

Christchurch City Council

**Application for Subdivision Consent and  
Land Use Consent**

**K Bush Road Limited**

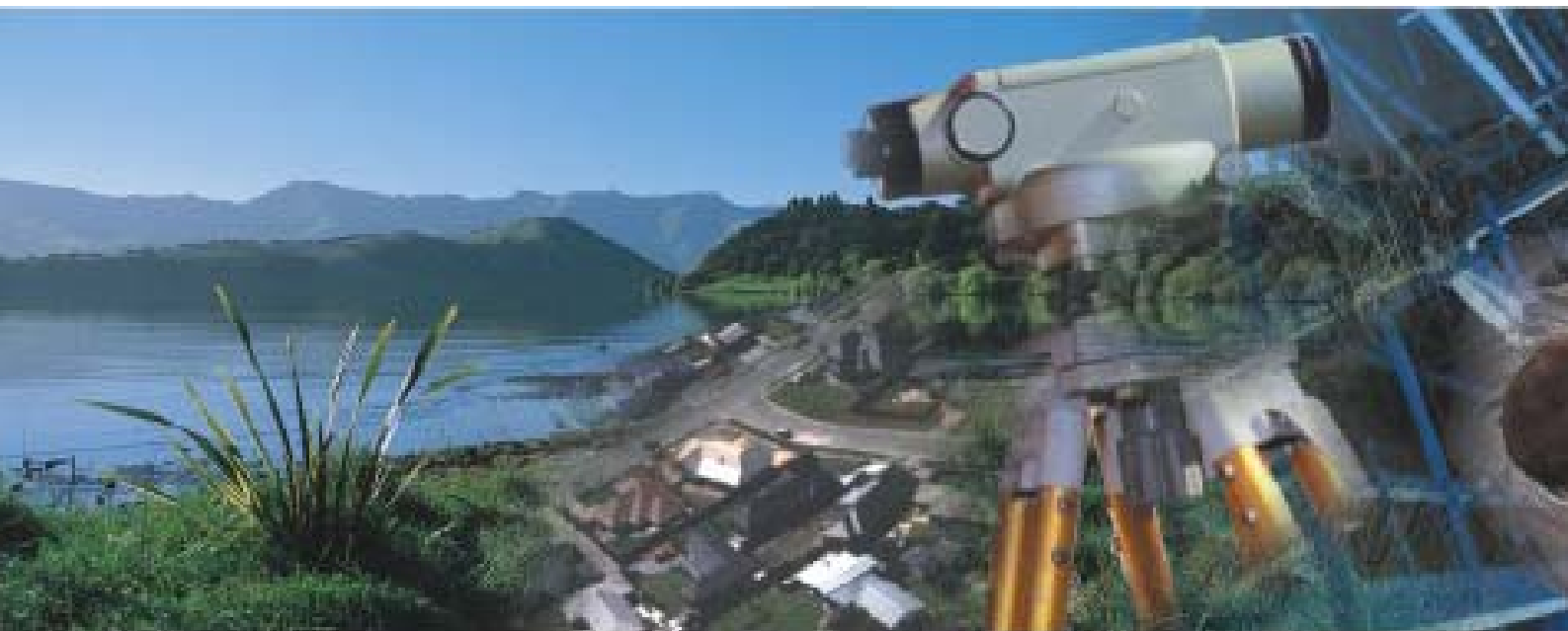
**Kennedys Bush Road • Christchurch**

April 2010



**DAVIE LOVELL • SMITH**

PLANNING SURVEYING ENGINEERING



Shaping the future since 1880



---

**Form 9: Application For Resource Consent Under Section 88 Of  
The Resource Management Act 1991**

---

**TO:** Christchurch City Council

**K Bush Road Limited** applies for the resource consent described below.

1. **The names and addresses** of the owner and occupier (other than the applicant) of any land to which this application relates are as follows:

Tuahiwi Winifred Cox, 5 Fusilier Street, Hoon Hay, Christchurch 8025

2. **The location** to which this application relates is:

Lot 12 DP 2380 and Lot 2 DP 81394, Kennedys Bush Road, Christchurch.

3. **The type of resource consents** being sought are a subdivision and land use consent.

4. **A description of the activities** to which the application relates is:

The applicant seeks resource consent to subdivide 2 existing lots into 28 allotments and two reserves and to establish 27 residential units on those allotments.

The development is proposed in accordance with the plans accompanying this application and which should be read as part of it. A more detailed description of the proposal is attached in the assessment of effects on the environment.

5. **Attached is an assessment of any actual or potential effects** that the activity may have on the environment.

6. **Additional resource consents** required in relation to this proposal:

A consent application will be obtained from Environment Canterbury for stormwater discharge consent.

7. **No other information** is required to be supplied by the district or regional plans or regulations.

8. **Where the application is for a subdivision consent:** I attach information in accordance with Form 9 of the Resource Management Regulations 2003 sufficient to adequately define-

(a) The position of all new boundaries:



DAVIE LOVELL·SMITH

- (b) The areas of all new allotments;
- (c) The location and areas of new reserves to be created, including any esplanade reserves and esplanade strips;
- (d) The location and areas of any existing esplanade reserves, esplanade strips, or access strips;
- (e) The location and areas of land to be set aside as new road.

**DATED: 13 April 2010**

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

Title and **address for service:**

C/- Davie, Lovell-Smith  
P O Box 679  
**CHRISTCHURCH**  
**Attention: Warren McCall**

Telephone: (03) 379 0793  
Facsimile: (03) 379 5664

Address for applicant **and for all Council fees:**

K Bush Road Limited  
C/o Gillman Wheelans Ltd  
P O Box 521  
**CHRISTCHURCH**  
**Attention: Hamish Wheelans**

Telephone: (03) 377 6303

**Annexures**

- A. Site Location Plan
- B. Certificate of Title
- C. Subdivision Plans
- D. Indicative Future Subdivision Plan
- E. Landscape Assessment
- F. Landscape Plans



DAVIE LOVELL·SMITH

- G. Traffic Assessment
- H. Proposed Covenants
- I. Horticultural Evidence
- J. Permitted Baseline Subdivision



## **ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

### **1. INTRODUCTION**

- 1.1 Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent should include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which any adverse effects may be mitigated. Section 88(2)(b) requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991. This assessment is made in accordance with those requirements.

### **2. DESCRIPTION OF THE ENVIRONMENT**

#### **2.1 The Site**

The site is located on Kennedys Bush Road and comprises two titles, CB237/194 and CB47A/1268 (refer Annexure B) currently held by Tuahiwi Cox. The total area of the site is approximately 16 hectares and is split zoned between Living 1 and Rural 2 zoning.

The site is predominantly flat, ungrazed pasture. It contains large mature trees and boundary-defining shelterbelts and vegetation, including eucalyptus and poplar shelterbelts. The frontage of the site on Kennedys Bush Road is predominantly lined with toetoe. A farm building is also located on the Kennedys Bush Road frontage, near the School Road intersection, together with a large walnut and poplar tree. The northern boundary of the site borders a drainage channel and a shelterbelt.

#### **2.2 The Surrounding Environment**

The site is surrounded by a mix of rural and residential land uses. To the immediate west of the site and on the opposite side of Kennedys Bush Road is low density Living 1 residential development. The south western and north western corners of the site adjoin further Living 1 residential development that is located on the eastern side of Kennedys Bush Road. On the north western intersection of School Road and Kennedys Bush Road is Halswell School.

To the north, east and south of the site is predominantly rural land, however a large area of land to the south and southeast of the site is zoned Special Purpose (Halswell South) Zone in the City Plan. The City Plan states that this zone is intended to be developed as a residential zone, with an interim zoning of Special Purpose until such time as site constraints such as servicing



can be resolved. The area is also allocated in Proposed Change 1 to the Regional Policy Statement (CSW7) to be developed in the first phase of residential development (2007-2020).

