

3 June 2011

For: Tim Harris / Cameron Wood

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Without Prejudice

Dear Tim / Cameron

Denwood Trustees - Plan Change 7

1. Thank you for meeting with us on 30 May 2011 to discuss Denwood's submission on PC7, and in particular the alternative Outline Development Plans (Options 1 and 2) advanced by Denwood at the hearing and the Commissioners' suggested Option 3.
2. The evidence for Denwood (which has not been challenged) is that 36-48 hectares of B2 land is likely to be required at Lincoln over the next 30 years, and that there is considerable merit in B2 activities being concentrated in one area¹. Denwood has therefore proposed 25 hectares of B2 land in each of its Options 1 and 2, recognising that the Denwood B2 zone is the only B2 zone proposed for Lincoln.
3. ODP Option 1, as promoted by Denwood at the hearing of PC7, remains Denwood's preferred option, followed by ODP Option 2.
4. Notwithstanding this, Denwood is prepared to accept the Commissioners' Option 3 insofar as it provides for the rezoning of the land along Springs Road, on the following basis:
 - a. Denwood understands that the western boundary for the LZ and B2 zones as identified in Option 3 would follow the catchment boundary as identified in Martin Dasler's evidence on behalf of Denwood at the hearing of PC7 (ie, the location of the highest elevation on the Denwood site on the Aurecon Water and Wastewater Servicing Options Plan – the servicing proposes west and eastern catchments on either side of the highest part of the site).
 - b. The B2 and LZ zones would be separated by a 50m wide corridor/buffer as shown on the Commissioners' Option 3 which aligns with the landscape setback and buffer included in the Area 1 ODP.
 - c. The legend in Option 3 shows the Living Z (Deferred) area as 13 ha and the B2 area as 13.4 ha. To be viable, the B2 area needs to be 11 hectares net (ie, 11 ha excluding the 50m corridor/buffer and other

¹ Evidence of John Radnovich for Denwood Trustees to PC7 hearing

stormwater management areas but including local roads). This would require a small extension to the size of the B2 zone as shown on Option 3A (**attached**).

- d. A deferral of the LZ zoning for the area north of the 50m wide landscape buffer/potential bypass corridor cannot be justified on resource management grounds and is strongly opposed. It is more efficient for servicing of the B2 and LZ zones to be implemented in a comprehensive manner, which is easily achievable given that the two areas are in one common ownership and the same 'off site' infrastructure will be required to service both areas. The pipes required to service the B2 land will be sized so as to also service the LZ land. Further, the zoning of the land around the Worner property as LZ addresses the issues raised by Mr and Mrs Worner in their submission. Lincoln University, the only other neighbouring landowner to make a submission on PC7, has withdrawn their submission opposing rezoning of any and all of the Denwood site.
5. We understand that the Council is agreeable in principle to Option 3, subject to advice from Mr Mazey, its traffic engineer, regarding the bypass issue.
6. Denwood is neutral on the issue of whether the possible future southern bypass is shown on the Area 5 ODP. Accordingly, it does not oppose the proposed 50m wide corridor shown on Option 3, provided provision is made for the corridor to accommodate a future road to service the balance of the Denwood site (ahead of and/or in the event that the southern bypass does not proceed).
7. As discussed, Denwood maintains that the balance of the site should also be rezoned LZ (see Option 3A attached). A LZ zoning for the balance of the site not included in the Commissioners' Option 3 would yield approximately 499 lots (based on a minimum residential density of 10 hh/ha, as required under Policy 11 of PC1). The Commissioners' LZ land would yield approximately 122 lots, ie, total 621 lots.
8. Putting aside the evident need for PC1 to provide for substantially greater numbers of Greenfields residential lots within Greater Christchurch as a result of the February earthquake, we maintain that the number of lots that would be created by Option 3A is within the under allocation of land at Lincoln by PC7 of 795 hhs. It is made very clear (in decisions on PC1) that Table 2 does **not** include existing zoned land such as the Dairy Block. We concur with Ms Aston's analysis of Policy 6 (copy **attached**).
9. While we accept that in terms of PC1 the under allocation is identified as being post 2020, there is no resource management justification for LZ zoning of the balance land being deferred to post 2020. It will be serviced in an integrated manner with the adjoining B2 zone which is not deferred.
10. At our meeting with you on 30 May 2011, you advised that 3900 hhs could potentially be achieved within the areas zoned GFA in PC7 because the LZ zone at Lincoln is for average densities of not less than 650m² as opposed to 750m² at Rolleston. Policy 6 of PC1 is intended to ensure sufficient GFAs to achieve the **minimum** density of 10 hh/ha. Councils can provide for higher densities anywhere within the PC1 area, except if there are resource management constraints.
11. As discussed, we wish to confirm the areas of agreement between our client and the Council as soon as possible, preferably ahead of the completion of

