

Before an Independent Hearings Panel
Appointed by Christchurch City Council

under: the Resource Management Act 1991

in the matter of: proposed Plan Change 14 to the Christchurch District
Plan

and: **LMM Investments 2012 Limited**
(Submitter 826)

Statement of evidence of Jonathan Clease (planning) on behalf of
LMM Investments 2012 Limited

Dated: 20 September 2023

Reference: Jo Appleyard (jo.appleyard@chapmantripp.com)
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STATEMENT OF EVIDENCE OF JONATHAN CLEASE ON BEHALF OF LMM INVESTMENTS 2012 LIMITED

INTRODUCTION

- 1 My full name is Jonathan Guy Clease.
- 2 I am a Partner in the planning and resource management consulting firm Planz Consultants Limited.
- 3 I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full member of the New Zealand Planning Institute (*NZPI*) and currently sit on the NZPI Board.
- 4 I have some twenty-five years' experience working as a planner, with this work including a wide range of resource consent preparation and policy development, providing section 42A reports on plan changes and associated section 32 reports. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
- 5 Following the Canterbury earthquake sequence, I prepared planning and urban design evidence on the second generation Christchurch District Plan on behalf of submitters on commercial, industrial, urban design, Lyttelton Port, natural hazards, hazardous substances, and signage topics.
- 6 I have likewise been recently involved in the development of second-generation Selwyn, Timaru, Waimakariri, Kaipara, and Waikato District Plans. This work has included producing section 32 and section 42A reports on Rural Lifestyle, Residential, Medium Density, and Future Urban Zones, along with processing a number of private plan changes for Selwyn District Council seeking residential or rural residential rezoning.

CODE OF CONDUCT

- 7 Although this is not an Environment Court hearing, in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state that I am relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 8 My evidence will provide a planning assessment of the refined relief sought by LMM Investments 2012 Limited (*LMM Investments*) to

proposed Plan Change 14 (*PC14*) to the Christchurch District Plan (*District Plan*). This is in relation to the Whisper Creek Golf Resort located within the Specific Purpose (Golf Resort) Zone (*the SP Zone*) where residential development is anticipated.

- 9 I note that the LMM Investments submission also seeks the deletion of the Tree Canopy Financial Contribution (Chapter 6.10A), along with Qualifying Matters relating to Tsunami risk and Public Transport accessibility. I have prepared a brief of evidence on the Tree Canopy Financial Contribution on behalf of Kāinga Ora (submitter #834) and refer the Panel to that separate brief. My colleague Mr Tim Joll has prepared planning evidence on the above two Qualifying Matters on behalf of Kāinga Ora, and I rely on Mr Joll's assessment of these matters. My evidence therefore focusses solely on the application of MDRS to the submission site.
- 10 In preparing my evidence, I have reviewed:
- 10.1 the submission and further submission by LMM Investments;
 - 10.2 the relevant part of the Council's Section 42A Report by Ike Kleynbos (page 58 and Appendix D, page 1) which addresses LMM Investments' submission;
 - 10.3 the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (*the Enabling Act*); and
 - 10.4 the NPS-UD.

