

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

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

AND the Specific Purpose (Flat Land Recovery) Zone of the Christchurch Replacement District Plan

**SEVENTH STATEMENT OF EVIDENCE OF MARGARET JANE WHYTE
ON BEHALF OF THE CROWN**

PROPOSAL 21.11: SPECIFIC PURPOSE (FLAT LAND RECOVERY) ZONE

Planning

Dated the 24th day of November 2015

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1. INTRODUCTION

- 1.1 My name is Margaret Jane Whyte.
- 1.2 This is the seventh statement of evidence I have prepared on the Christchurch Replacement District Plan ("**Replacement Plan**"). My first statement of evidence related to the first hearing for Temporary Activities.¹ My second and third statements of evidence related to the hearing on the Stage 1 notified provisions of the Commercial and Industrial Proposals.² My fourth statement of evidence related to the second hearing for Temporary Activities.³ My fifth statement of evidence related to the MAIL Proposal.⁴ My sixth statement related to the Stage 2 Commercial and Industrial Proposals.⁵
- 1.3 Rather than repeating that evidence, I adopt that evidence as necessary for the purposes of this statement of evidence. A summary of my qualifications and relevant past experience is provided at paragraphs 1.2-1.7 of my first statement of evidence.
- 1.4 I have provided planning advice to the Canterbury Earthquake Recovery Authority ("**CERA**") on draft versions of the Replacement Plan since 2014. I was not directly involved in the preparation of the Crown's submission or further submission on the Specific Purpose (Flat Land Recovery Zone) Proposal ("**Proposal 21.11**").

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the hearings panel.

¹ My evidence for the Temporary Activities hearing is available for download under the heading '*Submitter evidence*' at the following link: <http://www.chchplan.ihp.govt.nz/hearing/chapters-6-and-14-temporary-activities-related-to-earthquake-recovery-part/>

² My evidence for the Stage 1 Commercial and Industrial hearing is available for download under the heading '*Submitter evidence*' at the following link: <http://www.chchplan.ihp.govt.nz/hearing/chapter-15-commercial-and-chapter-16-industrial-to-be-heard-together/>

³ My evidence for the Temporary Activities hearing is available for download under the heading '*Submitter evidence*' at the following link <http://www.chchplan.ihp.govt.nz/hearing/chapter-6-temporary-activities-part/>

⁴ My evidence for the MAIL hearing is available for download under the heading '*Submitter evidence*' at the following link <http://www.chchplan.ihp.govt.nz/hearing/private-plan-change-mail/>

⁵ My evidence for the Commercial and Industrial (Stage 2) hearing is available for download under the heading '*Submitter evidence*' at the following link : <http://www.chchplan.ihp.govt.nz/hearing/chapter-15-commercial-part-and-chapter-16-industrial-part-stage-2/>

- 2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
- 2.3 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. SCOPE

- 3.1 I have been asked to provide planning evidence in relation to the Specific Purpose (Flat Land Recovery) Zone ("**FLRZ**").
- 3.2 My evidence addresses the following matters:
- (a) the purpose and function of the FLRZ; and
 - (b) the appropriateness of provisions applying to the FLRZ, with consideration to higher order documents relevant to the FLRZ (as further discussed in **Attachment A**).
- 3.3 In preparing this evidence, I have considered Proposal 21.11 as notified ("**Notified Proposal**"), including its section 32 report, and the Crown's stage 3 submission and further submission. I have read the decision of the Hearings Panel on Proposal 3 (Strategic Directions) released on 26 February 2015 ("**Strategic Directions decision**") and the evidence presented by the Crown on Natural Hazards (Chapter 5 - Stage 1 and 2), Temporary Activities (Chapter 6 Stage 1 and 2), particularly as they relate to the length of the recovery and the reasons for the FLRZ.
- 3.4 I have read the evidence on behalf of the Christchurch City Council ("**Council**") relating to the FLRZ, in particular Mr Eman's evidence, his revised version of the FLRZ appended to his evidence and ("**Eman Proposal**") and his updated section 32 report.
- 3.5 A complete list of documents and evidence I have drawn upon in forming my views is set out at **Attachment B** to this evidence.
- 3.6 I attended mediation sessions for the FLRZ held on 17 November 2015.⁶

⁶ I did not attend the session discussing Infrastructure issues.