In the distant south east, the beginning of the Port Hills can be seen and a Living Hills A zone provides a backdrop to the site in this location. The Landscape Assessment contained in Annexure E describes the surrounding environment as follows:

The scale of rural paddocks is ... small compared to the broader rural Canterbury Plains. Boundaries are generally well-vegetated with shelterbelts and amenity planting. This planting provides enclosure and an attractive and intimate rural scale. View shafts to urban edges and elevated suburban housing on the hills as well as lifestyle blocks; create a partially domesticated character to this rural area. The mix of different landuses and activities is visually well-absorbed in this area by vegetation to the extent that rural and urban amenity values are high despite the potential for the landscape to appear fragmented.

Kennedys Bush Road, adjacent to the site, is classified as a Local Road. South of School Road, Kennedys Bush Road has a 12m carriageway width providing a single traffic lane in each direction delineated by a marked centreline. Kerb and channel plus a 1.5m wide footpath is provided on the west side of the road only. North of School Road, Kennedys Bush Road has a 13m carriageway width with kerb and channel plus footpaths on both sides of the road.

The development will intersect with School Road and create a T-Junction 30m north of Mapledale Place. Both are classified as Local Roads.

Further description of the surrounding road network is contained in the Traffic Assessment in Annexure G.

### **3. DESCRIPTION OF THE PROPOSAL**

#### **3.1 Proposal**

The applicant proposes to subdivide the two existing lots to provide 28 allotments and two reserves (see Annexure C). Land use consent is sought to allow dwellings to be erected on 27 of the allotments. The applicant will retain the 28<sup>th</sup> allotment for future use and development as a stormwater reserve. Lots 1-27 will range in size from 1627m<sup>2</sup> to 1.323ha in area.

It is proposed that all built development within the subdivision will be required to comply with Living 1 Zone standards, including a height limit of 8m.

#### *Roading*

The proposed allotments will be accessed via an internal loop road. A cross connection road will be located midway along the loop road and a cul-de-sac will extend south from the loop road. The northern end of the loop road will intersect with Kennedys Bush Road opposite School Road to form a cross junction intersection. The southern end of the loop road will intersect with Kennedys Bush Road to form a new T junction intersection.



The applicant will undertake the upgrading of the east side of Kennedys Bush Road in accordance with City Plan requirements.

Provision is made within the roading design to allow for the south eastern portion of the loop road to be incorporated in to a future collector road route, linking the subdivision to adjoining future residential developments. The alignment of the loop road corresponds with the position of the future collector road indicated in the Christchurch City South West Area Plan 2009.

Pedestrian paths will be provided throughout the subdivision, including through the stormwater reserve area. A cycleway will be provided along the southern side of the northern arm of the loop road, connecting Lot 28 and the reserves with Kennedys Bush Road and School Road. The location of cycleways and pedestrian paths is illustrated on the plans contained in Annexure F.

#### *Landscaping and Amenity*

A comprehensive landscape proposal plan has been prepared (see Annexure F), based on the recommendations contained in the Landscape Assessment contained in Annexure E. The Landscape Proposal Plan incorporates existing mature trees where appropriate, proposes new plantings and indicates the proposed streetscape treatments. The proposed planting regime includes:

- Native riparian planting in the stormwater drainage areas;
- Street tree planting along all road frontages;
- Retention where possible of existing boundary shelterbelt plantings;
- Retention where possible of existing mature trees in reserve areas and Lot 28; and
- New hedging on the southern boundary of the site.

Also contained in Annexure F is an indicative illustration of how the proposed plantings would fit in the context of an intensified residential subdivision in future. Of particular note is that the density of plantings proposed as part of this subdivision are appropriate to the lot boundary street frontage proportions of an intensified subdivision.

In addition to showing new plantings, the landscape proposal plan also indicates existing trees that will need to be removed as part of the subdivision. In accordance with recommendation 6 of the Landscape Assessment (Annexure E), the toe toe boundary planting along Kennedys Bush Road is also to be removed to improve the residential coherence and amenity along this frontage.

Fencing within the subdivision is to be controlled to ensure appropriate styles of fencing are used. Low solid subdivision entrance walls will be established at the corner of the two Kennedy's Bush Road entrances (Lots 1, 21, 19 & 29 (recreation reserve)). Post and 3 rail timber fencing will be established on the Kennedy's Bush Road boundary (Lots 1, 19 & 21), internal boundaries of the main subdivision entrance roads (Lots 1, 19 & 21) and at internal subdivision intersections (Lots 12 & 17, 13 & 15, 2 & 6, 8 & 9) for a minimum distance of



DAVIE LOVELL·SMITH

4.8m from the centre of the boundary arc (in each direction). Post and 3 rail timber barrier fencing will be established at recreation and drainage reserve road frontages. Illustrations of the proposed fencing are contained in Annexure F.

#### *Reserves*

The Council has acknowledged the benefits of the proposed recreation and drainage reserves for the overall development of the land.

Lot 28 contains the proposed stormwater system and two groups of large and significant trees, one group adjoining the stormwater system to the south of the future road linkage and the other group to the north, as well as future road linkages and lots. The applicant prefers that land containing the stormwater system and significant trees vests in the Council now as part of the subdivision. However, in the event that the Council does not accept vesting of land within Lot 28 through this subdivision, the applicant will retain ownership until the future development of Lot 28.

Lot 29, at the entrance to the subdivision, contains a large significant tree on the Kennedys Bush Road frontage. Being opposite the school and visible from Kennedys Bush Road, this reserve is well positioned for a neighbourhood park, which will include a tennis court. The applicant proposes that Lot 29 be vested as recreation reserve as part of the subdivision and that the land and improvements on the reserve be accepted for reserve contribution through a private developer agreement (PDA).

Lot 30 is a 'T' shape reserve, which runs parallel to the existing stormwater drain through the adjoining properties to the north and connects to the new main road through the subdivision. Lot 30 includes a 10m wide strip along the northern boundary to enable the existing drain to be developed into a naturalised swale as part of any future development of the land to the north. The reserve will also provide amenity for higher density housing overlooking the northern boundary as shown on the indicative future subdivision plan. The applicant prefers to vest Lot 30 now as part of the subdivision, as local purpose drainage reserve. However, if that is not acceptable then Lot 30 would be held together with Lot 28 and would vest on future subdivision of the land.

As the proposed reserves are in excess of the requirements for a subdivision of 27 lots the excess will be dealt with by a PDA between the applicant and Council.

#### *Servicing*

##### **Sewer/Wastewater**

The Council has advised that there is sufficient capacity within the existing 150mm sewer in Kennedys Bush Road for the 27 residential lots provided for as a permitted baseline. Council's long-term planning provides for a new pump-station in Sutherlands Road that will service the South-East Halswell block, of which this land is part. From there sewage will be pumped to the City trunk system either through PS60 or the PS42 catchment.

It is proposed that until this pump station is available sewage from the 27 residential lots will gravitate to a temporary pump station within Lot 28, from where it will be pumped via a



temporary rising main to the existing gravity main in Kennedys Bush Road. The temporary pump station and rising main will be constructed as part of the subdivision. On commissioning of the Sutherlands Road pump station by the Council and when a Plan Change has provided for further intensification, a new gravity main will be laid between the temporary pump-station and that in Sutherlands Road. The temporary pump-station will then be decommissioned at the consent holder's expense.

Sewer infrastructure for the proposed 27 residential lots will be provided within the new roads with sufficient capacity, including laterals, to cater for future development of the subject land at current RPS Plan Change 1 densities (15 households per hectare) to avoid the need for roads to be later excavated. Indicative sewer plans showing how this will be achieved are attached as Appendix C.

The Council has stipulated the following points, which the applicant proposes to adhere to:

- Reticulation to be installed by the developer to service future development must be at sufficient grade and depth to connect to the future pump station at Sutherlands Rd without the pump station needing to be excessively deep.
- The developer is to prepare a catchment plan for the "South East Halswell" block to demonstrate how the block would be best serviced for wastewater.