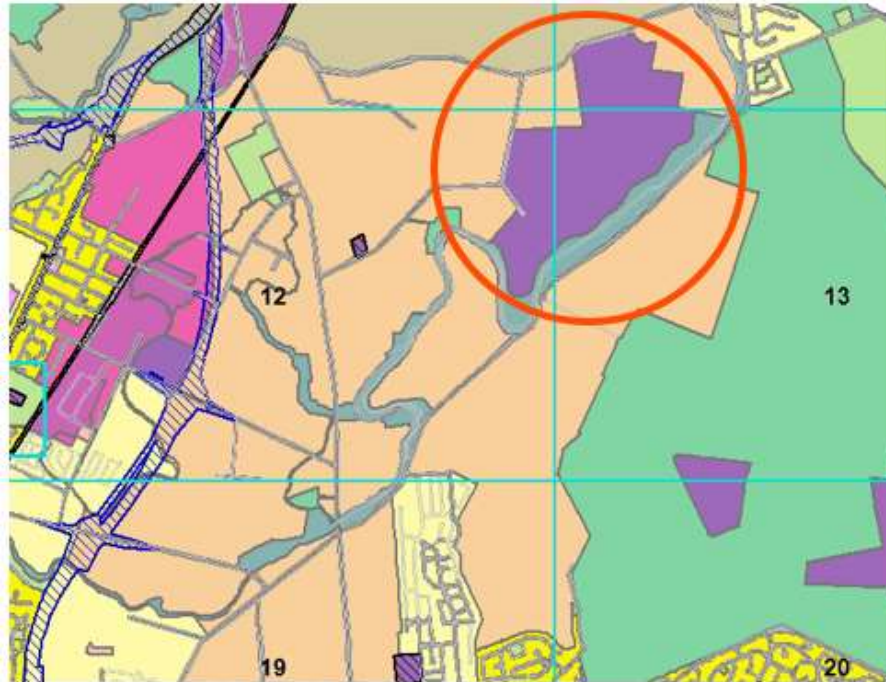
REFINED RELIEF SOUGHT

- 11 Since filing its submission, LMM Investments has refined its position on the zoning sought for the subject site. In essence, the refined relief involves:
- 11.1 the application of appropriate MDRS provisions (but not MRZ zoning) to the areas shown as "Resort Community" and "Activity Areas A, A1 and A2" on the existing Outline Development Plan (*ODP*) for the Whisper Creek Golf Resort that is located within the SP Zone; and
 - 11.2 a maximum number of 350 residential units, as is currently provided for within the SP Zone, but allocated to different typologies than what is currently provided for.
- 12 In essence I understand the position to be simply seeking the application of any appropriate MDRS to those areas in the SP Zone that have long been identified for residential housing.

BACKGROUND

- 13 The SP Zone is located at 240 Spencerville Road, north of the recently developed 'Prestons' subdivision in the suburb of Marshlands. **Figure 1** below shows the location of the SP Zone (the purple area within the red circle), with the urban areas of Belfast to the west and Prestons to the south. The Styx river wraps around the site's southern and eastern edges.

Figure 1. SP Zone location



- 14 The SP Zone resulted from a requested private plan change to the old City Plan which was processed over a number of years from 2009 through to 2011. The SP Zone was then effectively 'rolled over' into the Operative District Plan in 2017. The SP zone provides for a golf course, 380 bedroom serviced apartments, golf training academy (with 160 beds), and provision for up to 150 residential dwellings. Whilst the site is currently formed as farmland, it is therefore zoned for built development, with a commensurate expectation in terms of servicing demand and changes to landscape outcomes.

SCOPE OF SUBMISSION

- 15 The application of MDRS to the submission site is considered in the section 42A report prepared by Mr Kleynbos. He recommends that the submission be declined because it does not fall within the scope of PC14¹. As such he provides no further assessment of the merit of

¹ Mr Kleynbos, para.6.1.112-113

the relief sought. In fairness to Mr Kleynbos, the submission was framed as seeking a rezoning of the residential portions of the site from SP Zone to Medium Density Residential Zone (*MRZ*). LLM Investments have since modified (reduced) their relief, such that the site retains the existing SP Zone, but that appropriate MDRS standards are applied to the relevant built form rules controlling building bulk and location in the housing areas. In my view the modified relief readily falls within the ambit of the original submission.

- 16 The Enabling Act requires that MDRS be applied to all 'relevant residential zones'. Mr Kleynbos' assessment² considers that the SP Zone is not a 'relevant residential zone' on the basis that 'residential zone'³ means all residential zones listed and described in standard 8 of the National Planning Standards (*NPS*) or an equivalent zone.
- 17 Questions of scope in this respect are primarily matters of legal interpretation and as such will be addressed primarily through legal submissions for LMM Investments. At the hearing, I can address these matters further from a planning perspective.