- 3.7 I have also read and relied on the statements of evidence prepared by Mr Rouse (Infrastructure, Proposal 21.11) and Mr Clark (Operations, Proposal 21.11 and 21.12) on behalf of the Crown.
- 3.8 In my evidence I identify whether or not I agree with the Eman Proposal and why, with respect to points raised in the Crown's submission. I have compiled, in **Attachment C** to my evidence, a table of the relevant Crown submission points that identifies those points which I or other Crown witnesses support or do not support in the Eman Proposal. Within this table I identify, where relevant, my recommended alternatives, with reference to **Attachment D** as applicable. **Attachment D** contains my suggested revisions to the objective, policies and rules in Proposal 21.11 as explained in my evidence. I refer to these provisions as the **Whyte Proposal**.

4. EXECUTIVE SUMMARY

- 4.1 Mr Eman has proposed significant changes to the Notified Provisions. I agree with Mr Eman's view that the range of activities and development provided for existing residential property owners in the Notified Proposal was only marginally more than the protection for existing uses provided under section 10 of the RMA, and was unduly restrictive.
- 4.2 However, Mr Eman and I disagree as to what the anticipated environment for the zone is. Rather than considering the FLRZ environment to be "*low density residential*", I consider that recognition needs to be given to the particular circumstances that have resulted in the transition from the previous to the current land uses in this area. We also differ as to the focus and weight to be given to infrastructure and natural hazard matters.
- 4.3 As a result of these different views, the key differences between the provisions advanced by Mr Eman and myself relate to:
- (a) What is the appropriate objective for the FLRZ?
 - (b) What policies are needed to implement the objective?
 - (c) What is the appropriate activity status for new non-residential buildings and non-residential activities⁷ on privately owned land? (Eman Proposal discretionary, Whyte Proposal non-complying.)

⁷ Pre-schools, Health care facilities, Education activities, Place of Assembly and Spiritual Activity.

- 4.4 For the reasons set out in section 6 and **Attachment A** of my evidence, I consider that the Whyte Proposal contains provisions that appropriately resolve the above issues. I consider that the Whyte Proposal is a more appropriate way to achieve the purpose of the RMA, to give effect to the Canterbury Regional Policy Statement ("**RPS**"), to be consistent with the relevant recovery documents, to have regard to the Statement of Expectations and to implement the objectives in the Strategic Directions than the Notified Proposal or the Eman Proposal.
- 4.5 In reaching the above conclusion I acknowledge that Mr Eman and I are still working together to see if we can reach agreement on the provisions, in particular the objective and policies.

5. PURPOSE AND FUNCTION OF THE FLRZ

Residential Red Zone: social policy response to area-wide damage

- 5.1 The geographic extent of the FLRZ in Proposal 21.11 mirrors the Residential Red Zone (Flat Lands) but excludes residential red zone flat lands in the Waimakariri District. For the purpose of this evidence all reference to the Residential Red Zone (Flat Lands) excludes the Waimakariri district unless stated otherwise. The Residential Red Zone (which includes the Port Hills) was part of the land zoning and social policy response of the Government following the Canterbury earthquakes. This policy response is described in the statement of evidence presented for the Crown of Emma Jacka to the Stage 1 Natural Hazards hearing. As detailed in that evidence the Residential Red Zone was land where:⁸
- (a) there is area-wide land damage, thereby implying the need for some sort of area-wide solutions; and
 - (b) an engineering solution to remediate the land damage would:
 - (i) be uncertain in terms of detail design, its success and its possible commencement, given the on-going seismic activity;
 - (ii) be disruptive for landowners, as the commencement date is uncertain (both in terms of confidence in the Land settling sufficiently to begin remediation and the need to sequence the many areas where remediation would be required), and the

⁸ Statement of Evidence Ms Jacka for the Crown – Natural Hazards Stage 1, paragraph 6.4.

length of time that they would need to be out of their homes to allow remediation to occur and new homes built;

(iii) not be timely, for example, there is also substantial replacement of infrastructure required and/or the land level need to be significantly lifted; effectively requiring work equivalent to the development of a new subdivision, and would probably lead to significant social dislocation for those communities in the short-to-medium term; and

(iv) not be cost-effective - the cost of remediation is greater than the value of the land; and

(c) the health all well-being of residents is at risk from remaining in the area for prolonged periods.

