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# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** 20 September 2018

**TOPIC NAME:** Residential

**SCOPE DESCRIPTION:** Rural Residential (Living 3 Zone)

**TOPIC LEAD:** Jocelyn Lewes

**PREPARED BY:** Stantec New Zealand (Adam Jellie)

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"><li><i>1. The requirements for onsite landscaping are overly prescriptive and are not being implemented or enforced;</i></li><li><i>2. The setback rules for the Living 3 Zone are resulting in a number of resource consent applications for infringements of the rule; and</i></li><li><i>3. Should the Countryside Area provisions be included in the Proposed District Plan?</i></li></ol>
<i>Preferred Option</i>	<i>In summary the recommended option for further development is: Option 2 Amendments to the rural residential (Living 3 Zone) provisions.</i>
<i>DPC Decision</i>	<i>That the Committee endorses the Preferred Option for 'Rural Residential (Living 3 Zone)' for further development.</i>



# 1.0 Introduction

The *Living 3 Zone Baseline Report* (Baseline Report RE010) has been prepared for the residential workstream to assess the effectiveness and appropriateness of the Operative District Plan provisions in achieving the intended outcomes for the Living 3 Zone. Baseline Report RE010 is attached as **Appendix 1**.

The Living 3 Zone provides for rural residential areas located within the Greater Christchurch area of the District and is intended to represent a transition between the more densely settled urban areas which they adjoin, and the rural environment. The provisions of the Living 3 Zone are intended to result in a spacious pattern of built development with specific controls and design requirements to retain elements of rural character as well as panoramic views and rural outlook. The sites zoned as Living 3 were identified in, and are in accordance with, Council's Rural Residential Strategy 2014 (RRS14) which identified 14 sites suitable for rural residential development.

To inform the Baseline Report RE010 an on-the-ground assessment of character and amenity in Living 3 zones was undertaken. This assessment was used to evaluate whether the Living 3 provisions were achieving the intended development and design outcomes for the zone.

The purpose of this Preferred Option Report is to provide a summary of Baseline Report RE010 and to identify issues, options and approaches for the Living 3 zone. If endorsed by Council, the Preferred Options will form the basis of further development as part of the District Plan Review project.

## 2.0 Statement of Operative District Plan approach

Of the 14 areas identified in the RRS14 for potential rural residential development, only seven are currently zoned as Living 3 in the Operative District Plan (refer to the red circles in Figure 1), and of these areas only three are developed or have development occurring. These areas are 'Coles Field' in Rolleston, 'Pemberley' in Prebbleton and 'Conifer Grove' also in Prebbleton. It is not proposed that the remaining sites are rezoned to Living 3 through the District Plan Review process. Rather, rezoning of these sites would be either through submissions or private plan changes.