PLANNING ASSESSMENT

- 18 The SP Zone outcomes are geographically based on an ODP which is incorporated into the District Plan as Appendix 13.9.7.2. For convenience I attach a copy of the ODP as **Appendix 1** to this evidence.
- 19 The ODP shows that the majority of the site is to be developed for a golf course and open space. The development of other recreation facilities and wetland and riparian restoration is also permitted⁴ over much of the site. The establishment of native planting strips around the site perimeter is likewise anticipated in the ODP. The location of the open space area aligns with a lower terrace that is identified on the District Plan maps as being subject to flood hazards.
- 20 The golf resort area including hotel, apartments, student dormitories, and residential housing are all located on a higher terrace outside of the flood hazard areas.
- 21 The development within the main resort area is to be comprised of:
 - 21.1 Clubhouse facilities, restaurants, gymnasium, spa, indoor sports facilities, food and beverage outlets, and retail activities⁵;

² Mr Kleynbos, para. 6.1.25

³ S.2 RMA

⁴ Rule 13.9.5.1.1 (P2) & (P3)

⁵ Rule 13.9.5.1.1 (P4-P6)

- 21.2 Golf academy and associated education activities⁶;
- 21.3 Academy dormitory of up to 160 bedrooms⁷. Student hostels fall within the District Plan definition of a 'residential activity';
- 21.4 Apartments with up to 380 bedrooms⁸. The limit on 380 bedrooms can be allocated across various apartment sizes, but if provided as 2-bed units equate to 190 apartments; and
- 21.5 Up to 150 Residential units⁹.
- 22 The SP Zone is also subject to several staging rules. The first is specific to the resort apartments and requires that no more than 170 resort apartment bedrooms be built prior to the golf course and academy buildings being constructed¹⁰. For the purposes of this PC14 process, I recommend that this rule be retained.
- 23 The development of residential dwellings was subject to boundary planting first being in place¹¹. I also recommend that this rule can be retained as a key tool for managing site-edge interfaces.
- 24 The development of residential units and apartments was limited prior to the signalisation of the Marshlands Rd/ Lower Styx Rd intersection¹². These works have since been implemented with the intersection now signalised. As such I recommend that this rule be deleted, as the key road capacity constraint has been resolved.
- 25 The final staging rule is found in the Subdivision provisions. Rule 8.6.1 and Table 4 set out the minimum site size requirements. This rule confirms that for the SP Zone there is no minimum site size, which aligns with MDRS insofar as sites with committed building platforms are not subject to a minimum area. Table 3, Clause (e), sets out the sequencing, which requires a concept plan¹³, and places limits on the 71st and 120th residential allotments subject to delivery of various golf, wetland/ native planting, and public walkway facilities. I recommend that these subdivision rules be retained.
- 26 The evidence of **Mr Hall** has assessed the 3-waters networks requirements. Given the lack of information on additional infrastructure capacity, he recommends retaining the upper limit of no more than 350 equivalent residential units. This is proposed to

⁶ Rule 13.9.5.1.1 (P7)

⁷ Rule 13.9.5.1.1 (P8)

⁸ Rule 13.9.5.1.1 (P9)

⁹ Rule 13.9.5.1.1 (P10)

¹⁰ Rule 13.9.5.1.1 (P9)(b)

¹¹ Rule 13.9.5.1.1 (P10)(b)

¹² Rule 13.9.5.1.5 (NC2) and Rule 13.9.5.3.1

¹³ Rule 13.9.5.1.3 (RD6)

be reflected in amended accommodation numbers to include 250 residential units, 80 bed student accommodation and 190 hotel or service resort apartment beds. I understand that **Mr Hall's** recommended cap is also based on a practical assessment of feasible yield from the limited portions of the site where housing is anticipated, as shown on the ODP.

- 27 The revised cap enables the delivery of appropriate housing typologies in an area where there is high demand for such (as confirmed by **Mr Colegrave**). The existing lack of subdivision site size minimums means that the housing cap rule is the effective limiting tool on overall housing numbers rather than a minimum lot area/ unit control.
- 28 I therefore recommend that the housing cap in Rule 13.9.5.1.1(P10) be lifted from 150 to 250 (with the apartment and dormitory bedroom caps halving, at 190 and 80 respectively).
- 29 I consider that the proposed increase in housing yield remains consistent with the SP Zone policy outcomes which are focussed on the delivery of economic and social benefits to the community along with the provision of a large open space recreation facility and accompanied by ecological restoration and improvements to public access¹⁴. By seeking to intensify (rather than expand) the areas identified for housing, the developed areas will remain complementary and subsidiary to the primarily recreational function of the zone¹⁵. Separation distances, zone edge treatment, and stormwater/ flood hazard management remain unchanged¹⁶.
- 30 The SP Zone has its own bespoke set of built form standards. As a bespoke solution these rules remain broadly valid and are based on the expectation that the resort will be developed in a comprehensive manner i.e. master-planned house and land packages rather than vacant lots being individually released. They are also primarily focussed on controlling effects around the zone boundary/ interface.
- 31 Having reviewed these rules I consider that they do not require wholesale replacement with MDRS standards. Instead I consider that the necessary amendments are limited to replacing the recession plane rule (13.9.5.2.2) with the height to boundary rule recommended for the MRZ, and replacing the height rule (13.9.5.2.5) with the MRZ height provision.

