Appendix 18: Consultation document on Living G Zones

Christchurch City Council

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PLANNING AND RESOURCE MANAGEMENT

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LIVING G AND NEW NEIGHBOURHOOD CONSULTATION – DISTRICT PLAN REVIEW

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Introduction

The Christchurch City Council is currently reviewing the City Plan. This is the first comprehensive review of the Plan since it was made operative in 1995. The review has been broken into two stages, with the first stage incorporating the strategic policy direction, and residential, business, transport, subdivision, and natural hazards chapters. The balance of the City Plan is to be reviewed in the second stage.

As part of the review of the Residential Chapter, the Council is proposing a new zone to manage greenfield residential subdivision and development. This zone is to be called the 'New Neighbourhoods Zone' and is to apply to blocks of land that are currently zoned rural, but that have been identified in Chapter 6 of the Canterbury Regional Policy Statement ('CRPS') as being appropriate to develop for residential purposes.

The role of the proposed New Neighbourhoods Zone is primarily focused on managing the development phase of urban growth. In this sense it serves a similar purpose to the Living G Zones in the operative City Plan. The Living G Zone has been introduced progressively to the City Plan over the last decade or so as a method for rezoning specific blocks of land around the urban edge of the City. Living G Zones currently exist in west and east Belfast, Masham, Halswell, Awatea, Wigram, Prestons, and Highfield. As each block has been rezoned, a separate Living G 'sub-chapter' has been added to the City Plan, with the result that broadly similar provisions are duplicated for each block (along with area-specific provisions). The degree to which the Living G zones have been built-out (or at least had subdivision consents approved) varies from block to block.

In addition to proposing the New Neighbourhood Zone for blocks that are currently rural, the Council is keen to explore with Living G landowners their willingness for built-out Living G areas to be rezoned to the standard Residential Suburban and Medium Density Zones (matching on-the-ground built densities), and for the yet-to-be developed parts of Living G to be rezoned to the generic New Neighbourhood Zone. If there was widespread support for the change in zoning, the City Plan could be significantly streamlined through the removal of the multiple Living G 'sub-chapters'.

1.0 Consultation

In developing the draft City Plan, the Council released a draft of the entire Stage 1 changes for an informal round of public feedback in March. It is understood that the draft version will be revised in the light of the feedback received, and will then be released for a more formal round of submissions in late May 2014, with hearings following later in the year. In addition to the City-wide consultation programme on the Stage 1 draft, Council has also engaged in a more focussed round of consultation with Living G landowners. Letters were sent out to some 150 Living G landowners, with the letters including a hardcopy of the proposed New Neighbourhood subdivision and

residential chapters. Planz Consultants Limited were engaged to receive the feedback and consolidate it into a single report.

The consultation timeframes were extremely tight, with landowners given a little over one week to respond (although timeframes were less for some owners depending on the speed of mail delivery). The condensed timeframe for review and comment was a concern raised by a number of landowners.

A similar concern regarding timeframes was raised in relation to the draft Plan being notified at the end of May, which meant that in order to give time for being considered by Councillors pre-notification, the draft Plan text would have to be resolved mid-April which would only allow a couple of weeks at best for Council Officers to consider consultation feedback. This timeframe for meaningfully considering feedback was regarded as being too short for robust analysis and text drafting to occur. There was a general consensus that it would be better to push back notification by a month or two in order to enable a more robust and considered Plan to be released than to rush things and notify a Plan that did not adequately reflect consultation feedback. An alternative would be for the Living G and New Neighbourhood provisions to form part of the Second Stage review.

Combined with the constrained timeframes, there was concern that the draft provisions had been released without the benefit of a s.32 assessment, thereby forcing landowners to try and 'second guess' the intent of some provisions. A number of respondents likewise noted that the text appeared to be very much a working draft, with inconsistent clause numbering and references. The lack of a s.32 report and uncertain clause numbering was seen as a hindrance to providing robust and informed feedback on the proposed provisions.

2.0 Landowner situations

The circumstances of landowners, and therefore the relevance of the proposed zone changes, fell into three broad categories.

Suburban owners: The first category was landowners who had a 'typical' suburban sized house and section of between 700-1,000m^2. These landowners were either located in small strips of housing adjacent to an undeveloped Living G Zoned block e.g. a strip of housing along Whincops Road and backing onto a Fulton Hogan development, or were relatively isolated stand-alone lots surrounded by large undeveloped Living G properties. As their sections were already at a suburban residential size, and as such contained very limited potential for further development, the key changes in terms of subdivision process proposed in the New Neighbourhood Zoning did not have a material impact either way. Landowner concerns were focussed on the quality and timing of development 'over the back fence' and ensuring that adequate regulatory safeguards were in place in terms of boundary setbacks and recession plane rules.

Summary: Ensure that recession plane and boundary setback controls remain in place under both the comprehensive and subdivision-only approaches where adjacent to existing internal boundaries.

Lifestyle Block owners: The second category was owners of rural small holdings that ranged in size between approximately 1-10 hectares. These holdings had a Living G zoning, but had yet to be developed for urban purposes and typically contained a single dwelling and associated farm utility buildings and paddocks. The consistent feedback from these owners was that they did not plan to subdivide and develop their properties themselves, but instead intended to sell to a developer in due course. As such, they generally did not consider themselves to be directly affected by a change from Living G to New Neighbourhood Zoning as it would not be them that was having to progress a subdivision under the City Plan rules (whatever the zone package happened to be).

Whilst not being overly concerned with proposed changes to the subdivision process, there was a general concern expressed that the proposed rules should not make subdivision so difficult or unattractive that developers would not be interested in buying their land at a future point.

The second key concern was around the difficulty in undertaking development of individual 4ha blocks under a broad ODP. There was general agreement that ODPs were necessary and that road, stormwater, and park networks needed to be integrated. The concern was that just leaving it to multiple individual landowners to either all agree, or all get bought out by the one developer was extremely problematic and as a consequence urban growth was unlikely to actually occur. Owners were keen on Council taking a more proactive approach in leading the development of network infrastructure which would then enable blocks to be developed (or on-sold) on an individual basis, whilst still achieving an overall coordinated urban outcome. The proposed rule package did not appear to address this significant hurdle to enabling development to occur.

