

**BEFORE THE CHRISTCHURCH REPLACEMENT  
DISTRICT PLAN INDEPENDENT HEARING PANEL**

**IN THE MATTER OF** The Resource Management Act 1991 and the  
Canterbury Earthquake (Christchurch  
Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** Direction 3 to the Terms of Reference – North  
Halswell Exemplar Housing Area

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**MEMORANDUM ON BEHALF OF DANNE MORA HOLDINGS LIMITED WITH REGARDS  
TO THE NORTH HALSWELL EXEMPLAR AREA**

**27 NOVEMBER 2014**

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## May it Please the Panel

- 1 This Memorandum is intended to provide the Panel with a very brief background on the North Halswell Exemplar housing area ("the Exemplar"), and an update as to its progress through the Replacement District Plan. In addition, a number of steps with regards to a process towards a final decision on the Exemplar are suggested.
- 2 The Exemplar is promoted by Danne Mora Holdings Limited and the Wayne Francis Charitable Trust (Danne Mora). It is a product of three years work on behalf of not only Danne Mora, but also the Council, CERA and other interested parties.
- 3 The Exemplar is on land owned by an associated company of Danne Mora (Spreydon Lodge Limited) and is located on the corner of Hendersons Road and Halswell Road. The Exemplar is the area identified with a red boundary on the **attached** map.
- 4 Action 8 of the Land Use Recovery Plan (LURP) provides:

### ***Action 8: Exemplar projects***

*Christchurch City Council to enable a range of exemplar medium density housing projects,*

*including design and testing of projects at:*

- *Bryndwr and Shirley by Housing New Zealand Corporation*
- *two locations (to be confirmed) by Christchurch City Council*
- *Riccarton Racecourse by Christchurch Racecourse Reserve Trustees*
- *Halswell, being a first stage of greenfield priority area by Spreydon Lodge Ltd.*

*A process is to be established for each project that reflects the current stage of the proposal's development. This is to involve, as appropriate, initial invitation, development of the design brief, development and assessment of proposals, independent review, RMA authorisation and showcasing of the exemplar to the wider market.*

*Each project must meet requirements for affordable housing, mixed tenure, innovative and high-quality design incorporating universal design principles, and energy efficiency appropriate to each site.*

*If necessary, the Council shall request the Minister for Canterbury Earthquake Recovery to use interventions under the CER Act to authorise approved exemplars as permitted activities.*

- 5 In accordance with the above direction, the Christchurch City Council approved the Exemplar in April 2014. As part of the approval process, Danne Mora has made a Statement of Commitment to the Council, whereby Danne Mora agreed to provide deliverables such as affordable housing, mixed tenure ownership models and a high quality of urban design. The Statement of Commitment is intended to be complementary to whatever final planning framework for the Exemplar is incorporated into the Proposed Replacement District Plan.
- 6 Since Council approval in April 2014, Danne Mora, the Council and CERA have engaged in ongoing planning for the Exemplar in accordance with the steps set out in Action 8.

### **Enabling the Exemplar in the Proposed Replacement District Plan**

- 7 Under the Proposed Replacement District Plan, the Exemplar is identified as Residential New Neighbourhood Zone (RNNZ). Danne Mora lodged a submission requesting a number of amendments to the provisions of the RNNZ. Danne Mora's submission was supported by a further submission by Spreydon Lodge Limited.
- 8 Since submissions were lodged, the Council and Danne Mora have had further, positive, discussions. Danne Mora confidently expects full agreement on a bespoke planning framework for the Exemplar will be achieved early in the week commencing 01 December 2014.
- 9 This being the case, Danne Mora will aim to file (and serve) the agreed planning framework with the Panel by **5.00pm, Friday 05 December 2014**, if not sooner.