5.2 The evidence of Ms Jacka recognises that the Residential Red Zone has no legal status and does not change the RMA zoning of the property. Property owners who choose not to accept the Crown offer retain all rights and responsibilities for the property, as with any other private property owner. Ms Jacka recognises that the red zone was intended to identify where the Crown intended to provide an offer to purchase property.⁹

5.3 The Residential Red Zone (Flat Lands), including both Waimakariri and Christchurch, has been addressed in the evidence of Mr Clark and covers 7,187 properties in Christchurch City and Waimakariri District equating to approximately 482 hectares of land.¹⁰ The Crown owns 7,053 of these properties, of which dwellings and built structures are cleared from 7,019 of these properties.

5.4 There remain 87 privately owned properties within the Residential Red Zone (Flat Lands),¹¹ spatially dispersed throughout that area comprising 31 in the Brooklands area, comprising 23 residential and eight vacant sections, 61 in the Avon area comprising 44 residential properties, one vacant section and five commercial properties and, in the New Brighton/Southshore area, three residential properties, two vacant sections and one commercial property.¹² These properties include occupied buildings (residential and

⁹ Statement of Evidence Ms Jacka for the Crown – Natural Hazards Stage 1, paragraph 8.11.

¹⁰ Statement of Evidence Mr Clark for the Crown paragraph 5.4.

¹¹ Excluding Waimakariri.

¹² Statement of Evidence Mr Rouse for the Crown paragraph 6.6.

commercial), unoccupied buildings (residential and commercial) and vacant land.

- 5.5 Mr Clark has identified that the Crown has voluntarily acquired 7,053 properties in the Residential Red Zone (Flat Lands), including both Christchurch and Waimakariri, and that dwellings and built structures have been cleared from 7,019, or 99%, of the Crown owned properties.¹³ Mr Rouse has identified that while the focus of the Horizontal Infrastructure Rebuild and Repair Programme is to as far as possible restore the network's ability to provide at least the same level of service that existed prior to the 2010 earthquake, this goal does not apply to all horizontal infrastructure within the Residential Red Zone (Flat Lands).¹⁴ He has identified that condition assessment and repair and rebuild work in the Residential Red Zone (Flat Lands) is or has been primarily focussed on assets passing through the red zone, i.e. infrastructure that is required to service adjacent green zones.
- 5.6 Mr Rouse has identified that no significant or specific work has been carried out on networks solely within the Residential Red Zone (Flat Lands). Rather, this work has considered:
- (a) the servicing of adjacent 'green zones' with network connections that traverse the red zone, i.e. horizontal infrastructure green zone to green zone;
 - (b) where required provide services at an acceptable level of service to the 87 properties¹⁵ that have chosen not to accept the voluntary purchase offer; and
 - (c) taking infrastructure no longer required out of service.¹⁶
- 5.7 Mr Rouse has identified that future use decisions are yet to be made and horizontal infrastructure and servicing requirements are yet to be determined.¹⁷

Replacement Plan response

- 5.8 The FLRZ is an interim response within the Replacement Plan. The Notified Proposal specifically recognises the FLRZ as being a *"holding" zone that will*

¹³ Statement of evidence for Mr Clark for the Crown, paragraph 5.4.

¹⁴ Statement of Evidence Mr Rouse for the Crown, paragraph 5.11(d).

¹⁵ In the Christchurch Residential Red Zone (Flat Lands)

¹⁶ Statement of Evidence Mr Rouse for the Crown, paragraph 4.1.

¹⁷ Statement of Evidence Rob Rouse for the Crown, paragraph 6.4.

be subject to a later plan change to confirm the zoning pattern which will be informed by the outcome of the "Residential Red Zone" programme¹⁸ ("**RRZ Programme**"). The RRZ Programme is referenced in the Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha ("**Recovery Strategy**") and the Land Use Recovery Plan Te Mahere Whakahaumanu Tāone ("**LURP**"). Through the RRZ Programme, it is identified that further work will be undertaken to determine the options for the future use of the "Residential Red Zone". This programme or its successor is occurring under a separate process and timeframe to the Replacement Plan process.

- 5.9 The section 32 report that accompanied the Notified Proposal described the scope of the FLRZ as:¹⁹

This zone applies to the Canterbury Earthquake Recovery Authority (CERA) 'Red Zone' areas on the flat which were identified by the Crown where rebuilding may not occur in the short to-medium term. The flat land 'residential red zone' includes land along the Avon River (Avon Loop through Burwood and Avondale to New Brighton), Brooklands and Southshore at New Brighton.