It was also noted that the minimum sizes required to undertake a comprehensive development was 8 Hectares which meant that all but the largest lifestyle block landowners would not be able to use this process route.

Summary: Council was seen as being able to add real value to enabling development of Living G (or New Neighbourhood) zones by actively facilitating and coordinating the provision of network infrastructure where landholdings are in multiple ownership.

Large Block developers: The third category of owners were the owners of large development blocks and who were generally experienced land development companies. The majority of the detailed feedback received was from these companies (and their planners/ surveyors), and has been broken down into common themes in the section below.

3.0 Replacement of 'built-out' Living G with Residential Suburban & Medium Density Zones

Where blocks had been completely subdivided, on-sold, and built-out, the developers generally had no objection in principle to such areas being rezoned to the proposed

Residential Suburban provisions. The primary reason for this view was that once a development block had been completely sold-down, the developer no longer had an ongoing interest in the development. It was noted that the built form of medium density areas (often short terraces or strips of adjacent lots) would not sit comfortably with the outcomes anticipated by the proposed Residential Suburban Zone ('RSZ'), and that such areas would more appropriately be rezoned to Residential Medium Density ('RMD'). It was noted that to not rezone such pockets would create a 'precedent' where further subdivision of adjacent low density blocks could be argued through the precedent for high density outcomes having been set nearby in the same zone. Zoning medium density sections as RMD would avoid this issue and would ensure that the zone outcomes closely aligned with the 'on the ground' built outcomes.

It was also noted that often the higher density sections ('Density A') in the LG zones have covenants in favour of the Council registered on the titles indicating that the lots are able to be developed to medium densities. To have a low density zoning would lead to confusion between the zone and the covenant and would result in regulation of an appropriate built outcome being split (and confused) between the two processes. Alternatively rezoning to RMD would enable the covenants to be uplifted with ongoing control of building additions and alterations controlled by the RMD rule package.

There was the potential for 'Density B' areas to fall through the cracks where they are generally smaller than the proposed RS site standards, but concurrently are not as dense as the outcomes permitted in the RMD zoning. The Density B built outcomes were seen as being roughly analogous with the Living 2 zone provisions in the operative Plan, although the L2 zone is to be deleted. Whilst the L2 areas are being replaced by a 'density overlay' in the proposed Plan, the application of very small overlay areas to pockets in the LG zones may be problematic. It may therefore be that either some Density B areas are zoned to RMD and have added development potential, or are zoned RS and are somewhat undersized for their new zone.

It was observed that discrete pockets of RMD zoning will generally be possible for the LG zones developed to date, as higher density areas have tended to be clustered in appropriate locations such as overlooking a park or reserve. The proposed New Neighbourhood Zone instead requires higher density lots to be 'pepper potted' (as each subdivision stage must achieve 15hh/ha in itself), and therefore future rezoning from NNZ to RSZ and RMD will not be easily possible.

Overall, it was considered that built-out areas will all have new houses, that such houses are often built close to the development potential of the site, and that therefore in practice there are unlikely to be large numbers of applications for new additions, further subdivision of back yards, or complete site redevelopment in the short-medium term.

Summary:

- General support (or indifference) to rezoning built out LG to RS and RMD;
- Care needs to be taken to accurately locate RMD over the 'Density A' areas rather than blanket RS zoning;
- Density B areas may not fit easily into either RS or RMD zones;
- Density A covenants on titles should be uplifted if control shifts to the RMD zoning.

4.0 Replacement of consented but undeveloped Living G with Residential Suburban & Medium Density Zones

It was noted that there is a marked difference between LG Zones that had been fully developed, and those where subdivision consent had been granted but the lots had yet to be formed, or if formed had not yet had dwellings constructed. Changing zoning from Living G (Density A, B or C) to RS would result in changes to the permitted building envelope which could impact on the ease with which sections could be developed. This was especially the case where the section dimensions had been based on the LG rule package and building envelope rather than the RS provisions.

There was concern that where blocks have been partially developed i.e. sections have been sold but only half have been built on, that if the RS provisions are more restrictive than the LG rules, dwellings that had been built would be reliant on existing use rights as they would no longer be compliant with the underlying zone provisions. Conversely, if the RS package was more liberal than the LG rules, the owners of undeveloped lots would be able to build as of right to a higher density than neighbours would reasonably have anticipated. In short, the concern centres around changing the 'ground rules' regarding the anticipated scale of development, with the existing ground rules having set the framework for owners' expectations of what they (and their neighbours) could do with their land.

Summary: Where subdivisions have been consented but not built-out the LG zoning was sought to be retained. This matter could however be revisited in several years when development has been completed and the on-the-ground scenario is the same as that set out in section 3.0 above. As with any change in zoning/ rule framework, robust consultation with the affected community would be expected.

5.0 Consolidate and simplify the Living G provisions

In discussing the broad zoning approach for residential greenfield areas, there was general acceptance that the operative City Plan approach of each greenfield block having its own separate Living G Zone and associated set of provisions had resulted in a lot of unnecessary duplication and repetition in the City Plan. There was general support for the Living G provisions to be consolidated where the existing provisions were similar across all blocks (especially at the objective and policy level). Where site-specific policies and rules were in place (generally as a result of substantial debate through the plan change hearing and Environment Court processes), then these specific provisions should be retained.

Summary: Simplification and consolidation of the existing Living G provisions, with the retention of any key site-specific rules, was seen as an easier and more certain method of streamlining the City Plan than changing to the proposed New Neighbourhood Zone, especially for those Living G blocks where development is actively underway and is yet to be completed.

6.0 Replace undeveloped Living G with New Neighbourhood Zones

A consistent view expressed at the outset was that developers generally believed that the current Living G provisions and subdivision process worked well and achieved generally good outcomes. A number of developers commented that all large subdivisions are subject to detailed discussions with Council's parks, roading, asset and subdivision officers, and that agreement with officers was reached through the current subdivision process. The current system therefore appeared to be achieving outcomes that both Council officers and the development community were happy with. Developers believed that greenfield urban growth areas that have been developed in recent times are well laid out and are certainly attractive to the market/ future communities that will be occupying them, as evidenced by strong sales. The lack of a s.32 report meant that it was difficult to understand what the significant resource management issues were that Council was trying to address through the proposed provisions, as from the land development industry perspective the current system appeared to be working well, had an appropriate level of checks and balances, and was generally producing good quality built outcomes.

