
**SUBMISSION ON CHRISTCHURCH REPLACEMENT DISTRICT PLAN
(North Halswell Outline Development Plan and North Halswell Development Context and Design)**

1 **To:**

Christchurch City Council

Strategy and Planning

P O Box 73012

Christchurch 8154

Via Email: dpreview@ccc.govt.nz



2 **From:**

Oakvale Farm Limited (Oakvale)

C/- Greenwood Roche

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3 **Trade Competition**

3.1 The submitter could not gain an advantage in trade competition through this submission.

4 **Hearing**

4.1 The submitter does wish to be heard. The submitter will consider presenting a joint case with other submitters at hearing.

5 **Specific Provision**

5.1 This submission specifically relates to the North Halswell Outline Development Plan (Appendix 8.6.4) and the related North Halswell Residential New Neighbourhood - Development Context and Requirements.

6 **The Submission**

Background

6.1 Oakvale owns property occupying an area of approximately 4.9 hectares on the corner of Milns Road and Sparks Road (see **Attachment 1**).

6.2 The land was identified for urban residential development in the South West Area Plan ("SWAP"), Plan Change 1 to the RPS (as notified and following decisions), and most recently,

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in the operative changes to the Regional Policy Statement ("RPS") as directed by the Land Use Recovery Plan ("LURP").

- 6.3 The land is now identified as Greenfield Priority-Residential in the RPS, was included in the Phase 1 priority provisions of the Christchurch Replacement District Plan ("the Proposal") as a Residential New Neighbourhood zone and is shown in the North Halswell Outline Development Plan (ODP) as re-notified.
- 6.4 In its Stage 1 submission and evidence Oakvale supported the Proposal in part. Specifically Oakvale supports the Residential New Neighbourhood zoning in general but has expressed concern that the zone provisions, and the interaction with other city wide provisions will result in complexities and barriers to development that are not consistent with ensuring a greater supply and choice of available residential accommodation.
- 6.5 With specific reference to the re-notified North Halswell ODP and associated Development Context and Design, Oakvale has a number of concerns that require amendment such that the ODP and associated material meets the expectations in the Order in Council and Strategic Directions chapter.

Scope of Submission

- 6.6 This submission relates to the whole of the Halswell ODP with a particular emphasis on the specific provisions addressed below.

Nature of the Submission

- 6.7 The submission seeks the amendment of the provisions to create a more enabling regulatory environment and to better meet the intent and direction set out in the Canterbury Regional Policy Statement, the Statement of Expectations and the Strategic Directions Chapter of the Replacement District Plan.
- 6.8 The submission seeks amendments that are considered to better give effect to Strategic Directions Objective 3.3.2 by minimising transaction costs and reliance on resource consents, reducing the number, extent and prescriptiveness of development controls and minimising requirements for notification and written approvals.

Reasons for the Submission

- 6.9 The detailed reasons for the Submitter's position are set out in its specific submissions on the Proposal as set out below and contained within Schedule 1 to this submission:

North Halswell - Outline Development Plan

- 6.10 The submitter does not support the classification of the area shown on the ODP as "Area 3 Residential Development Area with greater development constraints".
- 6.11 Oakvale submits that there is no requirement for a distinction of this nature to be shown on the ODP given the particular issues for this area are addressed as part of the Development Context and Requirements. As such Oakvale submit that the area in question should simply be shown on the ODP as "Area 2 – Residential Development Area"..

North Halswell - Development Context and Design

- 6.12 Oakvale is concerned that the development requirements contained within the Development Context and Design materials are subjective, uncertain and highly prescriptive. Oakvale therefore seeks that the Development Context and Design for North Halswell is amended to remove or delete the proposed provisions that increase uncertainty and are unnecessarily onerous, prescriptive and/or complicated.

