

**BEFORE THE CHRISTCHURCH REPLACEMENT  
DISTRICT PLAN INDEPENDENT HEARINGS 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 the Residential  
(part) and Subdivision  
(New Neighbourhood  
only) Proposals of the  
Christchurch  
Replacement District  
Plan

---

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL ON  
INCENTIVISING AGGLOMERATION**

**3 JUNE 2015**

---

 **Simpson Grierson**  
Barristers & Solicitors

S J Scott / H P Harwood  
Telephone: +64-3-968 4018  
Facsimile: +64-3-379 5023  
Email: sarah.scott@simpsongrierson.com  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

---

## **MAY IT PLEASE THE PANEL:**

### **Introduction**

1. On the final day of the residential hearing, the Panel asked for submissions from counsel for the Crown and Council on ways in which intensive residential development could be incentivised, particularly through land agglomeration.
2. The Council has had the benefit of reviewing the Crown's memorandum of counsel dated 2 June 2015. The Council agrees with the background and summary of challenges for developers achieving agglomeration in paragraphs 3 to 8 of the Crown's memorandum. The Council also agrees with the Crown's conclusion at its paragraph 14, in relation to the 'type' of measures if not the exact nature.
3. The focus of this memorandum is on the options for incentivising land agglomeration within the pRDP, particularly the options identified by the Crown at paragraphs 9 to 11 of its memorandum.
4. Like the Crown, the Council has also had the benefit of drawing upon evidence given by its expert witnesses in the residential hearing in preparing this memorandum.

### **Options to encourage land agglomeration within the pRDP**

5. The Council has endeavoured to enable medium density development to the extent it can within Proposal 14 without giving rise to long term adverse effects. Relaxing Proposal 14's rules to further enable medium density development carries a risk that Proposal 14 would give rise to adverse effects and would not be consistent with sustainable management. Consequently, it is difficult to provide significantly more lenient rules for agglomerated sites in order to incentivise agglomeration without compromising on urban design quality and neighbourhood amenity.

6. That said, the Council makes the following comments in relation to the three suggestions made by the Crown at paragraph 9 of its memorandum, and makes several additional suggestions.

*Continue the Enhanced Development Mechanism*

7. The Council agrees with the Crown that continuing to apply the Enhanced Development Mechanism (**EDM**) provisions beyond the current expiry date of the end of 2018 is an option for the Panel. Mr Blair's evidence was that the time limit could be extended to 31 December 2022.<sup>1</sup>
8. In addition to extending the time limit of the EDM, two adjustments could be made to the EDM provisions for agglomerated sites to further incentivise development:
- (a) the height allowance could be increased to 12 m plus 2 m if a pitched roof is used, which will enable four storey buildings; and
  - (b) the parking, accessibility and constraint criteria could be excluded while retaining the cycle parking requirement.
9. The Crown has noted that a further option is a "floating" EDM zone on 1,500 m<sup>2</sup> or larger sites throughout the city. The Crown recognises in its memorandum the potential difficulties such a zone could create, specifically inadvertently enabling intensification to occur on unsuitable sites.<sup>2</sup>
10. The Council shares that concern and, consequently, submits that a "floating" EDM zone would not be appropriate. The RMD zones have been identified through careful consideration taking into account the CRPS' directions and infrastructure constraints, among others, as the most suitable areas for medium density development. Accordingly, it is submitted that the relaxed EDM provisions discussed in the preceding paragraphs should only be available within the RMD zones.

---

<sup>1</sup> Blair EIC, para 12.7.

<sup>2</sup> Paragraph 11.

*Policy guidance for development on large sites and amending built form standards*

11. The Council acknowledges that providing a policy framework and some more "relaxed" standards for larger sites could help incentivise amalgamation, as suggested by the Crown.

*Amendments to built form standards in zones that provide for more intensive residential development*

12. The Council agrees with the Crown's comment at paragraph 10 that possible amendments to built form standards are unlikely, on their own, to have a material impact on the incidence of land agglomeration.
13. We briefly comment on the options identified by the Crown, before recording several additional options.

Increased building heights and site coverage

14. The Council does not support increases in the maximum permitted height (except in limited circumstances on corner sites discussed below) and site coverage limits for agglomerated sites. If the Panel were to consider this suggestion, the Council notes several factors for the Panel's consideration:
- (a) a height and site coverage relaxation does not address the greatest restriction to the developable area of a site intended for multi-unit development. The greatest restrictions are through recession planes (which apply to internal boundaries), and parking, access and manoeuvring areas;<sup>3</sup> and
  - (b) a relaxation of the height and site coverage rules is likely to lead to a high risk of reduced onsite amenity and amenity of neighbours, and would result in more extensive areas of hard surface.<sup>4</sup> In particular, if the Panel were to consider a 17 m building height, as suggested by the Crown in paragraph 9(c)(i) of its memorandum, consideration would need to be given to adverse effects on

---

3 See Sakin EIC, paras 7.16 – 7.18.

4 Ibid.

neighbourhood amenity (which in the Council's view, are likely to be unacceptable).

Providing additional flexibility for alternative parking options

15. The Council agrees that consideration could be given to providing additional flexibility for alternative parking options, particularly in areas accessible to the Central City and KACs and/or good public and active transport options.