The temporary pump station to service the proposal is to be cost neutral to the Council with respect to its operation, maintenance and decommissioning.

### **Water Supply**

The Council has advised that an existing 200mm water main in Kennedys Bush Road is available with sufficient capacity to supply the subdivision and that the applicant is to provide a 200mm water main along the new main road alignment through to the eastern boundary of the subdivision.

Water infrastructure to be provided within the new roads will be of sufficient capacity to cater for future development at current RPS Plan Change 1 densities (15 households per hectare) to avoid the need for roads to be later excavated.

With regard to future development, the Council has advised that the area will be served by a trunk main from Sutherlands 1 reservoir as the basis for future water supply services within the South-East Halswell block.

### **Stormwater**

Stormwater from roofs and hard-stand areas will be collected via kerb and channel and directed via a piped network to a 'first flush' treatment and detention basin on Lot 28. From there it will be discharged to an existing pipe outfall and drain at the south-east corner of the site, which in turn drains to Cashmere Stream. The detention basin will be designed to attenuate flows for a 50 year critical storm event with discharge rates no greater than pre-developed discharge rates. It is



anticipated, due to high ground-water levels, that the detention basin will be shallow (0.75m – 1.0m) and will incorporate a ‘wetland’.

The stormwater infrastructure will initially serve the 27 proposed lots and roads. However, as is the case with sewer and water supply, spare capacity, including laterals, will be built into the road infrastructure to cater for future development at current RPS Plan Change 1 densities (15 households per hectare) to avoid the need for roads to be later excavated. Future capacity will also be built into the treatment and detention system within Lot 28 so that ultimately all of the subject land can be serviced at current RPS Plan Change 1 densities.

An existing drain flows through the adjoining properties near the northern boundary of the subdivision. It is not intended to use this drain to service the subdivision nor alter it. However, a proposed 10m wide local purpose reserve is to be vested along the northern boundary to enable future extension of the drain into the subject land if required as part of any future development to the north or for naturalisation by Council.

Temporary stormwater basins will be constructed to deal with sediment runoff associated with construction of the subdivision. A sediment control plan will be submitted to the Council outlining the methods to be employed by contractors working on the site to manage sediment flow and mitigate any adverse effects that would otherwise result.

The approach and treatment areas proposed for this development are generally consistent with the provisions of the Council’s Integrated Stormwater Catchment Management Plan for South West Christchurch 2008.

### **Lot 28**

The applicant will maintain ownership of Lot 28.

In the event that the Council does not accept the vesting of drainage land within Lot 28 through this subdivision, the applicant or an associated company will undertake the role of a scheme administrator responsible for the maintenance and operation of the stormwater system and discharge consent compliance.

A covenant will be registered against the titles of Lots 1-27 setting out the owners’ obligations to contribute towards maintenance costs of the stormwater system until discharge consent has been transferred to the Council and Lot 28 has been vested as reserve. Such costs will include maintenance of the stormwater basins, mowing of grass, lighting and access maintenance.

Upon re-zoning of the subject land and availability of sewer capacity to allow further subdivision of Lots 1-27, the owner of Lot 28 will be responsible to complete the following:

- Roading linkages to the north-east and south-west boundaries of Lot 28 to be transferred or vested in Christchurch City Council.
- Decommissioning of, or meeting the cost of decommissioning the temporary sewer pump station within Lot 28.



DAVIE LOVELL·SMITH

- Stormwater treatment area within Lot 28, including capacity for residential roads and hard-standing areas for future subdivision of Lots 1-27, to be transferred or vested in Christchurch City Council if it has not already occurred.
- Stormwater discharge consent to be transferred to Christchurch City Council after a satisfactory compliance monitoring report from ECan.

Lot 28 will be subject to proposed land covenants as set out in Appendix H.

### **Power and Telephone Connections**

Orion New Zealand Ltd has confirmed with the applicant that it has the capacity to service this development from its existing electrical network.

Telecom New Zealand Ltd has confirmed with the applicant that it will be able to supply service to the development from its existing network.

### *Future Intensification Potential*

The site is currently split zoned, with the Kennedys Bush Road frontage of the site zoned Living 1 to a depth of approximately 50-60m, while the remainder is zoned Rural 2. The entire site has been identified in Change 1 to the Regional Policy Statement and South West Area Plan as an area to be developed for residential zoning in the future. At such time as the site is rezoned for residential use and in view of the fact it is a greenfield development, Change 1 at present indicates a clear expectation that the greenfield area that the site sits within will accrue housing at a density of 15 dwellings/ha. So as not to compromise the ability to achieve that density in the future, the current subdivision proposal has been designed in such a way that will allow future subdivision to occur at an overall density of 15 dwellings/ha.

There has been lengthy discussions held between City Council staff and the applicant regarding appropriate and effective methods for ensuring that greater densities are achieved, or not compromised, in the future. Initially, an indicative design of a future intensified subdivision was tabled by the applicant, to illustrate the probable form of a future intensified subdivision within the site and how the current proposal makes provision for that subdivision to occur. A copy of the indicative subdivision is included in Annexure D for reference. Since then, and in response to feedback from Council, a suite of land covenants have been proposed. The covenants are proposed for the Titles to ensure that further subdivision does not occur until certain actions have been undertaken. The land covenants will also state that further subdivision must be undertaken in a manner that does not foreclose or frustrate the ability to achieve the number of lots/and or density of housing contemplated in the subdivision plan contained in Annexure D. The proposed land covenants are attached in Annexure H. A further mechanism proposed is a condition of consent to ensure that the placement of any residential unit on each allotment does not compromise the achievement of the future subdivision.

The proposed covenants and condition of consent are considered to provide the ability to control the form and timing of subdivision and development within the site in the future.



## **4. ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT**

### **4.1 Effect on the surrounding environment**

The following assessment considers the effect of the development on the environment in the surrounding area. The proposal is a **non-complying activity** under the Rural Zone and Subdivision rules due to the proposed allotments being below the minimum size specified in the City Plan for subdivision and residential dwellings.

#### **4.1.1 Permitted Baseline**

Section 104(2) provides that when forming an opinion as to any actual and potential effects on the environment of allowing an activity, a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.

As noted above, the frontage of the site to Kennedys Bush Road is zoned Living 1. If this portion of the site were subdivided to Living 1 Zone densities, a total of 24 allotments could be created, albeit with vehicle access extending partially into the adjoining Rural 2 Zone (see Annexure J). The balance of the allotments in the Rural 2 Zone could be subdivided into three lots, providing a total of 27 allotments on the site. A plan illustrating a possible subdivision scenario is contained in Annexure D. The relevant comparative effects of this subdivision scenario include impacts on character and amenity, landscape effects, traffic effects and impacts of infrastructure provision. The scenario is directly comparable to the proposed subdivision and will be discussed where relevant below.

#### **4.1.2 Landscape effects**

The landscape character of the site at present is mixed rural and urban. Although the site itself is characterised by rural elements such as pasture, mature trees, stock fencing and a rural building, the setting is very much a mix of urban residential and urban edge rural development.