- (c) do not have particular regard to the Statement of Expectation in the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ("Order");
- (d) are inconsistent with the purposes and provisions of other relevant planning documents, including the LURP;
- (e) will not promote sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 ("RMA") and are contrary to Part 2 and other provisions of the RMA;
- (f) will not enable the social, economic and cultural wellbeing of the Christchurch community and in particular will not provide the "*right investment climate to enable recovery and sustain long term growth*" as outlined in the Strategic Directions decision of the Independent Hearings Panel;
- (g) will not meet the reasonably foreseeable needs of future generations;
- (h) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means; and
- (i) do not discharge the Council's duty under section 32 of the RMA.

6.22 Without limiting the generality of the above, further specific reasons for Oakvale's submission are set out in the table attached as Schedule 1.

7 Relief Sought

7.1 Suggested relief to deal with the concerns in Oakvale's submission is set out in Schedule 1.

7.2 It is however recognised that there may be other methods of relief that are able to address Oakvale's concerns, and the suggested revisions in schedule 1 do not limit the generality of the reasons for Oakvale's submission.

OAKVALE FARM LIMITED

Date: 10 November 2015

Signature:



L J Semple (for the Submitter)

- 6.13 Oakvale submits that the opening statement of the North Halswell Development Requirements needs to be re-drafted to recognise that requiring compliance with objectives and policies is not appropriate and that resource consents may be applied for where site specific requirements of the ODP are not able to be met. As presently worded the provisions give the impression that non-compliance would be (or should be) a prohibited activity.
- 6.14 Reference to the Council New Neighbourhood Design Guide in the notified provisions is phrased in a way that implies it is to be used as the basis for determining compliance, Oakvale seek that it be reworded to clarify that it is a guidance document only.
- 6.15 Development Requirement 2 "Integration" is generally supported by Oakvale with minor amendments as set out in Schedule 1 to provide greater certainty and clarity.
- 6.16 Development Requirement 3 "Density" is generally supported but minor amendments are sought in relation to the constraints applying the area currently shown as "Area 3" on the ODP. Specific constraints facing "Area 3" are well understood by Oakvale and have been accounted for through the subdivision layout (a combination of lot sizes, lot numbers and density and the physical layout of the area). The amendments sought provide recognition of these measures.
- 6.17 Oakvale considers that Development Requirement 5 "Access and Transport" requires clarification in order to provide sufficient certainty to those using the plan. In particular Oakvale is concerned that the provisions as notified do not make it clear enough where works or costs are to be borne by developers and where they are to be borne by the Council. The submitter has concerns that the current provisions risk developers being required to fund transport infrastructure that may not relate to their development.
- 6.18 Oakvale is also concerned about the specific inclusion in the Design Requirements of clause d "*Rerouting Milns Road through the southern part of Area 3 to improve the safety of the intersection of Milns Road with Sparks Road*". It is submitted that rectifying any safety concerns with the intersection of Milns and Sparks Roads is not a cost that should be borne by Oakvale. Existing safety concerns at the intersection should be addressed by the Council by undertaking the planning, consultation and acquisition required of it under the Public Works Act 1981.
- 6.19 Development Requirement 6 "Stormwater" contains a number of provisions that unnecessarily duplicate the Canterbury Regional Plan and/or the conditions of discharge consents held by the Christchurch City Council (for example the global discharge consent) or by individual developers. It is submitted that these duplications should be deleted. Other amendments have also been sought in relation to the stormwater development requirement to provide the certainty and clarity that is required by the Statement of Expectations and Objective 3.3.2 of the Strategic Directions.
- 6.20 Oakvale considers that the reference in Development Requirement 8 "Staging" for development to proceed from the existing built up area is unnecessarily prescriptive and contrary to the requirement in Objective 3.3.2 of the Strategic Directions which requires the number of standards and controls to be minimised as well as minimising reliance on consent processes. Oakvale also considers the requirement for development to proceed only when wastewater infrastructure is in place is an unnecessary duplication of the subdivision rules and should be deleted.