¹⁴ Objective 13.9.2.1 and Policy 13.9.2.1.1

¹⁵ Policy 13.9.2.1.2(a)(i)

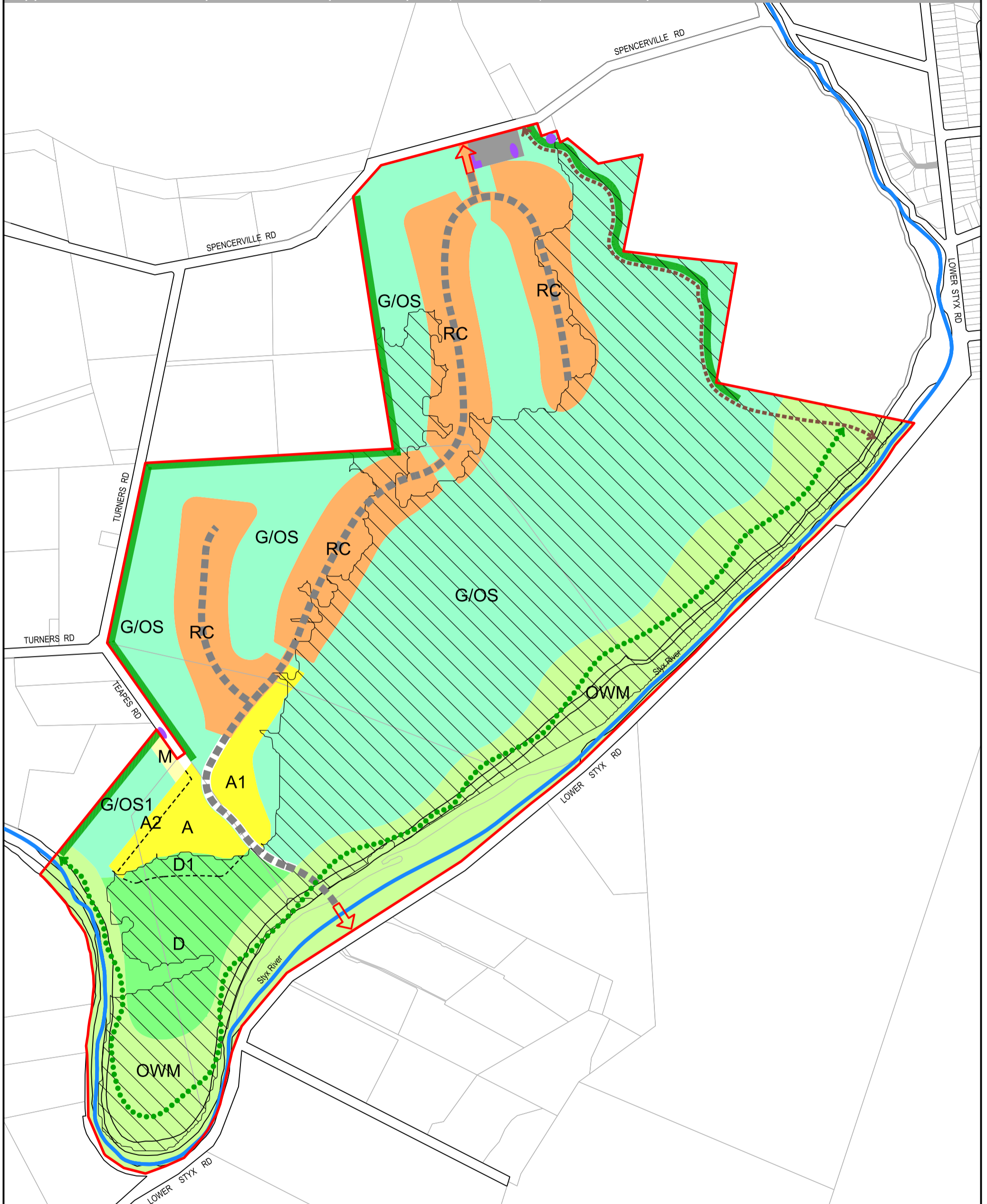
¹⁶ Policies 13.9.2.1.3 and 13.9.2.1.4

PROPOSED PROVISIONS

- 32 I set out a summary of the recommended amendments as **Appendix 2.**

Jonathan Clease
20 September 2023

Appendix 13.9.7.2 Development Plan for Specific Purpose (Golf Resort) Zone - Whisper Creek Golf Resort