The proposed subdivision will impact on the existing landscape character by introducing an element of urban style residential development, albeit at a lower density than what is found in the adjoining Living 1 Zone. A landscape assessment has been undertaken of the proposal and is contained in Annexure E. That assessment finds as follows:

- From the perspective of the residents of and visitors to Kennedys Bush Road opposite the site, the impacts on the landscape and their views is likely to be less than what otherwise might occur under a complying subdivision. The reason for this is that only a small number of houses will front directly to Kennedys Bush Road and the viewed development will therefore be of a much lower density than what might otherwise occur. The proposal would create a better landscape amenity outcome than the permitted baseline allows for by maintaining views to the Port Hills and a degree of rural amenity. The landscape impacts when viewed from Kennedys Bush Road are therefore



considered to be no more than minor compared to the effects that are otherwise anticipated by the current City Plan zoning;

- From viewpoints further south on Kennedys Bush Road, the low visibility of the site, angle of view, separation distance across rural land and existing and proposed screening by site boundary plantings will mitigate the potential adverse visual effects of the proposal such that they are likely to be no more than minor;
- From the elevated Living Hills A Zone some 1000m to the south of the site, while the proposed subdivision would change the appearance of an open pastoral paddock to one with dwellings, in the context of the scale of the panoramic views of the mountains and plains and the peri-urban landscape character from this viewpoint, the application proposal would have no more than minor adverse landscape effects;
- From the elevated Living Hills A Zone centred around Corgwyn Avenue approximately 250m to the south of the site, the site is likely to be partially visible and the proposal will visually infill the open paddock with plantings and dispersed dwellings. The density is likely to retain a degree of openness as lawns within the larger lots. Plantings are proposed on the southern boundary, within Lot 28 and within the road reserves to assist with mitigating views from views from the south. Further specimen trees will be required within individual lots to screen improvements when built.
- From Cashmere Road to the south, the site is visible from some view points. The area between the road and site will remain predominantly rural in character, until such time as any future rezoning for residential use occurs, and the proposed southern boundary plantings on the site will provide a defining edge and visual separation between the proposed subdivision and the adjacent rural land use. It would also partially screen and visually absorb dwellings from the Cashmere Road viewpoint.
- From Sutherlands Road to the east and dwellings in this location, views are likely to be largely screened by existing vegetation, with intervening rural open space.

The Landscape Assessment goes on to conclude that, with the provision of mitigation measures, any potential adverse landscape effects of the proposal are likely to be no more than minor.

#### **4.1.3 Amenity**

The Resource Management Act defines amenity values as *‘...those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes’*.

The qualities and characteristics that define the amenity of this site and the immediate area include a quiet residential neighbourhood with a semi rural outlook to the east, distant views



DAVIE LOVELL·SMITH

to the beginnings of the Port Hills, low traffic volumes on local roads with easy access to an arterial route and patches of attractive mature vegetation.

As noted above, the permitted baseline of a row of up to 11 dwellings along the frontage of the site on Kennedys Bush Road is a relevant consideration. There is no expectation in the City Plan that the current rural outlook along this section of Kennedys Bush Road will be retained, rather the City Plan anticipates residential development will occur. The proposed development, although spreading the residential development further east than current zoning provides for, is consistent with the effects the City Plan anticipates may occur on the amenity of Kennedys Bush Road residents. Other impacts on residents, including an increase in traffic and general activity are also consistent with what the City Plan anticipates may occur in this location and should therefore be disregarded.

As with landscape effects, the amenity of the adjoining rural landowners will be affected to a degree as the rural amenity of the paddocks will be altered to that of a low density residential amenity. The retention and introduction of screening vegetation within the site and particularly on the southern and eastern boundaries, and the retention of Lot 28 as an undeveloped balance lot will ensure that the amenity around much of the periphery of the site will remain quiet, pleasant and visually coherent.

Overall, the effects of the proposed development on existing amenity values are likely to be no more than minor.

#### **4.1.4 Traffic Effects**

As outlined in Section 3.1 above, access to the site will be from Kennedys Bush Road. The internal road layout is illustrated in Annexure C.

As discussed in the Traffic Assessment contained in Annexure G, the proposed roading will comply with the provisions of the City Plan. The proposed intersection treatments are also discussed in the Traffic Assessment, which concludes that the proposed T-junction intersections within the subdivision and at the southern intersection of the loop road and Kennedys Bush Road are appropriate. With regard to the proposed cross-junction intersection with Kennedys Bush Road and School Road, the Traffic Assessment notes that it will be important to emphasise the priority at the intersection. Detailed design of the intersection in consultation with the Council will enable appropriate intersection treatments to be undertaken. Discussions with the City Council to date have resulted in agreement in principle for the installation of a traversable roundabout at this intersection.

In terms of traffic impacts on the wider road network, impacts will be negligible. The traffic generated by the proposed 27 lot subdivision will be no greater than what would be generated by a compliant 27 lot subdivision within the Living 1 Zone part of the site, being approximately 270 vehicle movements per day, and as such the effects could reasonably be said to be anticipated by the City Plan. Further, the surrounding road network is capable of



absorbing that amount of traffic without affecting the form, function or safety of the network.

Overall, given:

- the compliance of the proposal with all traffic related rules in the City Plan;
- general consistency with the Council's Infrastructure Design Standards and possible future roading development identified in the Council's South West Area Plan;
- ability of the surrounding road network to accommodate the estimated site generated traffic volumes; and
- the permitted baseline of 270 vehicle movements per day from the site;

the Traffic Assessment concludes that the traffic related effects of this proposal are considered to be negligible.

#### **4.1.5 Beneficial Effects**

Several benefits will accrue from the proposed development. Firstly, the proposed reserves have been deliberately located in part to enable the retention and long term protection of as many of the existing mature trees as possible. Many of those trees are particularly large and attractive specimens, which at present have no protection whatsoever. Their inclusion within "public" areas, supplemented by additional plantings, will ensure attractive and pleasant public open spaces are provided and continues contribution these trees have on the amenity of the area for the foreseeable future.

Secondly, the careful design of the proposed subdivision with a view to long term residential intensification of the area will result in a more efficient and sustainable development than might otherwise occur as of right. The "permitted baseline" subdivision contained in Annexure J provides for a very traditional form of subdivision that does not allow for any variety of lot sizes and density distribution and would relate poorly to any well designed future subdivision of the remainder of the site.

#### **4.1.6 Versatile Soils**

The site is noted in the City Plan as likely containing versatile soils. Further investigation of soil maps confirms that the soils of the site are likely to be class 1 or 2.

Considerable evidence was presented during the recent Regional Policy Statement Change 1 hearings on the subject of soil productivity, horticultural and agricultural production and economic return. In the *Commissioners' Recommendations on Submissions and Further Submissions* (December 2009, paras 686-693), the Commissioners discuss the thrust of evidence with reference to the Hills Road/Mills Road area. A copy of those discussions is attached for reference in Annexure I. The discussion provides a useful summary of the issues, with the Commissioners noting that the evidence presented by one expert in



particular, Mr Smith, a horticultural consultant, was of general application to some other areas around the periphery of Christchurch. Review of that evidence and the Commissioners' summary suggests that the evidence would be directly applicable to, and assist in the consideration of, development on versatile soils on the applicant's site.

Essentially, the evidence of Mr Smith, as summarised by the Commissioners, was '*that soil productivity in resource management terms cannot be divorced from an economic perspective because for the activity to be able to continue it must realise an economic return*' (para 687). Mr Smith and other submitters maintained that the application of modern technology, plant and irrigation availability, lower land costs, greater reliability of increased production on lighter soils and cheaper transport, it has become possible to purchase and work land in more distant localities more economically than sites closer to the urban areas. A key submitters conclusion applicable to the Kennedys Bush Road site is that '*...the economics had largely disappeared from the smaller units around the Christchurch urban fringe*' (para 690).

Further, in considering the importance of trying to retain productive land in close proximity to Christchurch as a rural resource in case economic conditions changed, Mr Smith concluded that productivity in lighter soils has increased significantly in recent decades and continues to increase, such that, in respect of the productive capacity of the Mills Road/Hills Road areas, there is no particular aspect of the capacity that would warrant protecting it as a resource into the future. The Commissioners accepted that evidence, noting that lack of productive capacity on its own would not necessarily led to acceptance of the land within the Urban Limits, but that it needs to be considered along side other matters.