the supplementary s42A report and preparation of our supplementary legal submissions. If you wish to discuss any of the matters addressed in this letter further, please contact us.

Yours faithfully
Anderson Lloyd



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APPENDIX A:

Change 1 to Canterbury Regional Policy Statement - Interpretation of Policy 6, Tables 1, 2 & 3

Summary

General:

- 1) C1 applies a 'growth provision' approach for urban development for Greater Christchurch. Tables 1, 2 and 3 allocate sufficient household numbers and areas of business land to each territorial authority (Table 1), and to specific Greenfield Areas within each TA (Tables 2 and 3) to ensure sufficient serviced land is available to provide for projected population and economic growth for the next 30 years (to 2041).
- 2) With the exception of rural residential households, the households and business areas specified in Tables 2 and 3 are 'minima' designed to achieve the minimum residential densities specified in Policy 11, and at least 10 years supply of business land.
- 3) Slightly more land is allocated to GFAs in Table 2 than is necessary to achieve the 'minima' household numbers in Table 1. This is to give TAs some flexibility when preparing changes to District Plans, to reduce the risk of undersupply and increase the range of choice for Greenfields development.

Denwood:

- 1) PC7 'under allocates' 795 hhs, not 420 hhs, at Lincoln in terms of Policy 6 Table 2 (existing zoned areas, including the Dairy Block are excluded from Table 2). The 'under allocation' is post 2020.
- 2) PC7 as notified is inconsistent with C1, in particular Method 6.2 because it does not zone sufficient Greenfield Areas to accommodate 3900 hhs at Lincoln.
- 3) Options 1, 2 and 3A achieve greater consistency with C1 than PC7 as notified, because they meet some/all of the shortfall in GFAs households for Lincoln.
- 4) There is no resource management justification for the Denwood LZ zone being deferred to post 2020. It will be serviced in an integrated manner with the adjoining B2 zone which is not deferred.
- 5) Options 1 and 2 provide an additional 14 ha of B2 land, compared to the 11 ha allocated in Table 3 (which are minimums to meet the next 10 year business land supply needs). Option 4 is consistent with the quantum of the allocation in Table 3.

General approach

1. Table 1 identifies the number of households each territorial authority will need to enable it to meet the projected growth in population for Greater ChCh (both within greenfield, existing zoned areas, rural and rural residential areas).
2. Other than for Christchurch City, Table 1 does not include proposed intensification areas (eg as proposed under Rolleston Structure Plan). It includes existing zoned land, including at Rolleston and Lincoln.
3. Table 2 sets out where new greenfield growth is to take place. For ChCh City specific greenfield areas are identified, whereas for SDC and WmkDC the provision is per township only, except for Rangiora.
4. The Greenfield Areas in Table 2 exceed the area needed to provide for the population numbers in Table 1, in order to ensure the territorial authorities have some flexibility.¹
5. The household figures in Tables 1 and 2 are only maximums not to be exceeded with respect to rural residential households.² This is to give effect to Objective 1 Urban Consolidation (f) – *“Growth in rural-residential households restricted development to equate to no more than 5% of the planned growth of residential households within urban areas.”*
6. Except for rural residential hhs, C1 applies a “growth provision approach” for urban development both across Greater ChCh and at any point in time in the next 35 years. The number of hh per GFA are designed as minima to achieve the density policy. They could only become maxima if there was some significant resource management reason e.g. limits of servicing, or an on site constraint. Where no such constraints apply, the GFAs have the potential to accommodate further hhs³ (Policy 11 specifies minimum net residential densities to be achieved, not maximums).
7. The purpose of Policy 6 is *“ensure there is sufficient land available to provide for population and economic growth, and ensure there is timely efficient provision of infrastructure to support urban growth within the context of the intended integrated and consolidated settlement pattern.”*⁴

¹ Note 3, Table 1; Note 4, Table 2

² Note 2, Table 2.

