchanged. There will always be changes, improvements even. **But there is a completely reasonable expectation on the part of residents that the neighbourhood will alter only at the margin and its essential character – be it large family homes, cheek-by-jowl terrace houses or mixed accommodation – will stay relatively unchanged.**

In the past, these broader property rights were supported by legally binding restrictive covenants that limited the type and number of developments that could occur in a neighbourhood. While these are no longer common, there are still plenty of examples of planning restrictions that meet the preferences of most residents.

In the Noosa region, for example, there are strict limits on apartment developments, with high-rise buildings not allowed. In nearby Peregrine Beach, no apartments developments are permitted, with the rule being one dwelling per lot. In many parts of the Mornington Peninsula in Victoria, there are restrictions on the type of dwellings that can be constructed. Indeed, there are many, many examples of these restrictions right across the country.

The real problems arise in the big cities where newly arrived migrants tend to settle and there is clearly insufficient housing to accommodate the surge. Of course, an obvious solution is for governments to restrict the annual migrant intakes to ensure that there is some balance between demand for new housing and supply.

The point is often made that it's the federal government that sets migrant numbers and the rules by which they enter. But it's the

*Talking of developers getting their own way, you just have to look at Sydney under Chris Minns*

state governments – and, it has to be admitted, local governments – that are responsible for planning and other housing-related regulations.

Having said this, in recent times, state governments have been wholly supportive of the migration policies of the federal government. There is scope for state governments to influence this policy, but the reality has been most have sought additional numbers under state-based visas. Any practical problems associated with massive numbers of migrants arriving at the same time are largely ignored. The lure of more voters and unskilled/semi-skilled workers is particularly strong for most state governments.

The induced housing shortage is fertile ground for illiberal types to trammel on the property rights of existing residents by claiming that any planning restrictions are simply selfish and unjustified. The good folk down at the Grattan Institute are noisy advocates of this approach. They want all planning restrictions in the desirable middle suburbs in the big cities lifted so high-rise buildings can be erected to accommodate the masses.

It's only fair, they say. Everyone – OK, not quite everyone – should be able to live in these suburbs with their amenities and prox-

imity to the CBD and good transport links. We can be like New York or Hong Kong. Even London would do. Of course, had large numbers of residents of Melbourne or Sydney wanted to live like New Yorkers, they could have always relocated to New York.

Our local council in Melbourne actually does a reasonable job at defending these broader property rights, but the state government has assumed all planning rights in respect of properties located on arterial roads as defined by the state government. (Cute, hey?)

The result has been that many of the larger homes on these arterial roads have been torn down and replaced by apartment buildings, admittedly with only two or three storeys. The developers just love it.

But here's the thing: where the block of land once accommodated four or six people, it now accommodates at least twenty. Everything else has essentially stayed the same – roads, parking, services, schools and the like – but there are now many more people using the infrastructure. And just in case you think this policy offers up affordable housing, these newly constructed apartments cost a pretty penny. It's hard to know what the point is.