Summary

- 6.21 For those provisions of the Proposal that Oakvale opposes, those provisions require amendment because, without the amendments proposed by Oakvale, those provisions:
- (a) fail to give effect to the RPS;
 - (b) are not consistent with Strategic Objectives 3.3.1 and 3.3.2

SCHEDULE 1: DETAILED SUBMISSIONS AND RELIEF SOUGHT

Provision	Oakvale's submission	Relief sought
Appendix 8.6.4 North Halswell Outline Development Plan		
1.	<p>Oakvale generally supports the identification of the following features within Area 3 of the ODP, noting these are logical elements of an ODP that are relevant to future residential development of this land:</p> <ul style="list-style-type: none"> • A <i>'flexible road access point to include pedestrian/cycle access'</i>; • A line indicating an <i>'Existing stormwater management, recreational/conservation use'</i>; • An indicative location for a <i>'Reserve'</i>. <p>Oakvale opposes the identification of Area 3 of the ODP as a <i>'Residential Development Area with greater development constraints'</i> and seeks the deletion of this distinction, on the basis that the Development Context and Requirements specify the particular issues in this part of the ODP area that will need to be accounted for at the time of a specific development proposal.</p> <p>Oakvale is otherwise neutral in respect of the remaining items shown in the ODP (Areas 1 and 2 and the Key Activity Centre).</p>	<p>Delete <i>'Area 3 Residential Development Area with greater development constraints'</i> on the ODP and reclassify this land as <i>'Area 2- Residential Development Area'</i></p> <p>Retain the ODP and notations otherwise shown, as notified.</p>
North Halswell Residential New Neighbourhood – Development Context and Requirements		
2.	<p>General submission</p> <p>Having regard to objective 3.3.1 and 3.3.2, Oakvale has general concerns with the use of subjective, uncertain or highly prescriptive development requirements and seeks amendments to these provisions accordingly.</p>	<p>Amend the Development Context & Requirements to remove or amend proposed provisions that increase uncertainty, and are unnecessarily onerous, prescriptive and/or complicated.</p>

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	Provision	Oakvale's submission	Relief sought
3.	Development Requirements statement	<p>Oakvale considers amendments are required to the wording of the introductory statement, which, as notified, inappropriately states that:</p> <ul style="list-style-type: none"> 'all development is to comply with the relevant objectives, policies and rules', when objectives and policies are not strictly matters which development must 'comply' with, and applicants otherwise are entitled to apply for resource consent to breach rules; and the site specific requirements shown an ODP 'must be met', when applicants are entitled to apply for resource consent to depart from compliance with the ODP. <p>Oakvale also considers that the reference to Council New Neighbourhood Design Guide should be as guidance, rather than as a basis for determining compliance.</p>	<p>Amend wording as follows:</p> <p>All development is to comply with the relevant Objectives, Policies and Rules of the District Plan. In addition, the site specific requirements which must be met by developments in order to achieve compliance with rule [insert reference] are shown on the Outline Development Plan and/or described below. Guidance on a number of these Means of achieving the less-tangible requirements are demonstrated is set out in the Christchurch City Council's New Neighbourhood Design Guide.</p>
4.	Development requirements: 1. SENSE OF PLACE (Turangawaewae)	Oakvale supports the wording of this requirement as notified.	Retain Development requirements: 1. SENSE OF PLACE (Turangawaewae) as notified
5.	Development requirements: 2 INTEGRATION	Oakvale generally supports the wording of this requirement as notified, but seeks minor amendments to wording to provide greater certainty and clarity in accordance with objective 3.3.2.	<p>Amend wording as follows:</p> <p>2. INTEGRATION</p> <p>a. All development is to have a good interface with adjacent roads and the interface is to be <u>which is generally consistent along the length of the road for the development.</u> Along Sparks Road and Halswell Road, where there is to be no direct vehicle access from properties, the neighbourhood is not to turn its back on the road. Instead appropriate treatment is required to complement the frontage of Hendersons Basin and Aidanfield and provide a high quality approach to the Key Activity Centre. Properties are to front onto Milns Road <u>where possible.</u></p> <p>b. Residential development is to border the Key Activity</p>