The objective is to protect the flat land 'residential red zone', against development and activity which may compromise or impede options for the long term recovery and the future use of the zone, which will be informed by the outcome of the 'Residential Red Zone' programme. As such, this is a temporary zoning with the outcome of this programme to inform a later plan change to confirm final zoning.

The general approach is to enable existing activities and their limited modification, temporary activities and elements of immediate recovery activity to be undertaken during the interim period, including land management activities, and to discourage new subdivision, intensification and development activities while minimising adverse effects on the surrounding environment.

- 5.10 Since the Notified Proposal and its section 32 report were notified in July 2015 there have not been any significant changes to the existing environment within the FLRZ or to the level of servicing and infrastructure provided for in the FLRZ. Mr Clark has detailed that there are still further buildings to be removed, but that 99% of this work has been completed.

¹⁸ See the note at the start of Notified Proposal 21.11.

¹⁹ Section 32 Chapter 21 Specific Purpose Zones Section 2.8 (page 5) Notified 25 July 2015.

5.11 Unlike the Residential Red Zone, the FLRZ changes the zoning of the land and has implications as to what activities are provided for as permitted or require resource consent in order to be developed. The FLRZ imposes a greater level of restriction on the development of new buildings than existed under the Operative Plan Provisions. This has implications for those persons who retain private ownership over their land within the area of the FLRZ for this interim period, which need to be carefully considered.

6. APPROPRIATENESS OF PROVISIONS APPLYING TO THE FLRZ

6.1 The submission of the Crown supported the Notified Proposal.²⁰ The further submission of the Crown supported submissions from the Council adding clarity and consistency to the proposed rules.²¹

6.2 However, the Eman Proposal recommends substantive changes to the Notified Proposal. In considering provisions applying to the FLRZ, and what new drafting approaches might be appropriate, I have considered the applicable provisions of the higher order documents as further discussed in **Attachment A**.

Areas of agreement

6.3 Given the significant changes that have occurred within the area covered by the FLRZ since the earthquakes, and the specific resource management issues and challenges that exist in this area, in my opinion it is appropriate to recognise this as a distinct zone within the provisions of the Replacement Plan. This land is not managed or serviced in the same way as other residential land within Christchurch City and its current existing environment is not residential in character or nature. It is a unique zone to address a unique situation in Christchurch following the earthquakes. The appropriateness of recognising the FLRZ as a distinct area and zone is also the view of Mr Eman.²²

6.4 Neither Mr Eman nor I are suggesting any changes to notified policy 21.11.1.1.3 - Management of effects.

6.5 I consider that Notified Rule P1 was quite restrictive because it only provided that residential activities with an existing residential unit were permitted activities. I agree with Mr Eman that the range of activities and development

²⁰ In particular, pages 275 – 276 of the Crown's Stage 3 submission dated 4 September 2015.

²¹ In particular, page 25 of the Crown's Stage 3 further submission dated 2 October 2015.

²² Statement of Evidence of Peter Eman for the Council, paragraph 3.3.

provided for existing residential property owners in the Notified Proposal was only marginally more than the protection for existing uses provided under section 10 of the RMA, and was unduly restrictive.²³ The parties at mediation agreed that:

- (a) the rule as notified was unnecessarily restrictive; and
- (b) the rule could be expanded to provide for residential activities that required rebuilding to provide greater certainty than might be provided for by existing use rights. This resulted in:
 - (i) Agreement to Rule 21.11.2.2.1 Permitted activities P2, deletion of notified P4, renumbered P4, P5, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15, P16 and P17;
 - (ii) Agreement in part to Rule 21.11.2.2.1 Permitted activities P1. The Crown is seeking a new permitted activity condition relating to confirming that the sites are able to be serviced for water supply, stormwater and wastewater;
 - (iii) Agreement to Rule 21.11.2.2.3 Restricted Discretionary Activities RD1, RD2, RD3, RD4, RD5, RD6, RD 7, RD8, RD 9, RD10, RD 11 and RD 12; and
 - (iv) Agreement to Rule 21.11.2.2.4 Discretionary Activities D1.