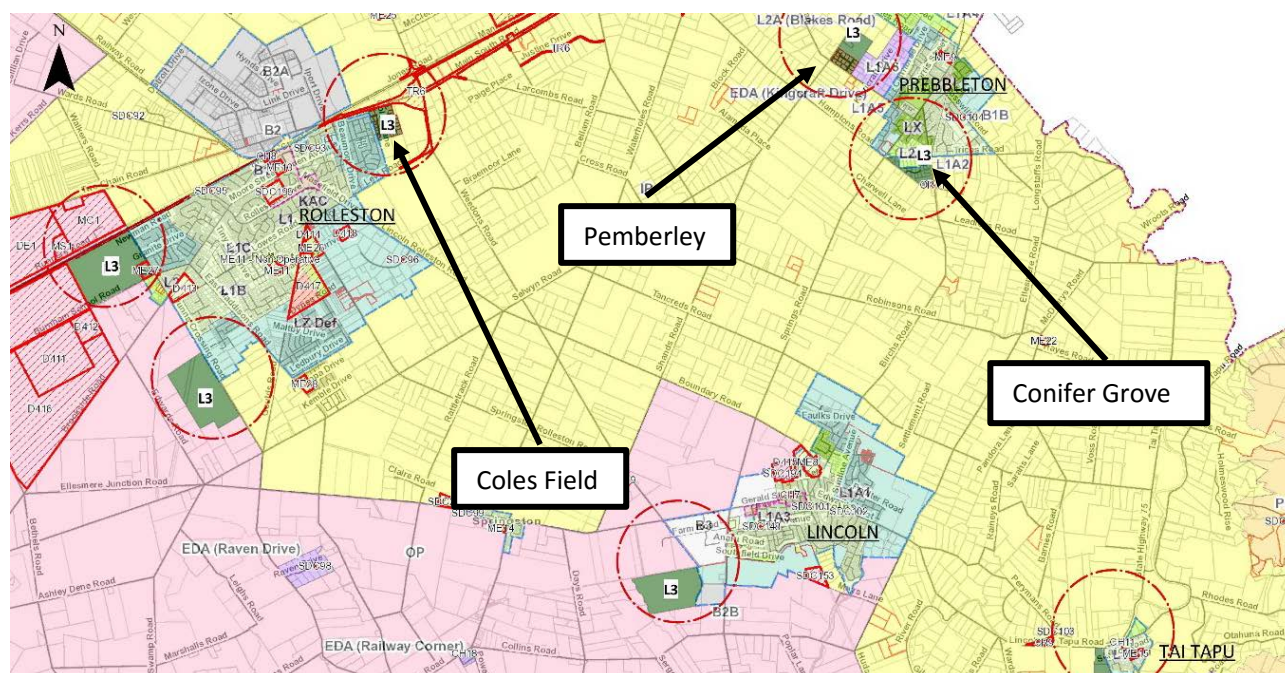


Figure 1 Living 3 Zoned Areas (Operative District Plan)

The objectives and policies relating to the Living 3 Zone are included in Sections B1 Natural Resources, B3 Health Safety and Values and B4 Growth of Townships. The relevant rules are located within sections C4 Living Zone Buildings, C10 Living Zone Activities, C12 Subdivision and Outline Development Plans (ODPs) within the Appendices chapter.

## 2.1 Definition

Rural residential activities are defined in the Operative District Plan as meaning: *residential units within the Living 3 Zone at an average density of between one and two households per hectare*. This is consistent with the Canterbury Regional Policy Statement 2013 (CRPS) definition.

## 2.2 Objectives

There are a general set of objectives which apply to all Living Zones that seek to achieve an overall spacious character and that residential areas be pleasant places to live. There are no specific objectives related to development in the Living 3 zone.

## 2.3 Policies

The policies state that rural residential density within the Living 3 Zone is to be maintained below that of the Living 1 Zone, in that it is limited to one dwelling per site, and building coverage is to be maintained below either 10 per cent of the site or 500 m<sup>2</sup> whichever is the lesser. Fencing shall be reflective of a rural vernacular, i.e. is transparent in its construction or is made up of shelter belts and hedging (Policy B3.4.4 (b)).

## 2.4 Rules

A suite of permitted activity rules which control landscaping, bulk and location and fencing apply to the Living 3 Zone. A further set of specific provisions apply to areas identified on ODPs 39 and 40 in Rolleston as 'Countryside Areas'. These rules provide for rural activities (excluding forestry, intensive livestock production and dwellings). In addition to these rules a Countryside Area Management Plan is required at the time of subdivision. The Plan covers matters such as rural activities or activities proposed for the Countryside Area and measures to internalise adverse effects.

Subdivision of land is a restricted discretionary activity, with Councils discretion limited to a comprehensive set of matters which link back to the RRS14.

Outline Development Plans (ODPs) are required for all Living 3 zoned areas and provide a more specific localised planning response for each area. ODPs are set out in the Appendices of the Operative District Plan.

## 3.0 Summary of relevant statutory and/or policy context

The key high level planning documents are the CRPS, RRS14 and draft National Planning Standards. Action 18 of the Land Use Recovery Plan and SWOT Analysis on Residential Density were also summarised in Baseline Report RE010.



### 3.1 Canterbury Regional Policy Statement 2013

Chapter 6 of the CPRS, which applies to the Greater Christchurch area, defines rural residential development as meaning: *residential units outside the identified Greenfield Priority Areas at an average density of between 1 and 2 households per hectare*. Policy 6.3.9 *Rural residential development* limits new rural residential development to areas which have been adopted in a rural residential strategy. These areas must be provided with reticulated services, located outside the greenfield priority areas and must avoid significant reverse sensitivity effects with adjacent rural activities and, where adjacent to existing urban residential areas, be able to be integrated or consolidated with the existing settlement.