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	Provision	Oakvale's submission	Relief sought
			<p>Centre. It is be of a design and scale which is compatible with retail development on one side and residential development on the other.</p> <p>c. There are a number of land owners within this ODP area and a few existing properties. Particular care is needed to ensure that development is co-ordinated between landowners. Where existing properties are to remain and where the boundary of the RNN abuts properties in the Residential Suburban Zone (Hendersons Road), larger section sizes adjacent to them, greater building setbacks from the boundary and planting buffers may be required.</p> <p>d. To help mitigate the impact of the substation in Sparks Road and associated transmission lines, special interface treatments (such as deeper lots and/or boundary planting) are required for adjacent properties.</p>
6.	<p>Development requirements: DENSITY</p> <p>3.</p>	<p>Oakvale generally supports the wording of this requirement as notified, but seeks minor amendments in respect of the constraints applying to the area identified as Area 3. In terms of these constraints, they <u>These constraints</u> are well understood by Oakvale and have been accounted for in terms of possible subdivision layouts, which have responded through a combination of lot numbers/density, lot sizes, and physical layout. These methods also should also be need to be recognised, rather than implying that a reduced development capacity is necessarily required.</p>	<p>Amend wording as follows:</p> <p>3. DENSITY</p> <p>A density of at least 15 hh's/ha is required across the neighbourhood, with variety in density and housing types. Higher density is to be focused around the Key Activity Centre. Smaller pockets of higher density can be located throughout the area, this may be close to collector roads or where there are open outlooks. The shape of Area 3 <u>the southernmost part of the ODP area</u>, coupled with access limitations and its proximity to the substation and power lines may limit its development capacity, <u>form or layout</u>.</p>
7.	<p>Development requirements: 4. OPEN SPACE, RECREATION AND COMMUNITY FACILITIES</p>	<p>Oakvale supports the wording of this requirement as notified.</p>	<p>Retain Development requirements: 4. OPEN SPACE, RECREATION AND COMMUNITY FACILITIES as notified</p>
8.	<p>Development</p>	<p>Oakvale is concerned with the potential administration of</p>	<p>Amend wording as follows:</p>

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Provision	Oakvale's submission	Relief sought
<p>requirements: ACCESS TRANSPORT</p> <p>5. AND</p>	<p>this development requirement, particularly where works/costs are required of a developer where such works may be unrelated to their development and/or are of a cost which is disproportionate to the size of, or benefit to the development.</p> <p>For example, development of Oakvale's land need not and should not require Oakvale to provide the main spine/collector roads referred to in clause a. and clause b.</p> <p>If the intent is that the ODP requires that these access and transport matters be provided for by subdivision design, but paid for by Council (and cost-recovered through development contributions and/or financial contributions) then the wording should be revised to make this clear.</p> <p>In addition, the requirement in clause d. to re-route Milns Road through Oakvale's land to improve existing safety issues at the intersection of Milns Road and Sparks Road is not a cost (monetary or land/opportunity) that should be borne by Oakvale. Should existing safety concerns at this intersection be of sufficient concern to warrant provision of an alternative intersection, Council should undertake detailed planning, consultation, and (if necessary) land acquisition to undertake such works.</p>	<p>5. ACCESS AND TRANSPORT</p> <p>The following are required to be provided for in the design of a subdivision and/or development by the developer. The costs of physically providing the following will be met by Council through development contributions and/or financial contributions.†</p> <p>a. A collector road to run from the Halswell Road/Dunbars Road intersection to Sparks Road. This road to be capable of accommodating a bus route. This access will need to be integrated with the existing signals.</p> <p>b. A collector road to run from the Halswell Road/Augustine Drive intersection through the neighbourhood to Sparks Road or Hendersons Road, providing access to the Key Activity Centre. This intersection is to be signalised.</p> <p>c. A third signalised connection with Halswell Road between Augustine Drive and Dunbars Road providing access to the Key Activity Centre. This may be opposite or off-set from Aidanfield Drive.</p> <p>d. Rerouting Milns Road through the southern part of Area 3 to improve the safety of the intersection of Milns Road with Sparks Road.</p> <p>e. A fully interconnected local road network across the site that achieves a high level of accessibility and connectivity for people, including opportunities for walking, cycling and public transport and services and that provides connections with Hendersons Road and Milns Road and the new collector roads.</p> <p>f. A network of pedestrian/cyclist routes, including the major cycleway (Quarrymans Trail) within the new neighbourhood and linking the surrounding communities with each other, Halswell Domain, the Key Activity Centre, Nga Puna Wai Reserve and Sports Hub and Hendersons Basin.</p>
<p>9. Development</p>	<p>Oakvale considers that a number of the development</p>	<p>6. STORMWATER</p>