The applicability of these conclusions to the Kennedys Bush Road land is that it similarly comprises heavy, productive soils that historically have been protected for production but which now are no longer economic for productive use. Given that the Kennedys Bush Road site has been identified in several planning documents for future urban development, it is clear that the benefits, both economic and otherwise, of urban development have been determined to override any benefits that might accrue from preserving the productive capacity of the site for the future. It is also noted that the South West Area Plan specifically notes versatile soils as being a 'negotiable land use constraint', whereby it may be deemed that the loss of them can be accepted when balanced against competing needs. It is considered therefore that potential adverse effects of the proposed development on the versatile soil resource can be considered to be minor.

#### **4.1.7 Infrastructure and Servicing**

Infrastructure and servicing proposals are outlined in detail in Section 3.1 above. In all cases, services are able to be provided to a high standard and with provision of capacity for future intensification of the site. With specific regard to stormwater, a detention basin is to be designed and created that will enable stormwater discharge to be appropriately treated. Importantly, it is anticipated that the discharge rates from the site will be no greater than pre-development levels.



More specific assessment of the potential effects of stormwater treatment and discharge will be the subject of a separate resource consent application to Environment Canterbury.

#### 4.1.8 Hazards

The site is flat and should not be subject to any particular erosion hazards. The City Plan does not identify it as being the subject of flood hazard.

#### 4.1.9 Easements

All necessary easements will be provided for.

### 5. CITY PLAN

#### 5.1 Rules

The proposal fails to comply with the following rules:

Rural Zone Critical Standard 4-2.5.2 Minimum net site area for residential unit in Rural 2 Zone – 4ha.

Subdivision Critical Standard 14-4.3.1 Minimum net site area Rural 2 Zone – 4ha.

As all allotments within the proposed subdivision will be less than 4ha in area, the proposal contravenes both of these Critical Standards. The status of the activity is therefore **non-complying**.

#### 5.2 Objectives and Policies

##### *Section 2 Natural Environment*

Objective 2.1 Land and Soil seeks ‘to maintain and enhance those physical, chemical and biological characteristics of land and soils, and the ecosystems they contain, in a way that best enables them to support life and provide for community needs.’ This objective is supported by Policy 2.1.1 Versatile Soils, which states as follows:

- (a) *Where consideration is being given to the use, development or protection of land comprising versatile soils, in circumstances where such use development or protection is necessary to achieve the purpose of the RM Act, particular regard shall be had, in the circumstances of the case, to any need to protect such land from irreversible effects that may foreclose some future land use options that benefit from being located on such land.*
- (b) *Provided that where a proposed activity will irreversibly affect land comprising versatile soils and there is a choice in the locality between such activity occurring on that land or on less versatile land, the preference shall be to*



DAVIE LOVELL·SMITH

*protect versatile land from such activity, unless the proposed activity would better achieve the purpose of the RM Act.*

As has been previously noted, the site contains versatile soils. Importantly, the policy does recognise in clause (b) that there may be circumstances where irreversible effects may occur and that such effects may be acceptable where the proposed activity better achieves the purpose of the Act. As has also been noted, recent policy documents and decisions, notably including the Greater Christchurch Urban Development Strategy, the South West Area Plan and Proposed Change 1 to the Regional Policy Statement, have clearly identified the application site as being suitable for future residential development. It is considered that the identification of the site in all three of these documents as a future residential growth area is sufficient evidence that the use of the land for residential development will better achieve the purpose of the Act than rural use would. Further, recently submitted evidence to the Change 1 process (discussed above) also suggests that the benefits of retaining peri-urban versatile soils for future use are minimal and no longer justified in economic terms. The proposal is therefore consistent with this objective and policy.

Objective 2.2 Water seeks the ‘...maintenance and enhancement of the quality and availability of the City's water resources, and of the natural and cultural values and public accessibility of waterways and their margins’. There are no waterways within the site, however the objective is supported by relevant policies pertaining to maintaining groundwater quality (Policy 2.2.1) and the disposal of stormwater so as to minimise potential flooding and promote groundwater recharge (Policy 2.2.3). Policy 2.2.4 also seeks to manage land use activities and the disposal of stormwater so as to avoid, remedy or mitigate the pollution of surface waters and adverse effects on aquatic ecosystems. Stormwater from roofs and hard-stand areas within the site will be collected, treated and disposed of initially to ground, specifically a detention basin within Lot 28. From there, it will be released at pre-development discharge rates to an existing pipe outfall and drain, which ultimately drains to Cashmere Stream. The treatment system will be to a standard that is accepted in many new residential developments and will ensure that groundwater quality and water quality in the Cashmere Stream is maintained. As the discharge will be no greater than pre-development rates, potential flood risk should not be exacerbated. The proposal is therefore consistent with this objective and policies.

Objective 2.4 Natural features and Habitats seeks ‘The protection and enhancement of key elements and processes comprising the City's natural environment’. Supporting policies include 2.4.2 Compatibility of activities, which seeks to ensure activities are compatible with maintaining the dominant natural values of significant natural areas. The site itself does not form part of a significant natural area. The Port Hills are a significant natural area, however as already noted the development will not adversely affect the landscape and values of the Port Hills. Policy 2.4.3 seeks to promote environmental enhancement and rehabilitation of natural areas. Policy 2.4.4 seeks to maintain and enhance the integrity and diversity of natural ecosystems and habitats within the City. The proposal is supportive of these policies in so far as the provision of reserves, open space and stormwater treatment riparian areas, together with improved protection of large specimen trees and new plantings



DAVIE LOVELL·SMITH

will collectively promote the environmental enhancement of a site that otherwise currently contains ungrazed pasture and unprotected trees.

Objective 2.5 Natural Hazards seeks to ‘...*avoid or mitigate the actual or potential adverse effects of loss or damage to life, property, or other parts of the environment from natural hazards*’. The site is not known to be subject to any particular natural hazards and the proposal is therefore consistent with this policy.

Objective 2.7 Port Hills seeks to maintain and enhance the ‘...*distinctive landscape and natural characteristics of the Port Hills*’. The proposed development site sits entirely on the plains and adjoining or in close proximity to existing Living zones. As such the development will not adversely affect the landscape or natural characteristics of the Port Hills and the proposal supports this policy.

#### *Section 4 City Identity*

Objective 4.1 Form seeks to maintain and enhance the ‘...*natural and physical features and characteristics contributing to the distinctive form of the City*’. Policy 4.1.3 seeks to ‘...*maintain and enhance the predominantly open space character and rural qualities of the Port Hills, as a contrast and backdrop to the urban area of the City*’. The subdivision site is sufficiently distant from the Port Hills and largely surrounded by residential development (albeit with intervening rural landscape in some instances) so as to ensure the Port Hills will not be affected by the development. Policy 4.1.6 seeks to ‘...*maintain and enhance the important elements which comprise the dominant open space character of the rural plains*’. The explanation and reasons for this policy notes that on the dominant open space character includes an unbuilt landscape predominating over the urban form, and that the edge between the urban and rural areas varies, with a hard edge defined by parks, forests, shelter belts, natural habitats, or a transitional area where "lifestyle" development has established. In respect of the application site, the proximity of the existing zoned urban edge and nearby Living Hills Zones, together with the enclosing and small lot nature of the “rural” landscape renders the character of the area as peri-urban rather than strictly rural. Unbuilt landscape does not currently dominate over the urban form, rather the two characteristics are reasonably balanced. Over time, as land becomes rezoned for residential use in accordance with the Regional Policy Statement and South West Area Plan, urban form will become dominant and the provisions of Policy 4.1.6 will become less and less relevant. In the context of the current landscape however, the proposed development is consistent with this policy.