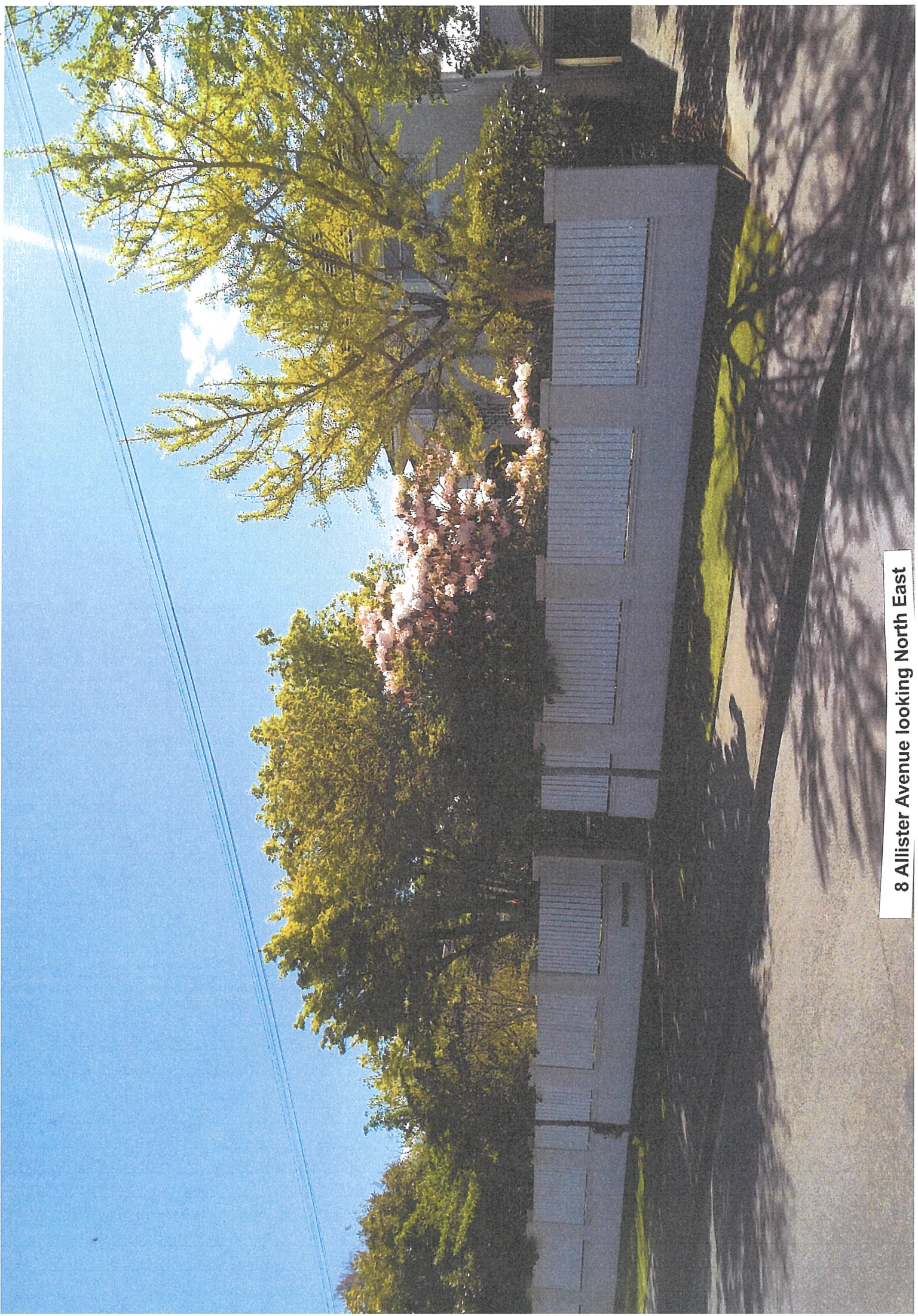
Talking of developers getting their own way, you just have to take a look at what is happening in Sydney under the newly elected Minns Labor government. The Premier can't get enough of high-rise building towers. In what is an unworkable approach, developers promise that a certain percentage of dwellings will be 'affordable', at which point the sky's the limit (geddit?).

Whether or not people, particularly those with young families, want to live in these towers is another matter. But, of course, if that's all that is available, they will take it.

**This brings me to the other item I want to praise: the backyard. Given our temperate climate, there really is no better model for child-rearing than time spent in the backyard.** Out the backdoor, playing with siblings and neighbours, a dash indoors for a drink and snack, back for more play. It's the ideal life for young'uns.

But for those cooped up in apartments, mum or dad will need to accompany the kids to a nearby park (if there is one), even though they are very busy. The alternative is to bring out the screens and allow the children to play mindless (and potentially dangerous) virtual games all day. I vote for the backyard (along with the Hills Hoist) any day.