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Provision	Oakvale's submission	Relief sought
<p>requirements: STORMWATER</p> <p>6.</p>	<p>requirements relating to stormwater unnecessarily duplicates requirements in the Regional Plan and/or the conditions of stormwater discharge consents held by Council (e.g. the global stormwater discharge consent) or developers. For this reason, Oakvale seeks the deletion of matters 6a, 6g and 6h.</p> <p>Matter 6d requires amendment to provide certainty through reference to the springs which are specifically identified on the ODP plan.</p> <p>Other minor amendments are proposed to provide greater certainty and clarity in accordance with objective 3.3.2.</p>	<p>The following are required to be provided by the developer:</p> <p>a. Within the ponding area of Hendersons Basin, there shall not be a net increase in the flood water elevations for any storm events up to and including a two per cent annual exceedance probability design storm of 36 hour duration:</p> <p>b. Days Stream and Dunbars Stream shall be naturalised and enlarged to convey a critical two per cent annual exceedance probability storm event from their respective contributing catchments and the slopes of the waterway banks shall be 1m vertical in 4m horizontal average or flatter. Days and Dunbars Streams shall be realigned to discharge into the future Christchurch City Council stormwater wetland to be constructed at 270 Sparks Road.</p> <p>c. The developer shall construct first flush sedimentation and detention basins adjacent to Sparks Road to service new development and 38 hectares of existing developed catchment, excepting the sub-catchment in the southernmost part of the ODP area draining to the Milns stormwater facility.</p> <p>d. There are known to be springs identified on the Outline Development Plan throughout the neighbourhood, these are to be identified and safeguarded.</p> <p>e. The indicative stormwater management area at the eastern corner of the Outline Development Plan Area is to be the primary treatment and detention area for the full development area. This is the preferred option.</p> <p>f. As an alternative option which will reduce the overall area of stormwater land required along Sparks Road, first flush treatment basins may be shifted upstream to service sub-catchments, as indicated on the Outline Development Plan Area, subject to engineering design acceptance from Christchurch City Council. It is expected that any upstream (first flush) treatment basins will discharge directly to the CCC wetland at 270 Sparks Road either via separate pipe system or via Dunbars or Days Streams, with overflow discharging into the detention basins.</p>

Provision	Oakvale's submission	Relief sought
10.	Development requirements: 7. WATER AND WASTEWATER	<p>g. All first flush and detention facilities shall be designed with regard to the 'six values' approach to stormwater management and other relevant design criteria outlined in the GCC Waterways, Wetlands and Drainage Guide. The overall first flush and detention system shall provide "Full Flood Attenuation" for a 2 percent annual exceedance probability storm of 36 hour duration in accordance with Council's South West Area Stormwater Management Plan. Internal and external batter slopes of basins shall be 1m vertical in 4m horizontal average or flatter and 5 metre average landscaped setbacks from all residential allotments is required.</p> <p>h. Dewatering, land drainage or other interception/diversion of groundwater shall be managed so as to avoid adverse effects on other property and on the environment.</p>
11.	Development requirements: 8. STAGING	<p>Retain Development Requirements: 7. WATER AND WASTEWATER as notified.</p>
11.	<p>Access to wastewater infrastructure is a requirement of subdivision and therefore this need not be specified as an outline development plan requirement.</p> <p>The requirement that 'development shall generally proceed from the existing built up area' is also considered to be unnecessarily prescriptive and contrary to objective 3.3.2.</p>	<p>Delete Development Requirement 8. STAGING:</p> <p>8. STAGING</p> <p>a. Except for the Meadowlands Exemplar Zone, development cannot proceed until wastewater infrastructure is constructed. There are no other staging constraints; however, development shall generally proceed from the existing built up area.</p>

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