³ Evidence of Laurie McCallum to C1 Commissioners hearing of submissions and further submissions.

⁴ Explanation Policy 6, C1

Conclusion:

- 8. i.e. There are no restrictions on territorial authorities providing for more ‘serviced’ hhs than are specified in Tables 1 and 2, provided the land is within the UL, and no resource management constraints apply.**

HH allocation – SDC and Lincoln

1. The hh allocations for SDC under C1 and PC7 are as follows:-

| Change 1 | 2007-16 | 2017-26 | 2027-41 | Total |
|--------------------------------|---------|---------|---------|-------|
| GfAs & existing zoned areas | 3700 | 3900 | 3440 | 11040 |
| Rural Residential (outside UL) | 200 | 200 | 200 | 600 |
| Existing Rural zoning | 100 | 100 | 50 | 250 |
| Total | 4000 | 4200 | 3690 | 11890 |

| SDC GFAs | 2007-20 | 2021-41 | Total |
|-----------------|------------------------------------|------------------------|-------|
| Change 1 | 5360 | 5780 | 11140 |
| PC7 | 4107 (Rolleston & Lincoln only) | 1355 (Lincoln only) | 6462 |

| Lincoln GFAs | 2007-20 | 2021-41 | Total |
|---------------------|---------|---------|-------|
| Change 1 | 1740 | 2160 | 3900 |
| PC7 | 1750 | 1355 | 3105 |

| Rolleston GFAs | 2007-20 | 2021-41 | Total |
|-----------------------|---------|---------|-------|
|-----------------------|---------|---------|-------|

| | | | |
|----------|------|----------------------------|------|
| Change 1 | 2052 | 3323 | 5375 |
| PC7 | 2357 | Nil (only covers 10 years) | 2357 |

2. PC7 'under allocates' 795 hhs at Lincoln and 'over allocates' 305 hhs at Rolleston in terms of GFAs⁵. The 'under allocation' at Lincoln is post 2020, with a small 'over allocation' (10 hhs) for the period 2007-20.
3. The s32 Assessment of PC7 states that the 'under allocation' at Lincoln is 420 hhs not 795 hhs. The existing zoned part of the Dairy Block is deducted (371 hhs). However, Table 2 relates to GFAs, not existing zoned areas. The under allocation is 795 hhs not 420 hhs.
4. The Commissioners' recommendation on C1 also makes it clear that existing zoned land is a 'starting float' reserve excluded from Table 1.⁶
5. The s32 Assessment acknowledges *"it is certain that all land within the MUL at Lincoln will need to be used, and even then there is likely to be a shortfall. There is therefore no uncertainty (or flexibility) as to choices between various areas within the MUL as they are all needed to accommodate the predicted hhs"*.⁷
6. At our subsequent meeting with SDC officers on 30/5/11, officers advised that 3900 hhs can be achieved within the PC7 zoned GFAs because the LZ zone at Lincoln is for average densities of not less than 650m² as opposed to 750m² at Rolleston. The 'higher' average density requires the minimum density standard of 10 hh/ha under Policy 11 to be exceeded i.e. more hhs to be accommodated in a smaller area. However, Policy 6 is intended to ensure sufficient GFAs to achieve the minimum density of 10 hh/ha which requires the Denwood land to meet the 3900 hhs for Lincoln. There is no constraint to TAs or applicants providing for higher densities anywhere within the C1 area, other than if there are resource management constraints. This same argument can be applied to all parts of the PC7 area and is not valid as a reason for excluding additional GFAs needed to meet the requirements of Policy 6.
7. The PC7 s32 Assessment assumes that PC7 should only rezone sufficient land to meet the hh allocation provisions in Table 1, not the GFAs provisions in Table 2 (the latter are greater) and that the GFAs allocations are to provide some flexibility when developing changes to the District Plans.⁸

⁵ The difference between 3900 and 3105 hhs shown in the Lincoln GFAs table.

