

**BEFORE THE CHRISTCHURCH DISTRICT PLAN
INDEPENDENT HEARINGS PANEL**

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

The Canterbury Earthquake (Christchurch
Replacement District Plan) Order 2014

AND

IN THE MATTER OF

The Proposed Christchurch Replacement District
Plan – Chapter 8 - Subdivision

**STATEMENT OF EVIDENCE OF MARK BERNARD BROWN ON BEHALF OF DANNE
MORA HOLDINGS LIMITED**

DATED 8 JUNE 2015

1 INTRODUCTION

1.1 My name is Mark Bernard Brown. I am a planner with Davie Lovell Smith where I have worked for the past 5 years.

1.2 I have a Masters of Regional and Resource Planning from the University of Otago. I have practised in the field of resource management for 16 years. During this time I have assisted a wide range of private, public and corporate sector clients on a wide range of planning and resource management issues and projects.

1.3 Of relevance to the Chapter 8 - Subdivision, Development and Earthworks and in particular the New Neighbourhood Zone is the experience I have accrued in respect of large-scale greenfield land development projects. In recent times I have provided resource management services in support of the following residential and industrial developments:

Selwyn District Council

- Farrington residential subdivision, Rolleston – approx. 890 lots
- Barton Fields residential subdivision, Lincoln – 102 lots
- Barton Villas residential subdivision and lifestyle village, Lincoln – 76 units
- Mary Brittan residential subdivision and lifestyle village, Rolleston – 48 units
- Sterling Park residential subdivision, Prebbleton – 163 lots
- Preston Downs residential subdivision, West Melton – 362 lots
- Izone industrial subdivision, Rolleston – 90ha

Christchurch City Council

- Meadowlands residential subdivision, Halswell – 330 lots
- Quarry View residential subdivision, Halswell – 27 future development lots
- Central Business Park industrial subdivision, Sockburn – 13.9ha
- Sir James Wattie industrial subdivision, Hornby – 35ha

1.4 I have previously prepared evidence and appeared before the Panel in respect of the Meadowlands New Neighbourhood Exemplar Zone, and the joint Subdivision and Residential Proposal as it related to the proposed New Neighbourhood Zone for North Halswell.

2 CODE OF CONDUCT

2.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions I express, and that this

evidence is within my area of expertise, except where I state that I am relying on evidence of another person.

3 SCOPE OF EVIDENCE

- 3.1 This evidence has been prepared in support of the creation of the Residential New Neighbourhood zone within the North Halswell ODP. In the interests of avoiding repetition as directed by minute by the Panel I have limited my assessment to matters addressed by submission which pertain to Chapter 8 – Subdivision.
- 3.2 My evidence covers the following matters:
- (a) The contents of the Danne Mora submission (#1134) (Attachment 1) as they relate to Chapter 8 and the New Neighbourhood Zone.
 - (b) The effectiveness of the rules package in satisfying the Statement of Expectations contained within Schedule 4 of the Canterbury Earthquake (Replacement District Plan) Order 2014.

4 EXECUTIVE SUMMARY

- 4.1 I have assessed Council's response to the submissions made by Danne Mora (#1134) and have concluded that the majority of relief being sought has been accepted by Council.
- 4.2 I support the introduction of controlled activities within Chapter 8 alongside the creation of prescriptive standards which provides a level of certainty albeit aligned with clearly identified outcomes preferred by Council.
- 4.3 The use of restricted discretionary status for activities not meeting the controlled activity outcomes is supported as this was the original framework from which Danne Mora Holdings Limited was prepared to operate under.
- 4.4 A reconsideration of some standards may assist in attaining better consistency with the Statement of Expectations.

5 DANNE MORA HOLDINGS SUBMISSION (#1134)

- 5.1 Danne Mora Holdings Limited (DMHL) made submissions in respect of the New Neighbourhood provisions within Chapter 8 supporting the following Objectives and Policies:
- (a) Objective 8.1.2 Design and Amenity
 - (b) Policy 8.1.2.4 Identity
 - (c) Policy 8.1.2.6 Integration and Connectivity
 - (d) Policy 8.1.2.7 Open Space

- (e) Policy 8.1.2.8 Urban Density
- (f) Policy 8.1.2.9 Additional subdivision design for greenfield areas
- (g) Objective 8.1.3 Infrastructure and transport
- (h) Policy 8.1.3.2 Transport and access
- (i) Policy 8.1.3.3 Water Supply
- (j) Policy 8.1.3.4 Stormwater design
- (k) Policy 8.1.3.5 Sewage disposal

5.2 I have reviewed the revised proposal for Chapter 8 (21 May 2015), attached to the statement of evidence for Mr Andrew Long on behalf of the Christchurch City Council.

5.3 Although some minor amendments to the aforementioned Objectives and Policies have been made from the original Notified version, I am not opposed to the amended wording.

5.4 With regard to zone specific rule 8.4.2.1(e) DMHL submission sought the inclusion of the word 'general' so as to provide for a degree of flexibility around key infrastructural elements.