### 3.2 Rural Residential Strategy 2014

The primary purpose of the RRS14 is to provide guidance and policy direction on how best to manage rural residential development. This includes establishing the optimal form, function and character of rural residential development and where it is best located. The RRS14 identified the locations in Figure 2 for rural residential development. These areas underwent a selection process informed by criteria set out in Appendix 1 of the RRS14, which addressed the pre-requisites set out in the CRPS.

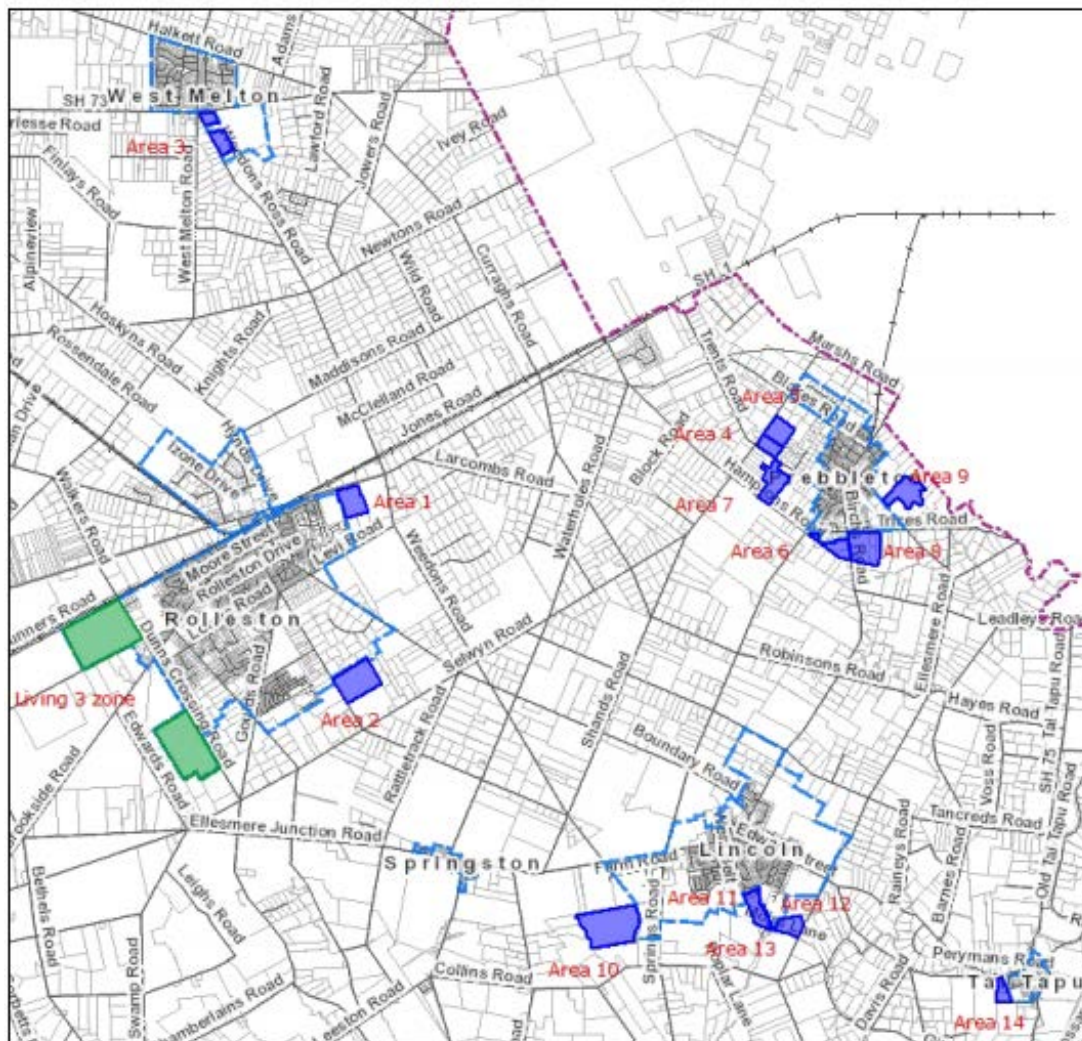


Figure 2 RRS Rural Residential Locations (Green areas were Living 3 Zoned areas at the time of the RRS14 Adoption and Blue areas were potential areas to be rezoned Living 3).

### 3.3 Draft National Planning Standards

As part of the 2017 amendments to the Resource Management Act (RMA) the Ministry for the Environment (MfE) is developing national planning standards. The first set of draft standards was released for consultation on 6 June 2018.