8 Allister Avenue looking North East



Allister Avenue looking North



Allister Avenue looking North



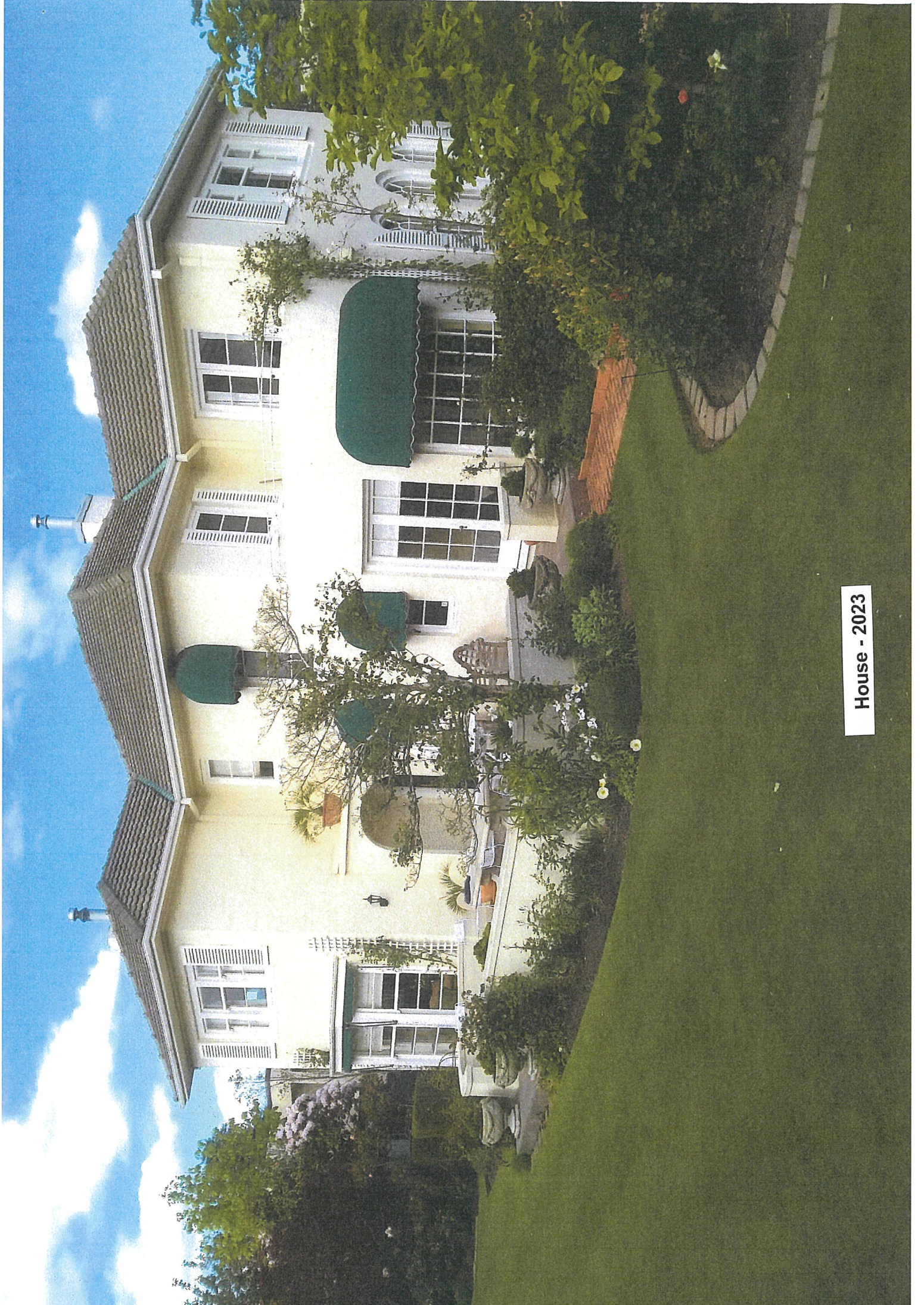
Allister Avenue looking South