5.5 The North Halswell ODP contains the degree of flexibility being sought through the 'indicative' provisions contained within the legend of the ODP (compared to those identified as being 'fixed'). The fixed and indicative elements are identified in the table below

North Halswell ODP – Fixed Features and Proposals	North Halswell ODP – Indicative Features and Proposals
<ul style="list-style-type: none"> • Commercial Core KAC • New Neighbourhood Zone • Fixed Road Access Points • Springs • Existing Stormwater Areas • Heritage Features 	<ul style="list-style-type: none"> • Flexible road access points • Collector road • Stormwater network • Green corridor • Reserves • Transport interchange

5.6 Accordingly, I am supportive of the use of fixed and indicative elements within the ODP.

5.7 DMHL's submission has also objected to New Neighbourhood Zone standards as follows:

- (a) Standard 8.4.2.5.1
- (b) Standard 8.4.2.5.3
- (c) Standard 8.4.2.5.7
- (d) Standard 8.4.2.5.8

5.8 The basis for objecting to these standards was in respect of the potential impact on urban design and density. Whilst the standards remain in place and unchanged, I note that the

framework from within which non-compliance with these standards is to be assessed has changed from Discretionary activity status to Restricted Discretionary status. On this basis I am satisfied that good urban design outcomes can be achieved through the assessment matters contained within 8.5.1 and 8.5.4.

- 5.9 The standards contained within 8.4.2.5 are a replica of those proposed by Mr Andrew McLeod in his supplementary statement of evidence prepared on half of the Christchurch City Council as part of the Hearing for Chapter 14 – Residential (New Neighbourhood).
- 5.10 I acknowledge that during the Chapter 14 proceedings, these standards, once introduced, were not challenged by DMHL.
- 5.11 However in the interests of consistency with the Statement of Expectations and if it may assist the Panel I believe section 8.4.2.5 New Neighbourhood Zone Standards would benefit from some amendments.
- 5.12 In respect of 8.4.2.5.2a, the wording could be amended in the interests of consistency. As this standard relates to the use of housing typologies, I believe this standard would read more clearly if “residential units” were to be replaced with “housing typologies”. Accordingly I suggest the following amended wording:
- a The subdivision plan shall identify the proposed ~~residential units~~ **housing typology** for each residential lot
- 5.13 In respect of 8.4.2.5.4 Providing for permitted activity dwellings, I believe this standard is redundant given the standard relating to minimum lot size (8.4.2.5.5). As a standard, compliance needs to be illustrated by an applicant. Demonstration with this standard creates an onerous demand on the applicant in terms of the level of information to be supplied.
- 5.14 Presumably the minimum starting point to illustrate compliance would be the imposition of road and internal setbacks on all lots.
- 5.15 I would suggest that this standard be deleted, and would more appropriately sit as an assessment matter within 8.5.4.5 Building Typologies, which is matter of discretion for activities which do not comply with the minimum lot sizes within standard 8.4.2.5.5.
- 5.16 With respect to Standard 8.4.2.5.11, I am uncertain as to the intent of this standard. The word ‘frontage’ is defined in the plan as road boundary. Standard 8.4.2.5.6 addresses minimum road boundary length. If the rule relates to road boundary then it duplicates the intent of Standard 8.4.2.5.6.
- 5.17 If the standard relates to public open space in the context of reserves, then the intent is to create single depth rows of lots with road boundary frontage and reserve boundary frontage which appears overly prescriptive, has implications in terms of design and efficiency and seems unrealistic in terms of compliance.

5.18 In lieu of any explanation or clarification as to the intent of this standard I would recommend it is deleted. If the standard has an overriding purpose of significance it is my belief it would benefit from some alternative wording.

6 CONTROLLED ACTIVITY STATUS

6.1 I note Mr Long's reluctance to introduce controlled activity status into Chapter 8, especially in relation to new greenfield areas such as North Halswell.

6.2 I believe the framework which he has created is appropriate to support controlled activity status.

6.3 Furthermore for activities that do not meet the controlled activity status, I support the use of Restricted Discretionary status.

6.4 In consultation with Civil Engineer, Andrew Hall I identified some concerns relating to the content of servicing matters in respect of North Halswell. These are addressed in Mr Hall's statement of evidence. The use of controlled and restricted discretionary activities in this instance provides a level of certainty and choice that is preferable to the current Operative District Plan whereby non-compliance with a critical standard for instance, would transition from a controlled activity directly to a non-complying activity.

6.5 The current framework provides an applicant with the choice of compliance with the controlled standards and therefore the certainty of obtaining Council approval. Alternatively, an applicant may seek to pursue an outcome that is not entirely consistent with the controlled standards, but has some certainty as to the extent and nature of assessment that any non-compliance will attract.

7 CONCLUSION

7.1 Subject to the amendments proposed I believe the revised Chapter 8 (21 May 2015) is consistent with the Statement of Expectations which seeks to reduce the volume and prescriptiveness of development controls, is easy to use, includes clearly stated outcomes and facilitates an increase in housing supply and choice.

7.2 The revised Chapter 8 (21 May 2015) largely achieves the relief sought by DMHL and retention of restricted discretionary activity status does not frustrate good urban design outcomes.

7.3 The framework provides a more effective way of achieving the outcomes associated with quality medium density residential development and will more appropriately achieve the purposes of the RMA.

Mark Brown

8 June 2015