The consistent feedback was that Developers and landowners wished to retain the existing Living G provisions, noting the acceptance in section 5.0 above that there was scope for common provisions to be consolidated. This view was especially strong from landowners in Prestons and Highfield, but was also consistently presented across the Living G zones. The reasons given were that the Living G areas were undergoing active consenting and development and that shifting to a completely new approach would introduce considerable uncertainty into the development process. There was also a common concern that Living G zones had been developed to date in general accordance with ODPs and with varying densities already allocated according to site constraints and amenity areas e.g. higher density centred around parks or commercial centres. To shift to an approach where every subsequent subdivision stage had to include a mix of densities and achieve 15 households/ hectare in itself was seen as being incompatible with the on-the-ground outcomes already achieved i.e. a logical distribution of density across the entire ODP area would not be possible if the approach to density distribution was fundamentally changed mid-development.

The other consistent reason for not wanting to shift was that the proposed Comprehensive Development route was seen as being unworkable in terms of how the development industry is structured in Christchurch, and the proposed subdivision-only route was seen as being too prescriptive. The proposed shift in activity status from controlled under Living G to non-complying due to inevitable breaches with the multitude of directive rules proposed was another significant reason for not wanting the zoning changed. These aspects are discussed in more detail below.

Summary:

- There was consistent feedback that the existing Living G provisions (subject to some consolidation) should be retained, especially for ODP areas that were partially developed.
- The land development industry felt that the current system for gaining subdivision consent generally worked well and was delivering good quality outcomes that were attractive to the market. There did not therefore appear to be any significant resource management drivers for a significant change in process.

7.0 New Neighbourhood Zones – Comprehensive Development route

7.1 Developer interest

From the developers who provided feedback, with one exception there was no interest at all in using the proposed Comprehensive Development route. The consistent feedback was that the land development industry in Christchurch was comprised of subdividers, and house builders, with two very different roles and business models. There was scepticism that house builders would want to buy lots where the building typology, footprint, and massing was fixed, as it was felt that most builders would want the flexibility to develop their own plans in response to market demand and specific customer requests.

There was some acknowledgement that for relatively small sites of up to approximately 25 dwellings there may be house-building companies who would subdivide and build i.e. undertake the entire development themselves, but that such firms were limited to a small handful of companies. In any event, it was noted that to do a comprehensive development, the area had to be 8 ha in size, and that the minimum development block was 7,000m^2 (which equated to approximately 20-25 houses depending on density), and as such it was not considered that the housebuilding industry in Christchurch was geared up to undertake substantial subdivide and build projects.

The only exception to this viewpoint was from the developers of Yaldhurst west and northwest Belfast. These developers were supportive of a 'design and build' model and were of the view that especially for lots smaller than 400m^2 a comprehensive approach was the only effective way of delivering a good quality built outcome. Whilst interested in a potential change from the Living G zoning to the proposed New Neighbourhood comprehensive framework, they wanted to have more certainty of the final New Neighbourhood rule package before committing to such a change. A key concern was that whilst appreciating the flexibility that the proposed subdivision standards delivered, this flexibility was not reflected in the residential chapter where higher density dwellings would remain subject to an extensive number of bulk and location controls. The feedback was that the comprehensive subdivision and landuse route should instead by subject to an outcomes-focussed set of assessment matters, rather than also being subject to an extensive list of bulk and location controls.

A related concern to the ability to undertake comprehensive development was the need for all parts of Council to be integrated into the process so that the street treatment and dimensions could be integrated with the urban design outcomes being sought through the subdivision and landuse process.

Summary:

- There was general acceptance of having the comprehensive development route as an option, provided the more 'traditional' route of applying for subdivision consent only was retained. There was however no interest in making use of the comprehensive process, and therefore its usefulness and application was considered to be extremely limited.
- The one exception in the feedback was the developers of Yaldhurst west and northwest Belfast where there was interest in the comprehensive approach, provided there was better integration with the residential chapter and the Council's IDS to enable a truly comprehensive package of lot sizes, dwelling design, and street treatment to be considered by Council against outcome-

focussed assessment matters rather than the proposed prescriptive rule package.

7.2 Commercial zoning and rule packages

There was concern regarding the treatment of non-residential (or mixed residential and commercial) areas that are currently shown on ODPs and that have an underlying Living G zoning, but where there is a clear intent that they be developed for commercial purposes. Some Living G areas (part of Prestons, Wigram, and Longhurst) are proposed to have the business areas shown on the ODPs zoned commercial core or local (according to size and function) in the draft City Plan, whilst the business areas on other Living G ODPs have retained their Living G Zoning. A consistent treatment of such areas in terms of zoning was sought, with the proposed rule package silent on how smaller areas of 'local shops' shown on the ODPs but zoned Living G or New Neighbourhood would be treated.

7.3 Minimum 'Neighbourhood Context' plan size

RD1(e) requires all comprehensive applications to be accompanied by a 'Neighbourhood Context Plan', with a minimum area of 8 hectares. It was noted that LG blocks are often less than 8 hectares in size when they come to be subdivided, and that likewise the undeveloped balance areas of some LG zoned blocks are likely to be less than 8ha by the time the proposed Plan is made operative at the end of 2014. It would not therefore be possible to develop a 'Neighbourhood Plan' covering 8ha minimum. Where the Neighbourhood Plan is for less than 8ha, then any application is automatically a non-complying activity. As proposed, it is not therefore possible to undertake a comprehensive development for any blocks that are under 8ha in size.