The draft S-ASM: Area Specific Matters Standard – Zone Framework (S-ASM Standard) is relevant to this workstream. It specifies that Council can only use the zones provided for in the Standard. The only discretion Council has relates to which zones from the Standard it chooses to include in the Proposed District Plan. Two draft National Planning Standards zones were considered and compared in Baseline Report RE010. These were the Rural Residential Zone and the Low Density Residential Zone.

The Baseline Report RE010 identified that the Rural Residential Zone in its current form does not align well with the Living 3 Zone or the outcomes sought by the CRPS and RRS14. The zone has a stronger rural focus than the Living 3 Zone and sits within the group of rural zones in the Standards. In addition to residential activities, the Rural Residential Zone states that it will provide for primary production on appropriate sized sites and a range of associated environmental effects (e.g. noise, dust, odour and traffic) are also anticipated.

Based on the findings of the character and amenity assessments it appears that the Low Density Residential Zone may be more appropriate zone to apply to the Living 3 areas.

However, it is also noted that in the Preferred Options Report 207 the Low Density Residential Zone was signalled as a potential zone to replace some Living 1, but mainly Living 2 zoned areas (being the Living 3 zone equivalent outside the Greater Christchurch area). Further work will be required to determine an appropriate replacement zone for the Living 3 Zone and whether other National Planning spatial tools will be required to differentiate these areas from other residential zones.

### 3.4 Key points from the high level planning documents

The main key points from the high level planning documents are:

- new rural residential areas within the Greater Christchurch area can only be provided for by the Council where these areas are in accordance with an adopted rural residential strategy;
- outline development plans are required for new subdivisions which set out an integrated design for subdivision and land use; and
- the National Planning Standards Rural Residential Zone in its current form does not align well with the Living 3 Zone or the outcome sought by the CRPS and RRS14.
- the National Planning Standards Low Density Zone most closely aligns with the current Living 3 Zone.

The character and amenity assessments and the evaluation included in Baseline Report RE010 concluded that the development that has occurred in the Living 3 zoned areas is largely giving effect to the CRPS and RRS14.

## 4.0 Summary of issues

The following issues have been identified in Baseline Report RE010 and are summarised below.

## 4.1 Compliance with landscaping requirements

The requirements for onsite landscaping in the front yard are considered overly prescriptive. In Living 3 zones, Rule 4.2.2 requires the planting of certain number of specimen trees of a particular species and height, at certain locations and spacing's, while in all other residential zones, the front yard is only required to be landscaped with shrubs.

The character and amenity assessments in Baseline Report RE010 found that the sites assessed have limited landscaping. The assessments also noted that the majority of setbacks are sown in grass and this is contrary to the permitted activity rules.

The Consenting and Compliance teams commented that some landscaping requirements have not been picked up during the plan check stage and that there is uncertainty as to when the planting was to be implemented and by whom i.e. the developer who sells the subdivided site or property owner who purchases the site and builds the dwelling.

## 4.2 Setback rules

The setback rules for the Living 3 Zone are resulting in a number of resource consent applications for infringements of the rule.

The front boundary setback requirements (generally 15 metres) in the Living 3 Zone are more onerous than those for the rural zones, which are generally 10m.

## 4.3 Inconsistencies within the policies

The evaluation of the Operative District Plan provisions for the Living 3 Zone identified a number of issues. These include:

- Inclusion of specific parameters at the policy level, such as site coverage; and
- Policy B3.4.4(c) anticipates intensification within a rural residential area which is not consistent with Policy 6.3.9(7) of the CRPS. While this is a reasonable reading of the text in the two documents, the inclusion of this policy stems from a consultative process on both the RRS14 and LURP Action 18 (viii) and, as such, it cannot be considered as such. However, the District Plan Review process does afford Council with the opportunity to review the appropriateness of this policy.

## 4.4 Countryside Area provisions

A set of 'Countryside Area' provisions apply to areas identified on ODPs 39 and 40 in Rolleston. These were introduced as part of a private plan change process in 2012. The two blocks remain undeveloped. As described in Section 2 these provisions differ from the wider Living 3 Zone provisions in that they provide for rural activities within the Living 3 Zone. The main issue is whether these provisions should be rolled over into the Proposed District Plan. A further issue is that the numerous site specific provisions are split across a number of sections of the Operative District Plan.

## 5.0 Options to address issues

Two options have been identified to address the issues identified in Section 4 of this Report. These are set out below.