### **Process to a Decision by the Panel**

- 10 Danne Mora is ready to lodge all necessary consents to enable the Exemplar to proceed; however, given Direction 3 to the Panel in the Terms of Reference, Danne Mora sees no merit in the consent applications being evaluated against the current (and shortly to be obsolete) Rural 2 Zoning framework in the Operative City Plan.
- 11 Danne Mora therefore requests that a decision on the new planning framework for the Exemplar should be made as expeditiously as possible so as to allow for these consents to be processed with urgency.
- 12 Danne Mora is hopeful that a hearing on the Exemplar provisions will not be required. It recognises however that a number of submissions and further submissions have been lodged either in respect of the North Halswell Greenfield Priority Area (the Exemplar included), or in opposition to the relief sought by Danne Mora in its original submission.
- 13 Submissions and further submissions relevant to the Exemplar have been lodged by the following parties:
- (a) Mika Mora (764)
  - (b) Spreydon/Heathcote Community Board (899/FS 1343); and
  - (c) Riccarton/Wigram Community Board (254/ FS 254); and
  - (d) Halswell Residents Association (306)
- 14 Although not specifically stated, a number of the above submissions **appear** to oppose the proposed rezoning of the Exemplar.
- 15 Issues raised in the submissions/further submissions include:
- (a) Implications for development on land with a high water table;
  - (b) Land classification as TC2/ TC3
  - (c) Potential stormwater/ flooding effects;
  - (d) Retention of Hendersons Basin as a wetland similar to Travis Wetland; and
  - (e) Downstream effects.
- 16 The further submission from the Spreydon/Heathcote Community Board also opposes changes sought by Danne Mora to the provisions for a North Halswell Key Activity Centre (KAC) to be located on adjacent land. Danne Mora is of the view that approval of the

Exemplar by the Panel does not in any way compromise any subsequent decision it may make on the KAC.

- 17 The same further submission also opposes changes sought by Danne Mora to the Residential New Neighbourhood Zone provisions. Given that the intention is to create a bespoke framework for the Exemplar, Danne Mora is equally of the view that any decision on the Exemplar will not compromise future deliberations by the Panel on the RNNZ generally.
- 18 In terms of those submissions opposing development of the North Halswell Greenfield Priority Area in its entirety, Danne Mora notes that since 2007, this land has been identified as suitable for urban development in all iterations of the Canterbury Regional Policy Statement (RPS), including most recently Chapter 6 of the RPS as inserted via the LURP.
- 19 Action 8 of the LURP and the Terms of Reference also make it explicit that the Exemplar is to be rezoned as a matter of priority i.e by no later than 28 February 2015.
- 20 Danne Mora is seeking to further engage with the abovementioned submitters and further submitters. If necessary, there may be some value in these discussions taking place at formal mediation, subject to the availability of an Environment Court commissioner. Danne Mora understands the Commissioner Mills may be available on 04/05 December 2014.
- 21 Danne Mora is happy to report back to the Panel as to progress made in its discussions with various submitters. If agreement is reached, and having reviewed the agreed planning framework, it may well be that the Panel is of a mind to make a decision without a formal hearing.
- 22 If agreement is not reached with the opposing submitters/ further submitters, a hearing would appear inevitable. Given the technical issues raised in the submissions, Danne Mora considers it appropriate for the submitters and further submitters to identify what technical experts they intend to call as soon as practicable. This will allow the technical experts the opportunity to caucus at the earliest opportunity in order to narrow down any differences of opinion and reduce the extent of evidence that may ultimately be required.
- 23 Other than the submitters identified above, there are no other submissions or further submissions relating to the Exemplar. Respectfully, Danne Mora does not consider it appropriate or necessary to serve a copy of the agreed framework for the Exemplar on any other submitter.

#### **Summary of Suggested Process**

- 24 Danne Mora will file and serve the agreed planning framework for the Exemplar by **Friday, 05 December 2014**. Subject to the Panel's confirmation, service should be limited to the submitters/ further submitters identified above.
- 25 Danne Mora will update the Panel as to progress in its discussions with the submitters/ further submitters, also by **Friday, 05 December 2014**. If mediation occurs, the task of reporting back falls to the mediator.
- 26 If agreement is not reached, Danne Mora requests that all interested parties be directed to identify what witnesses they intend to call by **Monday, 08 December 2014**, and that arrangements be made for causing of the experts as soon as practicable after this date.
- 27 If however agreement is reached, a further brief pre-hearing conference or teleconference to confirm the final steps in the Panel's decision-making process may be appropriate. Danne Mora is of course conscious that the Panel will be occupied with a hearing of submissions on the Strategic Directions Chapter for all of 02-05 December 2014 and for most of the week of 08-12 December 2014.

- 28 If a further pre-hearing conference is considered necessary, Danne Mora suggest some time in the week commencing 15 December 2014 may be appropriate.
- 29 Counsel has discussed the contents of this Memorandum with counsel for both the Christchurch City Council and the Canterbury Earthquake Recovery Authority. We have been advised that the contents are generally supported and that the position of these parties will be confirmed at tomorrow's pre-hearing conference.



G J Cleary

On behalf of Danne Mora Holdings Limited/Spreydon Lodge Limited

Dated 27 November 2014