A related concern was that owners of blocks of less than 8 ha (that were a subset of a larger ODP area) would be forced to develop a 'Neighbourhood Context Plan' for an area outside of their control, as a means to getting consent for the smaller portion that was under their control. In a context of multiple owners of a large block, there was the potential for multiple overlapping (and inconsistent) Neighbourhood Plans. The resultant scenario would be broadly analogous with the issues Council has experienced with the Central City retail precinct where development has to be subject to an ODP covering an area of 7,000m^2, which has resulted in multiple competing ODPs, with no one ODP taking precedence, and development in theory able to occur in an ad hoc manner on small sites, with each being consistent with a different Neighbourhood Plan. The comprehensive process route therefore appears to have been drafted on the implicit basis of a large block under single ownership, with the rule package not effectively managing alternative scenarios of either smaller greenfield areas or large blocks under multiple ownership.

Summary:

- Enable comprehensive development for blocks that are less than 8 ha in size when the lesser amount is under single ownership, or where the entire development area is less than 8 ha in size.
- There is no control to prevent multiple contrasting Neighbourhood Plans to be developed for a large block containing multiple owners, with such plans potentially working against the stated aim of a comprehensive development.

7.4 Pepper-potting vrs grouping density

RD1(g) requires comprehensive development to be in accordance with an Outline Development Plan. These plans show where medium density housing is to be located, with these locations often the subject of considerable urban design analysis and discussion through the Plan Change process. Medium density areas tend to be located adjacent to either local retail centres, or adjacent to parks and stormwater basins where there is a high level of amenity to compensate for a reduced amount of on-site outdoor living space.

RD1(h) requires all subdivision applications to include at least two medium density housing typologies for each stage. Compliance with (h) is therefore likely to conflict with (g), as it will require the placement of higher density housing in locations other than those shown on the ODPs. Alternatively, the ODPs will need to be amended to remove any reference to where different housing densities are to be located.

It was noted that under the alternative 'traditional' subdivision-only route, that pepper-potting density is also required under D1(c) and rule 8.2.1. There was consistent feedback that whilst pepper-potting can work in some situations, there are also well-established and proven urban design reasons for grouping higher density housing adjacent to amenity features such as parks or commercial centres. The proposed rule approach was seen as preventing this from happening as it would require those parts of large blocks that are more appropriate for low density housing to also contain high density typologies in inappropriate locations.

The proposed approach was considered to be especially problematic were the undeveloped balance parts of LG zones to be rezoned to the New Neighbourhood Zone. The partially developed Living G blocks have been developed in general accordance with their respective ODPs. It was considered that it would be contrary to the stated aims of integrated development to then depart from the ODP mid-development and move to a pepper-potting approach to density rather than continue to locate density in accordance with the locations shown in a carefully considered ODP.

Rule RD1(h) and D1(b) both require that all subdivision stages include "two or more New Neighbourhood housing types". There was general confusion as to whether this meant that all house designs had to be a 'New Neighbourhood Housing Type' i.e. everything had to be medium density, or whether the rule required two medium density types, in addition to low density detached homes.

A further area of confusion was what constituted a 'New Neighbourhood Housing Type', where Plan readers had to refer from the rule to the term's definition in the definition section of the Plan, and then from there refer to the "Exploring New Housing Choices for Changing Lifestyles 2011" document that sits outside the City Plan. Feedback from those who had located and read the 'Exploring Choices' document noted that it had been developed as a design guide to inform infill redevelopment in the inner city Living 3 and Living 4 Zones and as such had not been developed for a Greenfield context.

Summary:

- The proposed rules for both comprehensive and traditional routes require every subdivision stage to include medium density typologies. Whilst pepper-potting may be appropriate for some sites, there is equally valid urban design reasons for grouping medium density housing adjacent to amenity areas, with corresponding areas of low density housing elsewhere. There was therefore

general opposition to the proposed requirement that every subdivision stage include medium density housing.

- If the pepper-potting requirement is retained, rule RD1(h) and D1(b) need to be amended to remove ambiguity and to clearly state that the two or more new neighbourhood types are in addition to low density housing, rather than being the only housing choice.
- Reference to the 'Exploring Choices' document needs to be incorporated into the rule itself. The applicability of this guide to Greenfield development contexts also needs to be carefully considered.

7.5 Activity Status

Whilst the activity status for Comprehensive Development was Restricted Discretionary, several respondents observed that the assessment matters were so extensive and wide-ranging that in practice there appeared to be little difference between Restricted Discretion and Full Discretion.

It was also consistently noted that RD1(c) required compliance with the comprehensive set of bulk and location rules set out in proposed Chapter 14. Should one of the proposed units create a minor non-compliance with what are restricted discretionary rules and where all effects are internal to the wider development site, then the entire Comprehensive Development becomes non-complying under NC1 as it will not comply with all the requirements of RD1. The provisions under 8.2.2-8.2.15 were likewise considered to be so prescriptive that the majority of subdivision applications would breach one of these standards, again making the entire Comprehensive Development a non-complying activity. Whilst comprehensive development was being presented as a restricted discretionary route, the feedback was that the way the rules were structured in effect would mean that the vast majority of comprehensive applications would trigger non-complying activity status. Given that the principle of these blocks being urbanised for residential purposes has already been established through having a residential zoning, non-complying status for what would be relatively minor matters was felt to be contrary to the intent of the RMA and would represent the incorrect application of that activity status. The issue of activity status is discussed in further detail in section 8.0 below.

Clarity was sought regarding whether all the other standard subdivision controls in the Plan relating to servicing, road widths, geotechnical and contamination matters etc also applied, as the proposed Plan appeared to be silent on this matter. If the need to comply with standard subdivision controls relating to the provision of servicing is not made explicit, then as a 'restricted discretionary' activity, Council will not have the legal ability to examine what are fundamental subdivision matters.

7.6 Ongoing consenting issues after the initial development phase

A number of respondents observed that the proposed Comprehensive method would result in large numbers of dwellings being consented under a single landuse and subdivision consent. There was general agreement that when sites were subsequently on-sold and housebuilders engaged, that minor changes to dwelling plans and footprints were inevitable. Once houses were built, over the following decade or so it was also likely that homeowners would seek to undertake alterations to their homes, build sleepouts and garden sheds etc.