Objective 4.2 Amenity seeks a ‘*pleasant and attractive City*’. Supporting policies include those seeking to maintain and enhance tree cover, promoting harmony and compatibility of buildings, ensuring development of quality public open spaces, encouraging sensitive landscape design and the retention of appropriate vegetation and new planting and maintaining low ambient noise levels. In all cases, the development is consistent with or supportive of these policies, particularly in respect of the provision of public open spaces, new tree plantings and retention of most existing large specimen trees and street landscape design that is sensitive to the proposed development as well as any possible future



intensification within the site. The amenity of the site will be pleasant and from the perspective of neighbours and public viewpoints, will be variously maintained or enhanced when compared to the permitted baseline development that could otherwise occur.

### *Section 6 Urban Growth*

Objective 6.1 Urban consolidation seeks ‘*to accommodate urban growth with a primary emphasis on consolidation*’. Policy 6.1.1 Population densities states:

*To provide for a gradual increase in overall population density within the urban area through:*

*(a) Providing for higher densities near the central city and consolidation focal points; and*

*(b) Enabling new peripheral development where it is consistent with a consolidated urban form; and*

*(c) Promoting opportunities for higher building densities in larger areas of peripheral urban housing growth*

Objective 6.3 Peripheral urban growth seeks:

*Peripheral urban development of a scale and character consistent with a primary emphasis on urban consolidation; which avoids, remedies or mitigates adverse impacts on water, versatile soils, significant amenity values and other natural resources; and which makes efficient use of physical infrastructure.*

The relevant policies supporting Objective 6.3 and comments with regard to the proposed development are:

#### *6.3.1 Policy : Urban boundary*

*To ensure peripheral urban growth does not occur in a form detached from current urban boundaries, or which promotes a dispersed and unco-ordinated pattern of development.*

##### Comment

The proposed development is immediately adjacent to an existing Living Zone and is therefore very much attached to the urban boundary. Various policy documents, including the South West Area Plan have identified the site as being suitable for future residential development and the location of the site will not therefore promote either dispersed or uncoordinated development.

#### *6.3.2 Policy : Infrastructure costs*

*To encourage growth in areas (and in a manner), that ensures that any adverse effects on the roading network can be avoided or mitigated, and the costs of providing public infrastructure are minimised; and that costs attributable to particular developments are met by the developer.*

##### Comment



The costs of providing all necessary infrastructure, the new roading and any changes to the existing network that might be required are to be met by the applicant. The attached Traffic Assessment has confirmed that the effects of the additional traffic generated on the roading network will be negligible.

*6.3.3 Policy : Community facilities*

*To encourage growth in areas where facilities already exist and have the potential to accommodate additional demand.*

Comment

There are existing community facilities in the vicinity of the site, including Halswell School and shops at the intersection of Kennedys Bush Road and Sparks Road. The South West Area Plan also indicates that a local shopping area/community facilities may be established at the intersection of Kennedys Bush Road and Glovers Road in the future, to help service the anticipated residential growth in this area.

[Wheelans6]

*6.3.4 Policy : Versatile soils*

*When considering the sustainability of urban expansion into rural areas, it shall be assessed in accordance with Policy 2.1.1.*

Comment

The proposed development has been assessed in accordance with Policy 2.1.1, refer comments above.

*6.3.5 Policy : Natural values*

*To avoid urbanisation of land which is of outstanding landscape quality, is ecologically significant, or which detracts from the margins of waterways or the coastline.*

Comment

The site is not of outstanding landscape quality, is not ecologically significant and does not contain any waterways or coastline. A reserve is to be created alongside a drainage channel which sits outside the site but along its northern boundary, which will allow sufficient space for enhancement of the channel to be undertaken in future if the Council desires.

*6.3.6 Policy : Hazards*

*To ensure that development is avoided, or limited in scale or density in areas subject to natural and other hazards, particularly flooding, erosion, or potential sea level rise, unless these hazards can be adequately remedied or mitigated.*

Comment

The site is not subject to any known natural hazards.

*6.3.8 Policy : Incompatible rural activities*

*To have regard to the presence of any incompatible activities in the rural area in assessing urban growth proposals*

Comment



Surrounding rural land is utilised for grazed and ungrazed pasture and there are no known activities that may be incompatible with the proposed development.

*6.3.9 Policy : Urban extensions*

*To promote a range of incremental extensions to the urban area distributed over a number of peripheral locations, rather than a major extension in any one area.*

Comment

Interestingly, this policy is not consistent with the policy direction now being taken by the South West Area Plan, Urban Development Strategy and Change 1 to the Regional Policy Statement, each of which have identified large areas of land in the south of Christchurch for major extensions to the urban area, albeit staged extensions. In any case, the proposed development does not represent a major urban extension.

*6.3.10 Policy : Boundaries of urban extensions*

*To prefer peripheral development which is contained, at least in part, by a well defined barrier to further outward extension for urban development.*

Comment

The site itself is not contained by a well-defined barrier to further outward extension. The explanation to the policy notes that the intention of the policy is to ‘...establish a clear outer edge to the urban area that discourages urban sprawl, while enabling a diverse range of development opportunities within that boundary’. It also notes that ‘aligning the boundary of areas for peripheral growth with a defined natural or physical feature seeks to avoid pressure for continued outward extension of these areas into the rural area’. In respect of this policy, it is again relevant to consider the wider policy context for urban growth in this area. In the case of this site, it is *intended* that ultimately a wider area will be developed for residential zoning. The barrier for further outward extension of urban development will therefore ultimately become both a policy barrier – the urban limit, and a physical barrier – foothills of the Port Hills. It is considered that in respect of this site, a physical barrier to further development is neither necessary nor desirable.

*6.3.11 Policy : Rural-residential living*

*To provide for the establishment of serviced low density rural-residential (lifestyle) housing, particularly where normal residential densities would be inappropriate, but managed and contained in both extent and location, and in a manner consistent with other policies.*

Comment

Some of the proposed allotments are sufficiently large that they fall within the widely accepted definitions of rural-residential lots, for example those over 1ha in area. The intention is not however to provide for rural-residential living in the long term, rather it is an interim development until such time as re-zoning for more intensive residential development might occur. Nevertheless, the current development is able to be fully serviced and managed in a way that is consistent with other policies of the Plan.



DAVIE LOVELL·SMITH

*6.3.12 Policy : Rural-urban interface*

*To reinforce the consolidation of the urban area by:*

*(a) improving the landscape quality of the rural-urban interface;*

*(b) establishing a transition of low density housing, open space or esplanade reserves, adjacent to the urban boundary, particularly where no clear physical boundary to urban growth exists; and*

*(c) encouraging the planting of suitably located trees on the urban-rural interface, to create a high standard of amenity, and to better define and improve the quality of the urban edge of the City.*

Comment

The clear policy intent to develop this part of Christchurch for residential growth purposes to some extent makes this policy redundant in the context of the applicant's site. Nevertheless, the development provides for a large area of reserve and open space, with the retention of existing attractive specimen and shelter trees and the proposal to plant new trees, native plantings and street landscaping. The quality of the interface between this development and the adjoining rural area will be of high, particularly to the east and south east where the rural area will be adjoined by Lot 28, which will provide a degree of transitional open space. Overall, the amenity of the urban-rural interface is considered to be maintained and arguably improved by the proposed development.

*6.3.16 Policy : Long term development*

*To investigate and assess future growth options for the city's long term urban development.*

Comment

This process has been undertaken extensively in recent years, the outcome of which is the identification of the site and its surrounds as an appropriate area for urban growth.

The emphasis throughout these critical objectives and policies is very much on consolidation and discouraging urban development that is disconnected from the existing urban edge. It is important to note that the policies do provide for circumstances where peripheral urban development may be appropriate, generally provided it meets the overall objective of consolidation and meets the "criteria" set out in Objective 6.3 and its supporting policies. As indicated in relation to each of the policies above, the proposal is very much consistent with or supportive of the objective and policies. If the external policy context provided by the South West Area Plan and Change 1 is ignored, it could be considered that the development is not entirely consistent with Policy 6.3.10. However it could not be said to be contrary to that policy, particularly as the policy notes that development is "*preferred*" to have a physical barrier to outward expansion, not that it *must* have one. Overall then, the proposed development is consistent with the urban growth objectives and policies of the Plan.