Allister Avenue looking South



1984



House - 2023



Main lawn - looking West

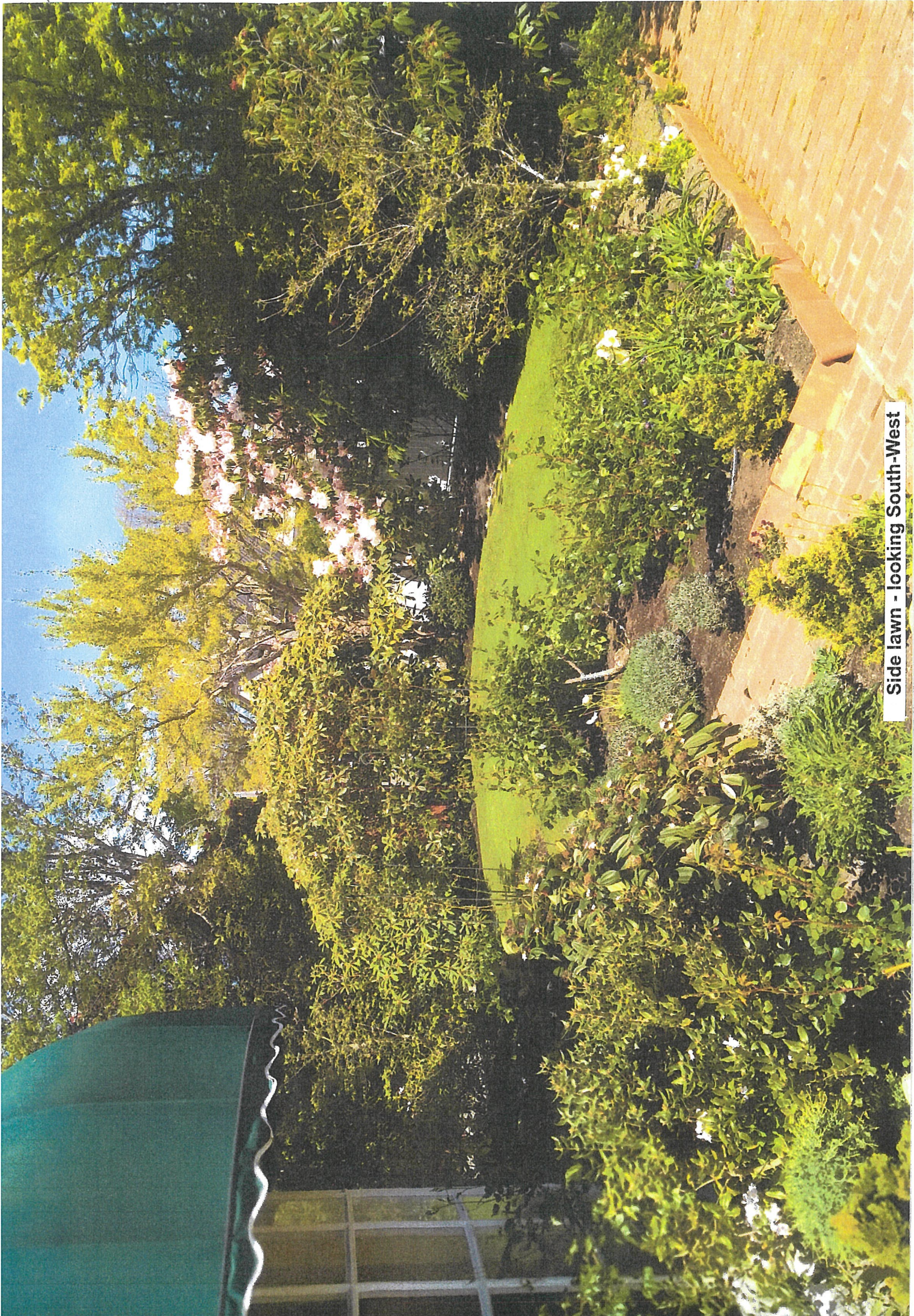




Main lawn looking East



Side lawn - looking West