As the footprint, typology, scale, site coverage etc for all dwellings are subject to the one 'parent' resource consent, any building alterations or additions over time would

require an application for a change of condition under s.127 RMA to the parent consent. Council (and home owners) would therefore be faced with multiple, cumulative s.127 applications to the one parent consent that are likely to become increasingly difficult to administer over time. Reference was made to similar issues with this approach having arisen at 'The Lakes' development in Tauranga, and as such there would be merit in discussing this development and process with planners at Tauranga City Council.

8.0 New Neighbourhood zones – 'Subdivision-only' route

8.1 Activity and notification status

The majority of subdivision consents are currently processed as Controlled Activities and in a non-notified manner. There was consistent feedback that Full Discretionary status was unjustifiable in terms of s.32. The current operative approach was seen to be working well without generating significant resource management issues. It was noted that the Comprehensive Development route was proposed to be Restricted Discretionary, and also explicitly non-notified. There was a general view that the difference in activity status and notification seemed to be driven from an apparent desire by Council to create procedural 'carrots and sticks' to promote the comprehensive approach, rather than any robust resource management rationale for the appropriateness of Fully Discretionary status to undertake the subdivision of an area that has already been explicitly identified as being suitable for urban growth and where the key contextual elements had been identified on an ODP.

The retention of the current Controlled Activity status with the existing 'non-notified' clause for subdivision was the clear preference of developers. If a robust s.32 analysis could identify significant resource management issues that justified the need for Council to be able to decline an application, then Restricted Discretionary status at most was felt to be appropriate. It was noted that the assessment matters proposed under the Comprehensive Development route were extremely extensive and covered all urban design issues that could possibly be of relevance when considering a subdivision application. Given that the proposed assessment matters covered all relevant issues, it was felt that there was no clear rationale as to why Restricted Discretionary and non-notified status could not also be applied to the subdivision-only route.

8.2 Extent and ease with which non-complying status is triggered

There was consistent feedback that the rules proposed under section 8.2, which apply to both Comprehensive (via RD1(b)) and subdivision-only routes (via D1(a)) were collectively overly prescriptive, with any breach triggering non-complying status. A number of respondents had reviewed earlier LG zone subdivision consents that had been processed as Controlled Activities. These consents had all been negotiated with Council Officers and Officers appeared to be accepting of the negotiated outcomes. All these previously 'controlled' consents would now be non-complying under the proposed 8.2 standards. There was consistent feedback that the proposed rule package made developments that had acceptable on-the-ground outcomes shift from being controlled activities to non-complying activities and therefore the proposed provisions under section 8.2 were both unjustifiable in terms of s.32, and were also directly counter to the stated District Plan Review purpose of simplifying, streamlining, and providing certainty.

Summary:

- Reconsider the activity and notification status of both the Comprehensive and subdivision-only routes and amend to both routes being controlled (or at most restricted discretionary) and non-notified.
- Consider deleting section 8.2 and instead rely on the proposed assessment matters for controlling design outcomes. If the 8.2 provisions are retained, then breaches of these standards should be restricted discretionary rather than non-complying.

8.3 Achieving 15 households per hectare

Rule D1(c) requires each application in itself to achieve 15 hh/ha (D1(c)). Rule RD1(i) for the comprehensive development route likewise requires that the application demonstrates the delivery of 15 households per hectare. There was general acknowledgement of the CRPS requirement for greenfield growth areas to achieve a minimum density of 15hh/ha. At the same time there was also concern that for some sites (or parts of sites), the 15hh/ha target would prove extremely difficult to achieve. Individual site constraints, geotechnical conditions, retention of existing large homesteads, setbacks from infrastructure etc could all lead to a reduced density. This was especially the case if the subdivision-only route was followed where each subdivision stage was required to achieve 15hh/ha in itself. Across a large block there were often areas that suited higher densities of up to 30hh/ha, and conversely there were often constrained or peripheral areas where a density closer to 10hh/ha was appropriate. Typically this density allocation was shown broadly on the ODP (but would no longer be possible under the pepper-potting requirement discussed above). There was a desire to see provision made for some flexibility in the density standard so that site-specific factors could be considered. Discretionary rather than Non-complying activity status was therefore felt to be more appropriate, whilst still signalling that the CRPS density requirement was an important matter.

8.4 Feedback on the detailed provisions

D1 activity description: the activity description was felt to be ambiguous as to what was actually subject to the rule. The rule does not explicitly refer to subdivision, rather the rule covers “an application” that is not comprehensive and is not non-complying. In theory this could apply to any landuse application at all.

8.2.1 Minimum site sizes: There was general agreement that it was appropriate in principle to have controls on minimum site sizes. As discussed above, the approach to requiring pepper-potting was opposed as being directly contrary to achieving good urban design outcomes across a large development block, as there would often be a clear design rational why some parts of a large site were appropriate for low density or high density sections. Breach of the proposed rule results in non-complying status which was considered to largely preclude an ‘on the merits’ assessment of why areas of high and low density might be located more appropriately on a site, as non-complying status implies that the outcome is not contemplated by the City Plan at a strategic level.

Clause 8.2.1(3) requires allotments in three different size bands for every subdivision application containing 20 or more lots. A breach of this standard makes the application non-complying. The concerns regarding mandatory pepper-potting, and the associated inability to group higher and lower density lots where such grouping has a strong urban design justification, have been set out above. Feedback was also received

questioning how the rule will be applied for subdivision applications of fewer than 20 lots. In particular, whether the requirement pro-ratas downwards.

8.2.2 Future Development Allotments: Several respondents were unsure what a 'future development allotment' referred to, in particular whether it was similar to the 'Density A' areas that are typically sold a a single development parcel, or balance lots. Under either scenario the need for a size limit was questioned. It was felt that a minimum size of 7,000m^2 was too large and that often subdivisions were developed in smaller stages, or large lots (often in higher density areas) sold to a single house builder, with such lots being in the 1,500-3,000m^2 size. These lots were small enough for a house building firm to 'bite off', but were still large enough to enable considerable design flexibility. It was also noted that the design of units in the high density A areas was in most Living G Zones a restricted discretionary activity, with this status providing appropriate checks and balances that the end built outcome would be appropriately designed.