6.6 Following mediation I have considered whether I can support Rule 21.11.2.2.1 Permitted Activities P1 in the manner recommended Mr Eman's Proposal, which would allow new residential activities on currently vacant privately owned land without undermining the objectives and policies of the zone. I have given careful consideration how the rules and the FLRZ and the Natural Hazard rules and Chapter 5 will work together.

6.7 Attachment D of Mr Eman's evidence shows the ponding and high flood hazards overlays - with the private property with the FLRZ overlaid. As it can be seen a considerable number of the properties that are privately owned will be affected by the natural hazard rules in Chapter 5.

6.8 The effect of the Chapter 5 rules, as proposed, is that new buildings, including residential activities would require resource consent as a non-complying activity. Given the extensive areas of the FLRZ that are included

²³ Mr Eman statement of evidence, paragraph 7.13.

within the High Flood Hazards Management Area, a majority of the privately owned properties within the FLRZ, if existing use rights are not relied on, will be assessed as non-complying activities under Chapter 5. This means that providing for residential activities under Rule 21.11.2.2.1 P1 will not be effective for the majority of properties, as they will require consent as a non-complying activity under Chapter 5 anyway. Based on my review of the vacant privately owned land as described in Mr Rouse's evidence, I consider that potentially only one or two vacant properties will not require consent under Chapter 5. However, for this small number of properties Rule 21.11.2.2.1 P1 in the Eman Proposal will be more enabling than the notified version.

- 6.9 Given the relatively small number of properties that will be able to benefit from Rule 21.11.2.2.1 P1 I consider that broadening its application for private property beyond alterations to existing properties or rebuilds is appropriate, subject to the inclusion of a new permitted activity condition relating to servicing. If this occurs then the objectives and policies for the Zone will not be undermined. The new permitted activity condition ensures that the residential activity will be effectively serviced for water, wastewater and stormwater. I therefore consider that Rule 21.11.2.2.1 Permitted Activities should have a new Activity Specific Standard inserted which is: *"c. The site is confirmed as being able to be serviced for water supply, wastewater and stormwater,"*.

Areas of disagreement

- 6.10 There are three substantive areas of disagreement between Mr Eman and myself.
- 6.11 First, Mr Eman and I have different views as to what the anticipated environment for the zone is. Mr Eman describes the FLRZ as *"a low density residential environment"*. I consider that this is not an accurate reflection of the area which is unique to post earthquake Christchurch. I consider that the identification of this area as a low density residential environment²⁴ is incongruous with the current environment of the whole zone which has seen the removal of over 7,000 residential properties undertaken as part of the Crown purchase. In my opinion the area no longer appears as a residential environment (low density or otherwise). Once the work described by

²⁴ Chapter 14 Residential Zone identifies low density residential environment as being existing suburban residential areas and in the residential areas of Banks Peninsula, including new units compatible with a low density suburban environment (Policy 14.1.1.1 a. vi) – attached to the closing submission of the Council. In the context of Chapter 14 a low density residential environment is a Residential Suburban Zone.

Mr Clark will be completed there will be only a few commercial properties (approximately 6) and approximately 70 residential properties disbursed throughout the entire zone (352 ha). Rather, the FLRZ should recognise the unique post-earthquake circumstances that have resulted in the transition from the previous residential zone to the current land uses in this area being less than 70 houses and others managed as described in Mr Clark's evidence.

- 6.12 Secondly, Mr Eman and I differ as to the focus and weight to be given to natural hazard matters. Mr Eman considers that natural hazards within the FLRZ can be addressed in the Replacement Plan in the same manner as with every other zone, through the Natural Hazards Proposal, and therefore the focus on natural hazards can be de-emphasised from FLRZ.²⁵
- 6.13 I agree with this to an extent, but in considering the specific circumstances as described by Ms Jacka that has led to the creation of this zone, I consider it is appropriate to recognise, particularly within the objective and policies, the influence natural hazards and the impacts of these hazards has had, and will continue to have on this zone.
- 6.14 Thirdly, Mr Eman and I differ as to appropriate activity status for some new non-residential activities. This includes the focus and weight to be given to infrastructure matters. Mr Eman considers that infrastructure considerations do not provide justification for the extent of restrictions proposed in the Notified Proposal because "of particular importance in this case is that the area in issue is an existing urban area, with existing housing, where the Council is likely to continue to provide services in at least some form. Any improvements to efficiency will be those that the Council is able to make within its legal obligations".²⁶
- 6.15 As a result of these different views, the key differences between the provisions advanced by Mr Eman and myself relate to:
- (a) What is the appropriate objective for the FLRZ?
 - (b) What policies are needed to implement the objective?