⁶ Paragraph 150

⁷ Paragraph 6.16

⁸ Paragraph 6.10

8. The above approach is a 'mis-interpretation' of the purposes of Tables 1 and 2. The Commissioners intended District Councils to include some extra GFA provision to reduce the risk of undersupply and increase the range of choice of locations for Greenfields development (and in some cases to enable significant resource management issues to be addressed in a sustainable manner)⁹. The Commissioners considered that some limited extra Greenfields provision would not undermine the C1 intensification targets because while ... *"the targets are achievable in the long term, the changes in living preferences, market demand and the actual provision of intensification household supply that will accompany the demographic changes, may take some time to develop."*¹⁰
9. With respect to the above 'under allocation', PC7 is in conflict with C1 because Method 6.2 states *"Territorial authorities shall (my underlining) provide sufficient zoned and serviced land to enable the Greenfields Areas households in Policy 6 (a) in the areas set out in Policy 6(b), and may provide for rural residential land in accordance with Table 1 in Policy 6(a)"*. The areas set out in Policy 6(b) include 3900 hhs at Lincoln. Only 3105 hhs are provided for in PC7.

Effect on Denwood Proposal on C1 and PC7 HH Allocations

ODP 1 – 47.4 ha LZ, 470 hhs

ODP 2 – 55.03 ha LZ, 550 hhs

ODP 3 – 12.25 ha LZ¹¹, 122 hhs

ODP 3A – 62.13 ha LZ, 620 hhs

Note: all options based on minimum residential density 10 hhs/ha, and net residential areas (excluding landscape/bypass corridor and stormwater management areas).

1. The Denwood LZ zone is outside the UL.
2. The Lincoln GFAs hh allocation under C1 is not exceeded in both cases because PC7 has an under allocation of 795 hhs.
3. The Lincoln GFAs hh allocation for the period 2007-2020 is exceeded because the under allocation of hhs is all post 2020. However, the purpose of phasing is *"to ensure there is timely efficient provision of infrastructure to support urban growth"*¹². The

⁹ Paragraph 4, Executive Summary

¹⁰ Paragraph 3, Executive Summary

¹¹ Excludes 7500m², half of width of buffer corridor.

¹² Explanation of Policy 6, C1

phasing provisions are based on the timing of availability of infrastructure. In the case of Denwood, the LZ area will be serviced as an extension of the B2 zone, which is to be developed in the first planning period. There are no constraints to the LZ zone being developed in the first planning period. The evidence for Denwood details the proposed servicing for the LZ and B2 areas.

4. Evidence for Lincoln Land Developments to the PC7 opposing the phasing of part of the Dairy Block to post 2020 (in particular by Jason Jones, Martin Dasler and Rob Kerr) equally applies to the Denwood land.

Effect of Denwood Proposal on Business Land Allocation

ODP Option 1 – 29.7 gross/23.5 net ha B2 along southern site boundary

ODP Option 2 – 22.6 gross/18.6 net ha B2 along Springs Rd frontage, north and south of proposed bypass

ODP Option 3 – 13 ha (gross) of B2 land south of proposed bypass

ODP Option 3A – 12.76 ha (net) B2 south of proposed bypass

Note: net areas exclude landscape buffer, bypass corridor and stormwater detention areas.

1. Option 1 – all of the B2 zone is outside the UL.
2. Option 2 – southern half of B2 zone (south of bypass) is outside the UL.
3. Option 3 – all of the B2 zone is outside the UL. LZ is inside the UL.
4. Option 3A – all of the B2 zone is outside the UL. LZ is outside the UL, except for area north and east of bypass/buffer corridor.
5. Under Options 1 and 2, the size of the B2 zone exceeds the 11 ha allocation under C1. The allocations in Table 3 are to *“provide for development of business land identified in Table 3 in a way that ensures an available supply of business land to meet not less than 10 years’ anticipated requirement, based on monitoring in accordance with Policy 16.”*
6. Method 6.5 is *“Territorial authorities shall (my underlining) provide zoned land, integrated with infrastructure, to achieve Policy 6(c).”* Policy 6 (c) includes Table 3 including the SR7 11 ha Greenfield Business Area at Lincoln.