8.2.3 Minimum allotment lengths: There was general agreement that minimum allotment lengths were appropriate, although it was noted that for high density typologies such as terraces, the individual unit title width would be less than 10m. Again this was seen as being less of an issue if the matter could be considered on a case-by-case basis without triggering non-complying status for the entire subdivision application.

8.2.4 Maximum cul-de-sac length: There was general acknowledgement that cul-de-sacs should be no longer than 150m without an access, with this length aligning with Council's Infrastructure Design Standard. It was noted that at times a lack of pedestrian access from the head may be appropriate, for instance where the cul-de-sac terminates adjacent to a railway line, motorway, river, back of an industrial area etc. Non-complying status was again seen as being excessive for a matter that may well be acceptable in a wide range of circumstances.

The limit of 70m for cul-de-sacs with no pedestrian access at the head was seen as being far too short (70m being equivalent to only four dwellings). There was also confusion as to how the distance would be measured for a cul-de-sac with a T-shaped head with two 'arms'.

It was also noted that subdivisions are developed in stages. Most roads will be cul-de-sacs for the first few stages until the network is completed. The rule therefore makes most subdivision consents non-complying if they are assessed as if the first stage/ incomplete road is the final outcome.

8.2.5 Maximum percentage of road frontage for a reserve: Whilst the principle of parks having road frontage was generally accepted, the requirement that 25% should be to a local road was strongly opposed as it effectively prevents reserves from being located adjacent to collector or arterial roads. It was also seen as being problematic for linear parks or esplanade reserves that often incorporate a stormwater management function and that run between residential properties (with properties having outlook over the public space). Reserves wre likewise often incorporated into ODPs to serve a buffer function between industry or major arterial roads and

dwellings, or beneath electricity transmission corridors. All these legitimate functions and locations would result in non-complying subdivision applications.

Staging of subdivision consents was again seen as being an issue with the application of this rule, where if a park was located on the edge of a stage, it would not meet the required percentage of road frontage until later stages had been consented.

8.2.6 Minimum size for a recreational reserve: There was consistent feedback and numerous examples provided of reserves below 3,000m^2 that were well located and provided a useful local amenity function. It was noted that the size and location of reserves is negotiated with the Council's Parks Officers who have to agree to the location and size if Council is to accept it against reserve contributions.

8.2.7 Minimum sight lines: This rule was felt to be uncertain and ambiguous, with respondents unsure of how the rule was meant to be interpreted or the outcome sought. Generally pedestrian links (for example at the head of cul-de-sacs) are vested as legal road. Pedestrian routes through parks and reserves are inherently located through the middle of park. Sight lines of 5m dimension that were not on land vested as road, and were not in parks, were a scenario that was considered to be unlikely to arise.

8.2.8 Minimum dimension of open space containing a pedestrian walkway: The rule heading appears to limit the rule to only land where a walkway is provided, yet the rule itself does not have this qualification and instead requires all land vested in Council for utilities, walkways, or stormwater to have a minimum width of 8m. Numerous examples were provided where Council receives land for utility or stormwater purposes where the dimension is less than 8m for the simple reason that the utility or stormwater system only needs say 4m and anything extra is functionally unnecessary. If the rule is amended to clarify that the 8m dimension only applies to land where public access is to be provided, it was noted that stormwater swales are frequently located adjacent to road reserves where the public access is partially on road reserve and partially on the stormwater reserve, and that a stormwater reserve dimension of less than 8m is adequate for providing stormwater function and pedestrian access due to being adjacent to the road reserve. A number of developers also questioned whether this rule had the agreement of Council's asset teams as such teams generally were resistant to accepting land that was in excess of what was needed to deliver a utility function.

8.2.9 Maximum block size: The general feedback was that this rule was ambiguous and its application and outcome sought were uncertain. It was generally assumed that this rule was seeking to control overall block size. If that was the case, the 600m limit was seen as being too small, with many blocks in established suburbs being well in excess of this limit with no adverse effects.

8.2.10 and 8.2.13 Maximum number of units off an access: Rule 8.2.10 precludes good urban design outcomes for higher density housing forms where such typologies are often accessed via a rear service lane of service courtyard. It was noted that many of the typologies and examples set out in the 'Housing Choices' guide would not comply with this requirement. Subdivision applications would therefore be non-

complying if they did not include 'Housing Choice' typologies, but would also be non-complying under this clause if they did include such choices.

There was general agreement that having large numbers of more traditional detached family homes accessing of a private right of way was generally undesirable, however such access arrangements were at times necessary to provide efficient access to 'landlocked' corners of subdivisions. The non-complying status was again seen as an inappropriate threshold for considering what were often legitimate design responses to site-specific constraints.

Rule 8.2.13 that limits the number of 'rear' allotments was also seen as being contrary to a number of the Housing Choices typologies, depending on how a 'rear allotment' was assessed. The wording of this rule was seen as being ambiguous in that it could be interpreted as only applying where 10% of lots of an entire subdivision were served off the same, single access. If the intent is to control the percentage of rear lots across the entire subdivision then the words "served off an access" could be deleted, as rear lots are a well understood concept.

8.2.11 and 8.2.12 Entry area dimensions: No definition of a 'New Neighbourhood Entry Area' was included in the proposed Plan, making feedback on these rules difficult.

8.2.14 Walking distances to bus routes and reserves: The rule requires 90% of all dwellings to be located within 400m of a bus route-capable collector or arterial road. There was uncertainty as to how 'capable of being a bus route' would be interpreted i.e. was this simply a function of road width? Given that a breach of the rule triggered non-complying status, the degree of uncertainty in rule application was seen as being inappropriate.

A more fundamental concern however was that the location of collector roads was established at the time of Plan Changes via the ODP. If pockets of a development block were further than 400m from a collector road, then this was a matter that should be resolved at the time of the Plan Change and ODP development. Depending on the shape of the development area, if more than 10% of the area was more than 400m from a collector road, then the only compliant solution at time of subdivision was to either introduce additional collector roads (which presumably were not needed in terms of traffic function), or not develop parts of the greenfield growth area which was contrary to achieving 15 households per hectare or the provision of housing. In short, the distance of a house from a collector road was not seen as being a matter that could be resolved at the time of subdivision and therefore the rule was seen as being meaningless in practice.