*Section 7 Transport*



Objective 7.1 seeks a sustainable transport system. Supporting policies seek to minimise adverse effects on the transport system, integration between transport and land use planning and efficient use of the transport system. Policies also seek to design new roading works to visually complement or improve areas, with plantings and landscaping maximised. Objective 7.2 Road Network and its supporting policies seek an efficient and effective road network, with minimal conflict between land uses, traffic and people. The proposed development has been assessed by Urbis Planning & Engineering Ltd who have concluded that the planned roading complies with City Plan requirements and that the development will have a negligible effect on the existing road network. The nature of the activities, being residential, are entirely compatible with the local roads they will front. Extensive street tree planting is proposed in association with new roading. The proposal is therefore consistent with these objectives and policies.

Objective 7.4 seeks provision for safe movement of cyclists. Dedicated cyclepaths are to be provided within the loop road, connecting public reserve areas with Kennedys Bush Road and Halswell School. Objective 7.3 Public Transport seeks provision for meeting public transport needs. The site will be well serviced by existing bus routes, including a route through School Road and down Kennedys Bush Road, immediately adjoining the site. Objective 7.5 seeks provision for the safe movement of pedestrians in a pleasant environment. Comprehensive pedestrian links are to be provided throughout the proposed subdivision, as indicated on the proposed landscape plan. The proposal is therefore consistent with these objectives and their supporting policies.

#### *Section 10 Subdivision and Development*

Objective 10.1 Subdivision and Natural Hazards states that subdivision not be permitted to occur in localities where there are significant natural hazards. The site is not known to be subject to any significant natural hazards.

Objective 10.3 Amenity Values seeks that *‘...the amenities of the built environment be maintained or enhanced through the subdivision process, and that the operation of physical infrastructure, and the cost of its provision, not be adversely affected by subdivision proposals.* The explanation to this objective helpfully elaborates to note that size and shape of allotments and consequent scale and size of built development have a direct impact on amenity values. Although it does not explicitly say so, this statement generally relates to ensuring that lot sizes in suburban areas, for example, are not so small as to result in built form dominating the neighbourhood at the expense of open space and garden areas, thereby adversely affecting residential amenity. In the case of the proposed subdivision, the allotment sizes are very generous and, as outlined in the assessment of effects on amenity values above, amenity values will be maintained or enhanced by the design of the subdivision and proposed landscape treatments. Regarding infrastructure and as noted previously, the subdivision has been designed to provide efficient and effective servicing, both for the current subdivision and for any future intensified residential development that may occur in the future.

Policy 10.3.1 Allotments and 10.3.2 Innovative Design essentially reinforce Objective 10.3 in seeking to ensure subdivision design is appropriate in terms of scale and size of



DAVIE LOVELL·SMITH

allotments, provision of open space, maintenance or enhancement of amenity values and protection of views. All of these matters have been taken into incorporated into the design of the proposed subdivision and the proposal is therefore consistent with these objectives and policies.

Policy 10.3.3 Significant Trees seeks to ‘...encourage the protection of significant trees upon the subdivision of land’. The policy is referring not just to those trees that have formal protection in the Plan, but also to those trees that may not have any protection currently but which enhance local amenity values. The policy is very pertinent to the proposed subdivision as the site has a number of trees within it that the applicant considers are significant and which make a contribution to the amenity values of the area, but which are not currently protected. The retention of these trees within the proposed reserve area will better ensure their long term protection and as such the proposal is supportive of this policy.

#### *Conclusion*

Overall, it is concluded that the proposal is consistent with the objectives and policies of the City Plan.

## **6. OTHER RELEVANT DOCUMENTS**

#### *Greater Christchurch Urban Development Strategy*

The Greater Christchurch Urban Development Strategy and Action Plan 2007 is a non-statutory strategy that has underpinned more recent policy initiatives such as Change 1 to the Regional Policy Statement and is a relevant consideration for this application. The Indicative UDS Settlement Pattern map (p39) shows the Halswell area, including the application site, as an indicative growth area. The Strategy suggests a target density for the area of 15 dwellings/ha with indicative sequencing suggesting the intensified development may begin around 2017. As has been discussed previously, the proposed development will include land covenants and conditions of consent to ensure that the ability to achieve more intensified residential development in the future is not compromised. Provided this is achieved, the proposed development can proceed in a manner that is consistent with the visions expressed in the Strategy.

#### *South West Area Plan*

The South West Area Plan was adopted by the City Council in April 2009. It is a plan prepared under the Local Government Act 2002 and is intended to provide a framework for land use planning and public expenditure for the South West of Christchurch City. It is also intended to assist Council in assessing relevant resource consent and plan change applications under the Resource Management Act and is therefore a relevant consideration for this application.

Relevant features identified in the Area Plan in the vicinity of the site include:



- Kennedys Bush Road a sight line to the Port Hills to be protected;
- The site is within a proposed residential development area with an anticipated minimum average density of 15 households/ha;
- A proposed local centre is identified to the south west of the site on Kennedys Bush Road;
- A new collector road route is proposed that passes through the south east corner of the site;
- The site itself does not have any special landscape, heritage features, or ecological values;
- The urban limit sits well south and west of the site;
- Intensified development of the site is to come on line from 2027; and
- New infrastructure development is identified in the wider Halswell growth area.

The development of the site and its environs for residential growth is tied in the Area Plan to the provision of infrastructure, new or upgraded, sufficient to cater for the anticipated growth. The proposed development of only 27 residential allotments is far below the level of development that would trigger the need for additional capacity in the wider infrastructure. Council have confirmed that existing infrastructure in the area has the capacity to service the 27 allotments, as would be expected given the permitted baseline of 27 dwellings within the site. Any further subdivision of the site to provide for a dwelling density of 15/ha will be reliant on additional infrastructure capacity becoming available, as is recognised and provided for in the proposed land covenants.

With regard to the proposed Collector Road, the proposed loop road within the subdivision has been specifically designed to enable the south eastern end of the loop to be incorporated into a Collector Road in the future.

*Canterbury Regional Policy Statement Proposed Change 1*

Decisions on Proposed Change 1 to the Regional Policy Statement were released in December 2009. The provisions of Change 1 are subject to appeal. The following analysis considers Change 1 as amended by the December 2009 decisions.

The most relevant objectives to this application are Objectives 1 through 4. Objective 1 essentially seeks urban consolidation and a prevention of unsustainable urban expansion. Among other things, the objective seeks to bring about higher density living environments in greenfield areas and greenfield development at a rate that enables efficient provision and use of network infrastructure.

Objective 2 relates to the character and sustainability of built environments. Objective 3 outlines the limitations on urban growth.

Objective 4 addresses the integration of land use, infrastructure and funding, specifically ensuring the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services and associated funding mechanisms.



The objectives are supported by a range of policies, the most relevant of which to this application are Policies 1, 6, 7, 8, 11 and 15.

Policy 1 states that generally urban development is only to occur within the identified urban limits. The application site sits within the urban limits.

Policy 6 addresses the integration of urban form and infrastructure within the urban limits. This is to be achieved through the progressive release of greenfield land and encouragement of intensification. The application site sits within an area annotated as CSW5, South East Halswell. Table 2 of Policy 6 indicates intensive development of this area is to begin from 2021.

Policy 7 seeks to ensure good urban design principles are followed in the development of greenfield areas.

Policy 8 requires that development of urban activities within greenfield areas are to occur in accordance with an Outline Development Plan. That Plan is to be incorporated into the district plan at the time rezoning for urban activity occurs.

Policy 11 states that residential development within Christchurch City greenfield areas is to achieve a minimum net density across an entire Outline Development Plan area of 15 lots or households/ha.