### 5.1 Option 1: Retaining the status quo

This option involves rolling over the Living 3 Zone provisions into the Proposed District Plan without amendments.

***Effectiveness in Addressing Issue:***

Retaining the status quo does not effectively address the issues identified in Section 4 of this Report.

***Risks:***

Retaining the status quo is likely to result in ongoing resource consent applications for infringement of the setback rules and non-compliance with the landscaping requirements.

***Budget or Time Implications:***

None, as no work would be required.

***Stakeholder and Community Interests:***

Living 3 Zone residents and land owners, development industry and other housing providers.

***Recommendation:***

That Option 1 Status quo should not be carried forward for further consideration.

### 5.2 Option 2: Amendments to the Living 3 Zone provisions

This option involves removing the prescriptive requirements for landscaping (with the exception of tree planting and specific ODP requirements), adjusting the setback requirements from the road boundary, amending the policies, rolling over the Countryside Area provisions and changing the zone name.

As discussed in Baseline Report RE010 the setback from the road boundary could potentially be reduced to 10 metres. However it is recommended that resource consents for infringements to this rule be reviewed to determine if this parameter is consistent with resource consents which have been granted. A setback of 10 m from the road boundary applies within the Rural Zone and this is why this parameter has been selected as a starting point.

Amendments to the setback rules are also required to address conflicting rules.

This option also includes amendments to existing policies for the Living 3 Zone to remove specific parameters from the policy, which are implemented through rules.

It is recommended that Policy 3.4.4 (c) be rolled over into the Proposed District Plan. Given the evolution of the policy, any change or removal could potentially counter a Ministerial sign off and would hinder the implementation of the RRS14. While Chapter 7 of the RRS14 only identified four sites where the issue of future proofing to allow for intensification should be considered, there may be other areas within the RRS14 which could meet the tests set out in the policy and could then take advantage of the policy. It is noted that of the four sites specifically identified in the strategy, one has since evolved as a Housing

Accord and Special Housing Area, while two sites have been subject to private plan changes to rezone the land to Living 3. In both plan changes, no provision was made to allow for the comprehensive intensification of these areas to urban densities.

It is also recommended that the Countryside Area provisions be rolled over into the Proposed District Plan. It is acknowledged that these provisions were subject to two private plan change processes in which the applicant developed these provisions. However, further investigation is required to determine how these provisions will be implemented in the Proposed District Plan. The current approach is considered confusing as the provisions are split across multiple sections of the Operative District Plan. Baseline Report RE010 considered that a precinct approach or capturing all the provisions within the ODP may be appropriate.

It is difficult to make recommendations at this stage as to which zone should be applied to the Living 3 areas given the uncertainty regarding the final form of the National Planning Standards for zones and how these will be applied to other Living 1 and 2 zoned areas. A 'spatial tool' such as a precinct may be required to implement the rural residential provisions, if for example the Low Density Residential Zone is applied more widely, as signalled in Preferred Options Report 207.

***Effectiveness in Addressing Issue:***

Amendments to the landscaping and setback rules will effectively address the issues identified through the character and amenity assessments and feedback from the consents and monitoring and enforcement teams.

***Risks:***

Drafting of the replacement Living 3 Zone provisions will need to be considered in the context of all the Living Zones and in terms of the replacement zones adopted from the National Planning Standards.

***Budget or Time Implications:***

Budget and time will be required for drafting and consideration of the appropriate National Planning Standard spatial tools.

***Stakeholder and Community Interests:***

Living 3 Zone residents and land owners, developers and other housing providers.

***Recommendation:***

That Option 2 should be carried forward for further consideration.

## 6.0 Matters requiring further consideration

The Baseline Report RE010 identified a number of matters that cannot at this stage be resolved mainly because of the uncertainty over the final form of the National Planning Standards or the outcomes from other workstreams. These matters include:

- determining appropriate replacement National Planning Standard zones for the Living 3 Zone, particularly given that the Low Density Residential Zone could also potentially be applied to some Living 1 and Living 2 zoned areas; and



- determining whether another National Planning Standard spatial tool is required e.g. precincts in combination with the appropriate zone to ensure the requirements of the CRPS are met.

## 7.0 Preferred Option for further development

In summary the recommended options for further consideration and engagement is Option 2: Amendments to the Living 3 Zone provisions.

## Appendix 1: Baseline Report RE010 Living 3 Zone Character and Amenity