9.0 Area-Specific matters

9.1 Masham

Eliot Sinclair on behalf of Enterprise Homes have sought that the current rule restricting the number of dwellings that can be erected prior to a through-road being constructed be removed.

Cardno on behalf of Noble Investments have sought that the proposed 80m building setback from the State Highway (without a bund) or 40m setback with a bund be amended to clarify that this restriction only applies to residential and not commercial

development (Chapter 14, NC9). They also noted that the proposed Commercial Core zoning and associated rule package for the business area shown on the ODP was a significant matter for their development, however they did not provide specific feedback regarding the proposed Commercial provisions.

Several landowners in and adjacent to the Yaldhurst block expressed concerns regarding ensuring future road links were of adequate and safe dimensions and that the ODP should be updated to better reflect the on-the-ground built linkages.

9.2 Northwest Belfast

The developers of the Northwest Belfast block sought the deletion of rule 8.3.7.3.5 restricting development of 'Area 4' until direct road access is provided to either Main North Rd or Darroch Street. This area is the most suitable to develop due to favourable geotechnical conditions, and no functional reason was seen as to why access could not be provided to Main North Road via a proposed access point to the south opposite Belfast Road.

9.3 Prestons

The owners of 396-400 Prestons Road sought recognition in the rule package that their land could be developed for mixed commercial activities in accordance with the ODP. They noted that the consented supermarket on the corner of Prestons and Marshlands Road was proposed to have a 'Commercial Core' zoning and that if the approach adopted in the City Plan was to place commercial zones over the existing Living G areas shown on ODPs as commercial areas, then this approach should be consistently applied to their land. In short, they wanted the rule package to recognise and provide for the ability to develop their land for commercial purposes as shown on the ODP.

Foodstuffs South Island Ltd sought that the Prestons ODP be amended to delete the secondary road shown adjacent to the consented supermarket, as the detailed site examination through the supermarket resource consent process had shown the road as no longer being appropriate or necessary.

9.4 Highsted

Proposed rule 8.3.8.1 is a transposition of existing rule 14.32.4 relating to future subdivision of 266 Highsted Rd. Paul Thompson, planner at Eliot Sinclair has advised that a subdivision meeting the rule's purpose has now been undertaken and that accordingly the rule is no longer relevant.

9.5 Highfield

It was noted that the proposed restricted discretionary rules under 8.3.9.1 – 8.3.9.3.5 related primarily to transportation and intersection capacity, yet the associated assessment matters covered a wide range of issues that extended well beyond transportation, and therefore were *ultra vires* for a set of restricted discretionary standards.

9.6 Awatea

The Awatea Resident's Association sought two specific changes to the proposed rule package. The first amendment was that the current limit on residential development not being permitted until the kart club relocated be amended to permit residential once an alternative Kart Club track (to the same standard or better standard as the existing track) was operational (Chapter 14, NC17(b) & (d)). The reason for this amendment

was that in the event that an alternative facility was made available, there was the potential for the Kart Club to simply operate from both the existing and new tracks i.e. the creation of a new track does not automatically mean that the existing track must close.

The second amendment concerned the introduction of a rule and timeframe requiring the Council to develop Owaka Road into the proposed 'waka trail' cycling and walking route, with the road closed to heavy vehicles. As part of such works the access to Owaka Pit would need to connect more directly with the motorway rather than the current access from Owaka Road.

The ownership of the Awatea area appears to be fragmented relative to most of the other Living G areas. There was consistent feedback from landowners that where ownership is fragmented, Council needs to adopt a much more proactive approach at establishing the key network infrastructure and greenspace to enable development to occur as it is unrealistic to expect a single developer to buy out multiple adjacent property owners. The current 'hands off' approach by Council was seen as being contrary to the stated aims of the Council (and CERA) to facilitate housing to address current housing supply constraints.

9.7 Halswell West

The owners of 68 Whincops Road sought that the ODP be amended to reflect a revised access route into their landholding from the adjacent 'Longhurst' development.

The developers of Longhurst also sought that the ODP and Zoning be aligned to reflect recent zone boundary adjustments that have recently been agreed with Council.

10.0 Chapter 14 Landuse Provisions

In general, feedback was focussed on the subdivision rather than residential chapters. This prioritisation reflected the interest of the majority of respondents as land developers/ subdividers rather than house builders. Several respondents considered that the rules controlling non-residential activities, especially community facilities such as health and day care, and small corner shops/ dairies were too restrictive for a greenfield context and that the provisions could be relaxed in order to facilitate the establishment of such facilities in greenfield neighbourhoods as a key component in creating high quality neighbourhoods. In particular the building size and hours of operation controls were felt to be overly restrictive.

The other consistent feedback was that the bulk and location controls were overly prescriptive, especially concerning the location of front doors and windows, ground floor habitable rooms, garaging, fencing and landscaping (14.6.3.8- 14.6.3.14). It was noted that many of the medium density typologies that Council was requiring through the 'Housing Choices' guide would not comply with these provisions, with the effect that comprehensive subdivision applications would be non-complying. There was consistent feedback that these rules were not necessary for achieving good design outcomes and that they conversely prevented perfectly acceptable design solutions from being implemented. These rules were therefore sought to be deleted.

In particular, if the 'comprehensive' route was followed, it was felt that this approach could be exempt from a greater number of provisions as the house and site 'package' for adjacent sites would be assessed as a single bundle and therefore the issues that

the prescriptive rule package was trying to address would be considered through the comprehensive framework.