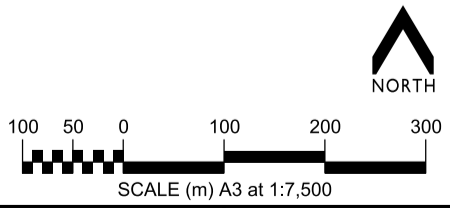
KEY

- Development plan boundary
- Existing river
- Lower Styx Flood Ponding Area
- ➔ Road access point
Location may vary
- Local road
Indicative alignment
- ⬅⋯⋯➔ Pedestrian / cycle link / route
Location and alignment may vary
- ⬅⋯⋯➔ Bridleway route
Location and alignment may vary
- Proposed boundary planting

- Existing vegetation to be retained
- Existing house to be retained within a separate lot

- Activity Areas**
- A** Academy
 - A1** Academy Clubhouse
 - A2** Carpark Exclusion Area
 - G/OS** Golf Course / Open Space

- Activity Areas continued**
- G/OS1** Golf Course / Open Space
(Limited to use for turf nursery, chipping and putting greens)
 - RC** Resort Community
 - D** Driving Range
 - D1** Driving Range Building Location
 - M** Maintenance Area
 - OWM** Open Space Water and Margins Zone



Technical Services and Design
Christchurch City Council

Map: pp104701.dgn
Date: 20/11/2017

Appendix 13.9.7.2
Whisper Creek Golf Resort
Development Plan

Appendix 2. Recommended text amendments

Rule 13.9.5.1.1

P8	Academy dormitory	<ul style="list-style-type: none"> a. Up to 1680 bedrooms in total within the Whisper Creek Gold Resort. b. The activity shall be located within the relevant Activity Areas shown in the Development Plan for this resort at Appendix 13.9.7.2.
P9	Resort apartments	<ul style="list-style-type: none"> a. Up to 38190 bedrooms in total within the Whisper Creek Golf Resort. b. No more than 170 resort apartment bedrooms shall be constructed before the completion of the golf course and the construction of the Golf academy building. c. The activity shall be located within the relevant Activity Areas shown on the Development Plan for this resort at Appendix 13.9.7.2.
P10	Residential activity	<ul style="list-style-type: none"> a. Up to 1250 units in total within the Whisper Creek Golf Resort, with no more than one unit per site. b. No building shall be erected in the Resort Community Areas before boundary planting along all zone boundaries (other than along the boundary between the Golf Resort Zone and the Open Space - Water and Margins Zone) is completed in accordance with the Management Plan required in Rule 13.9.5.1.3 RD5 for the golf course. c. The activity shall be located within the relevant Activity Areas shown on the development plan for this resort at Appendix 13.9.7.2

Rule 13.9.5.1.5

NC3	Any activity in the Academy Activity Area that does not meet the area specific standards in Rule 13.9.5.3.1. b
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Rule 13.9.5.3.1 Access and roading improvements – Whisper Creek Golf Resort

- a. Vehicle access to Whisper Creek Golf resort shall be limited to the following:
 - i. A single road from each of Lower Styx Road and Spencerville Road; and
 - ii. A single road from Teapes Road, which shall be limited to use by service vehicles only.
- ~~b. No activity shall be permitted in the Academy Activity Areas, except approved earthworks, landscaping and planting, and the construction and use of access roads, until the Lower Styx/ Marshlands Road intersection has been signalised.~~**

Rule 13.9.5.2.2 – Recession planes

Delete rule and replace with Panel decision on MRZ Height in Relation to Boundary rule.

Rule 13.9.5.2.5 – Building height

Delete rule and replace with Panel decision on MRZ Height rule.