Side lawn - looking South-West



Side lawn and main lawn looking North

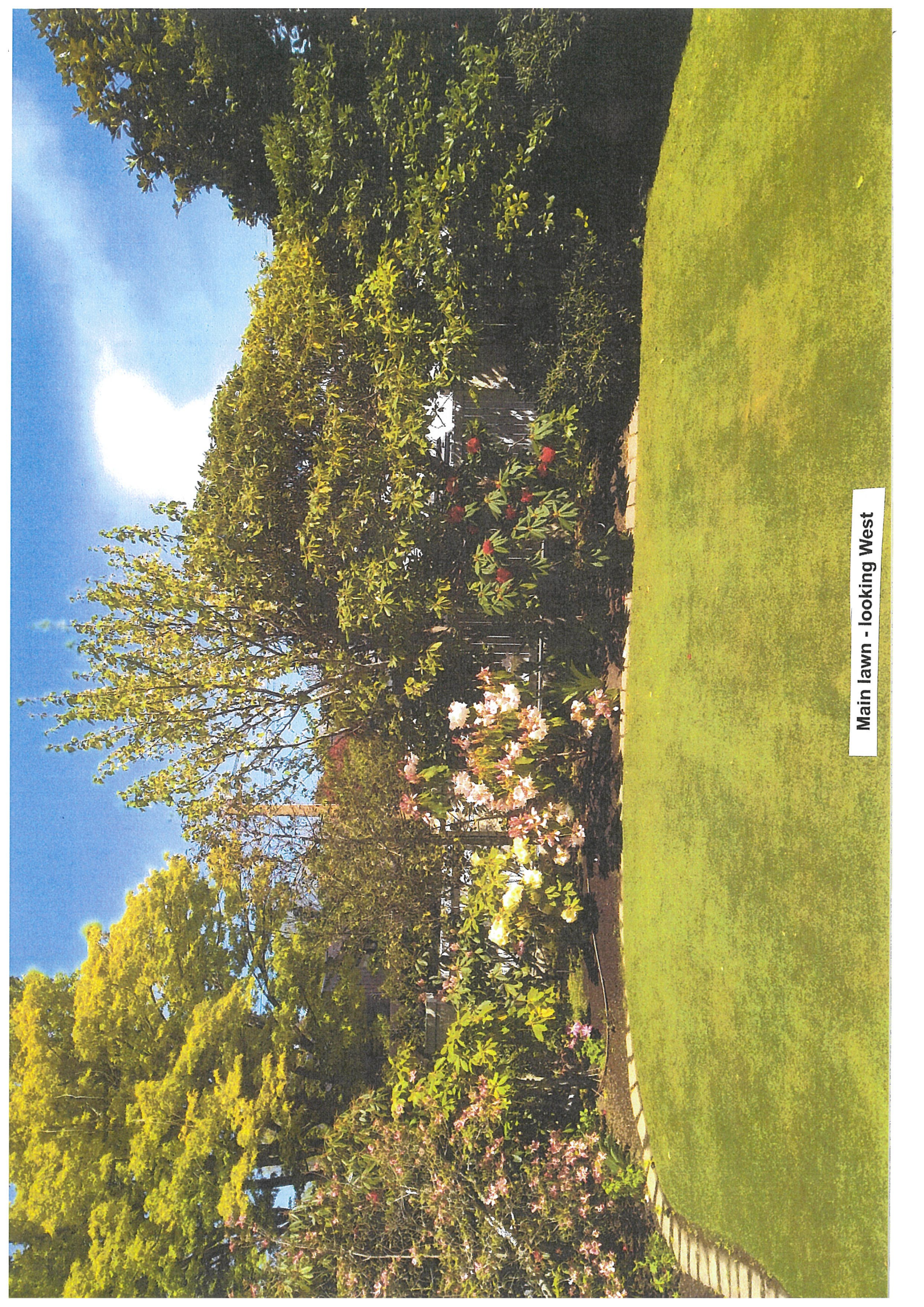
Main lawn - looking North





Main lawn - looking North

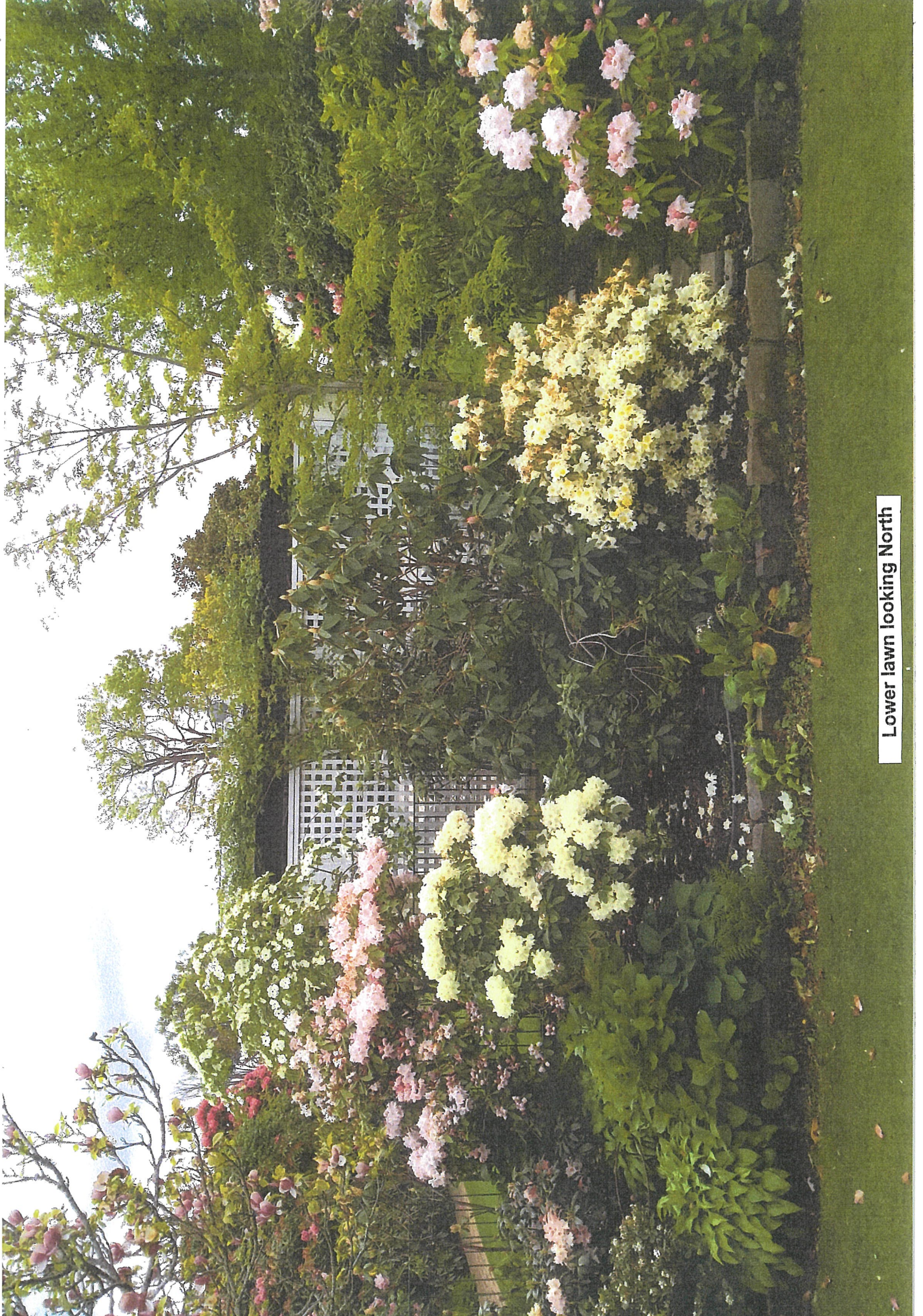
Main lawn - looking West





Lower lawn and fish pond / fountain looking East





Lower lawn looking North



Swimming pool - pergola - lawn looking South



Pool lawn looking East