Policy 15 provides for interim development of greenfield areas. It provides that any subdivision or development of greenfield areas prior to the outline plan or plan change process can proceed providing it does not compromise achieving the minimum net density set out in Policy 11 and the efficient and effective delivery of future development in terms of Policies 7 and 8. Methods for Policy 15 include (15.3) that *'...territorial authorities shall ensure through administration of district plans that land within Greenfields Areas is not fragmented in a way that jeopardises the future urbanisation of the area'*. Method 15.4 states that *'territorial authorities shall develop and administer district plans so as to recognise the intended long term use of land within the Urban Limits and not allow activities which would have negative effects on planned urban development'*.

Large parts of Change 1 are understood to be under appeal. As such, weight needs to be cautiously applied to the objectives and policies when having regard to them under Section 104 of the Act. However, the following points can reasonably be taken from Change 1 in relation to this application:

- The site is identified as being suitable for residential growth;
- An average density of up to 15 dwellings per hectare is envisaged for the area in the long term;



- Infrastructure upgrading will be necessary before the site can be fully developed and it is largely due to the need to coordinate infrastructure funding and provision with land use development that the site is not anticipated to be fully developed for several years;
- An Outline Development Plan or equivalent will be required for the wider area and incorporating the site, as part of a plan change to rezone the land from Rural to Living, before intensive residential development can occur; and
- Interim development can occur within the site, provided it does not compromise the ability to achieve higher densities within the wider greenfield land in future, or fragment the greenfield area.

As has been noted earlier in this application, it is recognised and accepted that intensive residential development of this site cannot happen until such time as adequate infrastructure capacity becomes available and the land is re-zoned with an Outline Development Plan or similar. That is not currently a matter for debate. The key issue then is whether the proposed development will compromise the ability to achieve a minimum net average density of around 15 dwellings per ha in the future or whether it will fragment the greenfield area.

The subdivision proposal put forward with this consent application has been expressly designed with future subdivision development potential in mind. The indicative future subdivision plan contained in Annexure D illustrates how a net density of 15 dwellings per ha can be achieved. In this respect, it is noted that stormwater treatment and detention areas within Lot 28 and 30 are excluded from the calculated land area, as are the reserve adjacent to School Road and a further future reserve within Lot 28. The Change 1 definition of 'net density' provides for the exclusion of stormwater areas and land set aside to protect significant ecological, cultural, heritage or landscape values. Reserves 29 and 30 both contain significant and currently unprotected trees that the applicant wishes to protect for the benefit of the community and future residents, as well as to enhance the amenity of the proposed development.

The proposed land covenants and condition of consent controlling building platform location will ensure that the ability to achieve the intensified development form is not compromised. The subdivision has also been designed with the wider development potential of the area in mind, including:

- by locating the loop road so that it can connect with the Collector Road alignment proposed in the South West Area Plan;
- provision for sufficient capacity in services to cater for an intensified subdivision form;
- street tree plantings and reserve landscaping that are suitable for a more intensive subdivision form; and
- much of the peripheral shelter belt planting and screening on the south and east boundaries of the site could be removed through future subdivision consenting processes to enhance the interface with adjoining residential growth areas, if desirable.



With these design considerations in mind, together with the proposed land covenants, the proposal should neither compromise the ability to achieve a density of 15 dwellings per ha within the site or the wider greenfield area, nor fragment the greenfield area.

Overall then, the proposal is considered to be consistent with the provisions of Change 1 as they currently stand.

## **7. MONITORING**

We consider there would be no significant adverse effects on the environment and therefore no on-going monitoring of the proposal is required or proposed.

## **8. CONSULTATION**

Extensive pre-lodgement consultation has been undertaken with the City Council, Environment Canterbury and immediate rural neighbours. Written approval for the proposal has been obtained from adjoining landowner Brian Gillman Limited and other approvals are being sought and will be forwarded to Council on receipt.

## **9. SECTION 104D**

Section 104D of the Resource Management Act states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the City Plan

The above assessment has shown that the effects of the proposal will be no more than minor and the activity will not be contrary to the objectives and policies of the Plan. The consent authority is therefore able to grant consent for the activity.

## **10. PART II**

There are no matters of national importance listed in Section 6 of the Act that are of relevance to this application

The following matters listed in Section 7 of the Act are relevant to this application and must be had particular regard to:



- S7(b) *The efficient use and development of natural and physical resources* – the design of the proposed subdivision with provision for more intensified subdivision in future ensures that the land is put to as efficient a use as possible given the servicing and planning constraints the site is subject to, whilst also enabling a more efficient subdivision design to be implemented in future when the site constraints are resolved;
- S7(c) *The maintenance and enhancement of amenity values* – As discussed above, in the context of the permitted baseline development for the site and the expectation in the City Plan that a rural outlook and amenity will not be maintained along this section of Kennedys Bush Road, the amenity values in this area of the site are expected to be maintained and enhanced. For adjoining rural landowners, the provision of large areas of open space and extensive boundary plantings, together with the retention of a large number of existing mature trees should ensure that adverse effects on the amenity values of other areas adjoining the site will be minimised.
- S7(f) *The maintenance and enhancement of the quality of the environment* – the provision of extensive landscape and street plantings, retention of significant trees, integration of the roading design with the existing network, control of fencing design and provision of large amounts of open space within public reserves and around proposed building platforms should ensure the quality of the environment is maintained and in some areas enhanced.

Section 5 of the Resource Management Act 1991 requires the sustainable management of natural and physical resources by managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables, people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. This is to be done while, among other things, avoiding, remedying or mitigating any adverse effects of activities on the environment. Case law has established that in applying Section 5, an overall broad judgement of whether the proposal will promote sustainable management is required.

In the applicant's view, the suitability of the land for residential development is not in question. It has been established through several processes, including the Urban Development Strategy, the South West Area Plan and Change 1 to the Regional Policy Statement that this land is suitable for future urban growth. There should then be no question that the development of land on this site for residential use, as compared to rural use, is a sustainable use of the land. Further, although the proposal is at present a non-complying activity due to the development being brought forward in advance of re-zoning for the more intensive residential development ultimately envisaged for the area, the proposal is nevertheless consistent with the objectives and policies of the City Plan. This is an important point as the application must be considered on its own merits, not on the merits of possible future development.

That said, regard nevertheless is to be had under Section 104 of the Act to Change 1 of the Regional Policy Statement. Setting aside arguments of caution as to the weighting that



DAVIE LOVELL·SMITH

should be applied to Change 1, the proposal is consistent with Change 1, in so far as the development can occur without compromising or fragmenting the ability to fully develop the greenfield area in the future. The assessment of effects above has also shown that adverse environmental effects can be avoided, remedied or mitigated satisfactorily.

In conclusion, having had regard to the potential impacts of the proposal and the objectives and policies of the City Plan, it is considered that the proposal will promote sustainable management and therefore meet the purpose of the Act.

J:\17423\Planning\consent application\_K Bush final.doc



DAVIE LOVELL·SMITH





DAVIE LOVELL·SMITH

## **ANNEXURE B: CERTIFICATE OF TITLE**



DAVIE LOVELL·SMITH

## **ANNEXURE C: SUBDIVISION PLANS**



DAVIE LOVELL·SMITH

## **ANNEXURE D: INDICATIVE FUTURE SUBDIVISION PLAN**



DAVIE LOVELL·SMITH

## **ANNEXURE E: LANDSCAPE ASSESSMENT**



DAVIE LOVELL·SMITH

## **ANNEXURE F: LANDSCAPE PLANS**



DAVIE LOVELL·SMITH

## **ANNEXURE G: TRAFFIC ASSESSMENT**



DAVIE LOVELL·SMITH

## **ANNEXURE H: PROPOSED COVENANTS**



DAVIE LOVELL·SMITH

## **ANNEXURE I: HORTICULTURAL EVIDENCE**



DAVIE LOVELL·SMITH

## **ANNEXURE J: PERMITTED BASELINE SUBDIVISION**