11.0 Conclusion

1) There was a consistent desire for the Council to provide adequate timeframes for the proposed changes to be robustly considered by affected landowners. There was a view that it would be far preferable to take a bit longer and develop an effective package than proceed with haste on a package that was seen as benefiting form considerable revision.
2) There was a consistent preference to retain the existing Living G package, especially for blocks that were partially developed or where subdivision consents had been granted for part of the block.
3) Where blocks have been completely built out there was general acceptance of these areas shifting to a similar zone package to the suburban balance of the City, noting specific issues with aligning the suburban rule package with mixed density contexts.
4) There was very little interest in pursuing the proposed Comprehensive Development route, however there was general acceptance of having this route as an option.
5) The activity and notification status of both the Comprehensive and Subdivision-only routes was seen as being well in excess of what was justifiable in terms of a robust s.32 assessment, with the proposed rule package shifting the majority of subdivision plans from being controlled at present to non-complying. Given the perceived absence of significant resource management issues with the current City Plan approach to land development, and the fact that Living G areas had all been carefully considered through plan change processes and had reasonably detailed ODPs, the current activity status of controlled was sought to be retained. The proposed rule package was seen as being directly contrary to the stated aims of the District Plan Review of simplifying and streamlining.
6) The prescriptive rules under section 8.2 were seen as being excessive, ambiguous (in some cases) and unnecessary for achieving good design outcomes. These matters were all seen as being capable of being addressed through the normal controlled activity process with appropriate assessment matters.
7) The mandatory requirement to pepper-pot density for subdivision-only applications was seen as being contrary to good urban design practice and would result in outcomes that were contrary to many of the operative ODPs, as was the requirement for every subdivision stage to in itself achieve 15 households/ hectare.
8) For areas with a large number of landowners, the key development constraint was the difficulty in establishing coordinated network infrastructure. The proposed rule package did not address this issue, and Council was seen as needing to play a much more proactive role in facilitating the delivery of this infrastructure to enable the coherent development of smaller adjacent landholdings.
9) The prescriptive land-use rules in Chapter 14 were seen as being excessive and unnecessary for achieving good quality built outcomes, with the rules in some cases directly working against medium density typologies.
10) The Chapter 14 rules for non-residential activities were seen as being excessive for a greenfield context, especially for community facilities such as healthcare, day

care, and small scale corner shops. Enabling such facilities to easily establish was seen as a key method for developing high quality neighbourhoods.

Appendix 1: Consultation Summary

1. Greg Dewe, Fulton Hogan - (Longhurst & Knights Stream) – e-mailed 18/3 and 24/3 and phoned 24/3

2. Darryl Millar, RMG - Ngai Tahu (Prestons & Wigram) -phoned & e-mailed 18/3. Talked to Jason Jones, RMG 27/3 and e-mailed feedback received 31/3.

3. Shane Dixon, Harrison Grierson - East Belfast & part of Highfield – phoned & e-mailed 19/3

4. Bruce Sinclair, Elliot Sinclair - Enterprise Homes (Masham), Ngai Tahu (Wigram), other clients in Awatea and Highfield – (phoned & e-mailed 18/3). Met 25/3 with Bruce Sinclair, Trudi Burney, and planning team.

5. Kim Seaton, Novo Group & Hamish Wheelans, Gilman Wheelans – phoned & e-mailed 18/3; meeting 21/3.

6. Patricia Harte, Davie Lovell-Smith - phoned & e-mailed 19/3; e-mailed feedback received 27/3.

7. Rachel McClung, Davis Ogilvie - clients in part of Highfield - phoned & e-mailed 19/3.

8. John Fergerson, Baseline Planning – clients in part of Prestons (as surveyor) - phoned & e-mailed 19/3)

9. Janette Dovey, Bellbird Consulting - clients in part of Highfield - phoned & e-mailed 19/3; phoned 1/4

10. Nicola Rykers, Boffa Miskell – no known clients -phoned & e-mailed 19/3.

11. Kim McKracken - clients in Yaldhurst and Belfast -phoned 21/3.

12. Clive Dawe, 396 Wigram Rd (2.2ha block behind Carrs Rd Speedway) – telephoned 21/3 – questions around whether CCC would be designating a stormwater corridor shown under pylons on his land (as shown on the existing ODP)

13. Peter Lewys, 62 Whincops Rd (one of a narrow suburban strip of houses fronting Whincops adjacent to Longhurst subdivision) – telephoned 21/3

14. Gill Newman, 44 Carrs Rd – 6 acres – telephoned 21/3

15. Peter Hide, 19 Cashmere Rd (but owning 502 Halswell Rd – suburban sized section) – telephoned 21/3

16. Deborah Lynch, 2479a West Coast Rd – 2 acre block behind McKenzie Residential School in Masham – telephone 21/3

17. Julie Silcock – 47 Pensicola Cres (Masham), but owns a 1.5 acre block in Halswell/ Whincops area

18. Amanda Foster – 396- 400 Prestons – 1.6ha total. In Prestons 'village commercial' ODP area. Called 24/3

19. Kay Styler, Awatea Residential Association – phoned 24/3 and 31/3.

20. Andre Cargill – 302 Wigram Rd – 800m^2 residential section - phoned and e-mailed 24/3

21. Graham Riddel – 140 Awatea Rd (8ha in two titles) – phoned 24/3

22. Charlotte Gibbon – Devondale Estate, NW Belfast – phoned and e-mail 24/3

23. Mark Hutching, 366 Halswell Junction Rd – e-mail feedback received 24/3

24. Mark Henare, Pegasus Health – phoned 25/3

25. Jeffrey & Susan Gibson, 479A Yaldhurst Rd –e-mail feedback received 24/3

26. David Shepherd, 82 Whincops Rd (suburban size section) – e-mail and phoned 25/3

27. Kevin Smith, practice manager for Halswell Health. E-mailed and phoned 25/3.

28. Foodstuffs SI Ltd – C/- Sarah Eveleigh, Anderson Lloyd – amend Prestons ODP to remove secondary road adjacent to the consented supermarket. E-mail feedback 25/3

29. Colin Stokes, 475c Yaldhurst Rd –E-mail feedback 25/3

30. Jenny Howard, 68 Whincops Rd – approx. 6ha adjacent to Fulton Hogan. Would like to amend the ODP as it relates to her block and will e-mail changes through. Would also like densities of around 750-800m^2 size. phoned 26/3.

31. Greg Smith, 477D Yaldhurst Rd – e-mailed feedback 25/3.

32. David Wilson, Justin Prain, (developers) and Kate McKenzie, Richard Graham (Cardno) – north west Yaldhurst and northwest Belfast – e-mail 21/3, meeting on 31 March