Reducing minimum outdoor living space requirements, particularly in areas with access to quality public open space and local amenities

16. The Council does not support this suggestion.
17. However, if the Panel is minded to consider such a reduction, the Council observes that the absolute minimum outdoor living space requirements should not be below the standards in the *A Liveable City Residential Chapter* of the Central City Recovery Plan. Logically, areas beyond the City Centre should have greater access to outdoor living space because the City Centre is intended to have the most dense residential development.

Reducing notification requirements

18. The Council supports a reduction of the notification requirements, but submits that the latest version of the provisions presented with the Council's closing submissions contains the bare minimum notification requirements.

*Further suggested amendments to the built form standards*

19. The Council has identified two possible amendments to the built form standards which may help incentivise agglomeration. The first is adjusting the built form standards for amalgamated sites 1500 m<sup>2</sup> or larger that incorporate a corner of two streets. The second is reducing the road

boundary setback for agglomerated sites with boundaries on EDM core public transport corridors.<sup>5</sup>

20. Corner sites may be areas where the Panel could consider increasing the permitted building height and reducing the road boundary setback for one street.
21. Building heights could be increased to 12 m plus an additional 2 m for a pitched roof on amalgamated corner sites. The height increase is unlikely to cause adverse effects on neighbouring amenity because the roads are likely to provide adequate separation between the development and existing residential dwellings on the opposite side of the street. The road boundary for one street of the corner site could be reduced to 2 m for the same reasons.
22. EDM core public transport corridors are well suited to pedestrian activity and therefore may be attractive for medium density development. A road boundary setback reduction to 2 m for amalgamated sites on these corridors would enable more intensive development and may help support a pedestrian orientated environment.

*Further suggested assessment matter*

23. A land agglomeration specific assessment matter<sup>6</sup> could also be incorporated to encourage:
  - (a) perimeter development (as opposed to 'sausage blocks'<sup>7</sup>);
  - (b) minimising the number of vehicle access points off the street and consolidating vehicle access;
  - (c) use of typologies that bring a high level of on-site and neighbour amenity such as apartment typologies; and

---

<sup>5</sup> EDM core public transport corridors are defined in Chapter 2 of the pRDP.

<sup>6</sup> See restricted discretionary activity rule 14.3.2.3 RD2 in Appendix A of the Council's closing legal submissions dated 23 April 2015 for a consent situation where the assessment matter could apply.

<sup>7</sup> See Ekin EIR at para 4.7 for a discussion about another disadvantage of 'sausage block' development.

- (d) reducing and consolidating hard impervious surfaces to release areas for planting.

### **Broader options to incentivise intensification**

- 24. The Crown has suggested a number of broader options to incentivise land agglomeration which are beyond the scope of the pRDP.
- 25. The Council recognises that a multi-pronged approach is going to be necessary in order to encourage agglomeration and intensification. The Council is currently investigating a number of options to incentivise intensification and land agglomeration outside the pRDP process. The alternative options will require an allocation of resources and decisions to be made under other legislation, particularly the Local Government Act 2002.
- 26. We briefly discuss some of the current projects below.

### *Development contributions*

- 27. The Council is considering residential intensification in its review of its proposed 2015 – 2018 Development Contribution Policy in conjunction with its draft Long Term Plan 2015-2025.
- 28. By way of background, development contributions fund future infrastructure growth. Any development contribution discounts for residential intensification would mean that the lost funding for infrastructure would have to be sourced elsewhere, such as from rates.
- 29. The Council is considering a discount on development contributions for certain small residential units (less than 100 m<sup>2</sup>), which is directly relevant to medium-density developments. The Council is also considering an extension of its "catchment approach" to include stormwater and flood protection (and possibly other types of infrastructure), which would have the effect of making development contributions for greenfield development higher than development contributions for residential intensification. Lastly,

multiunit developments (which are attached to each other) attract a further stormwater and flood protection development contribution reduction.<sup>8</sup>

#### *Development Authority for Christchurch*

- 30.** On 30 April 2015, the Council resolved to establish a development authority, called Development Christchurch. The scope of the Development Christchurch is in its early phase and it is unclear at this stage what, if any, role it would have for incentivising intensification.<sup>9</sup>

#### *Joint ventures*

- 31.** The two Council exemplar developments (Cary Street and Andrews Crescent) initiated through the LURP are examples of medium density development which is taking place through partnerships between the Council and private developers. Both developments will make use of the EDM. The approach may also be used for other Council housing sites or other Council land which may become available for housing.

#### *Improvements to amenities and facilities*

- 32.** The Council can, and is, improving local amenities, particularly around KACs which can help increase demand for living within areas where intensification is encouraged. For example, the Council has invested in the rebuilding of the Bishopdale library and a new library and service centre for Hornby, which are both areas identified as new areas for intensification.

---

<sup>8</sup> For more information, see the summary of changes comparing the DCP 2013 to the draft DCP 2015 at: <http://resources.ccc.govt.nz/files/HYS/2015/draftdcpolicysummaryofchanges.pdf>

<sup>9</sup> Christchurch City Council Agenda, 30 April 2015, Mayor's Report to Council, from page 123: <http://resources.ccc.govt.nz/files/TheCouncil/meetingsminutes/agendas/2015/April/Council30April2015OpenAgenda.pdf>

*Rebuild Central*

33. Free pre-application planning and urban design advice is provided by Rebuild Central to prospective residential developers within the central city.

**DATED** 3 June 2015

A handwritten signature in blue ink, appearing to read 'Harwood', is centered on a light blue rectangular background.

---

S J Scott / H P Harwood  
Counsel for Christchurch City Council