²⁵ The Eman Revised Provisions do not completely remove references to "natural hazards", for example, Policy 21.11.1.1(a) refers to "Provide for the continued use of existing privately owned properties in the Flat Land Recovery Zone for low density residential activities, to the extent compatible with the **natural hazard risks** and infrastructure limitations." (Emphasis added)

²⁶ Mr Eman statement of evidence, paragraph 7.40.

- (c) What is the appropriate activity status for new non-residential buildings and non-residential activities²⁷ on privately owned land? (Eman Proposal discretionary, Whyte Proposal non-complying).

6.16 I address each of these matters below, adopting the headings from the Eman Proposal.

21.11.1.1 Objective - Activities in the Flat Land Recovery Zone

6.17 The objective as set out in the Eman Proposal is a significant change in focus from the Notified Proposal. My concerns with this objective are that it:

- (a) Does not clearly describe the outcome for this interim zoning. In particular other than in relation to infrastructure it does not clearly acknowledge the potentially significant and serious limitations affect development of the land.
- (b) Describes the area as "*a low density residential environment*". For the reasons given in paragraph 6.11 above, I consider this description inaccurate. My view is that the area does not currently appear as a residential environment and as such I do not consider it is appropriate to describe it as such in the objective.
- (c) Does not reflect the whole FLRZ, rather it focusses on the privately owned land that is which is approximately 87 properties over the entire FLRZ (over 5,992 properties).
- (d) Is not clear in relation to an outcome of the zone being for immediate recovery related activities. The words "interim" and "longer-term" are uncertain; for example is longer-term longer than long-term?

6.18 My revised Objective 21.11.1.1 (see **Attachment D**) is based on the notified objective, but acknowledges (as does Mr Eman's revised objective) the circumstances following the earthquakes and infrastructure limitations in that it remains very much a recovery and holding zone. I agree with Mr Eman that the focus of the objective as notified on "protection" of the FLRZ is not necessary and creates a high threshold, particularly for residential activities, to achieve. However, I consider it is important that the objective clearly specifies the desired outcome for the FLRZ at this time, and recognises the particular and unique earthquake related circumstances that have resulted in the transition from the previous residential land use to the current land uses

²⁷ Pre-schools, Health care facilities, Education activities, Place of Assembly and Spiritual Activity.

in this area. My revised objective recognises natural hazard and the integration of infrastructure and land use consistent with the objectives I have identified in the Strategic Directions chapter and the Regional Policy Statement.²⁸ Subclause iii provides, in my view, a more appropriate recognition of the existing activities occurring within the zone, while subclause iv recognises that there will be other subdivision, land use and development activities that will not compromise or impede options for the long term recovery and future use of the zone.

21.11.1.1.1 Policy – Residential Activities

- 6.19 Mr Eman has drafted a new policy providing for residential activities in the FLRZ. I support the introduction of a policy for residential activities in the FLRZ.
- 6.20 However, I am concerned that Mr Eman's Policy 21.11.1.1.1 changes the focus of Notified Policy 21.11.1.1.1 from interim land uses to solely residential activities, and in doing so fails to recognise the core purposes of the zone which are to provide for temporary activities and elements of immediate recovery including land management activities within the zone. I do not support the deletion of Notified Policy 21.11.1.1.1 addressing the interim use of land in its entirety. Deleting this policy results in there being no policy support for permitted activities P4 to P8 which both Mr Eman and I recognise are appropriate and necessary activities within the FLRZ.
- 6.21 I also consider that 'sites' rather than 'properties' should be used, to aligned with the Replacement Plan terminology. The use of sites provides the policy basis for the P1 which provides for residential activities on vacant sites as well as currently developed sites.
- 6.22 For the reasons given in relation to the objective, I do not support Mr Eman's reference to providing for low density residential activities in this policy. I understand from my discussions with Mr Eman that his reference to low density in the policy is to provide a policy basis for the built form standards that apply to residential activities in the FLRZ. However, within the Replacement Plan low density residential environments are suburban residential environments. The FLRZ does not resemble a suburban residential environment and as such the reference to this in the policy does

²⁸ As discussed at Attachment A of this evidence.

not contextually make sense. I consider that references to a low density residential activities to be unnecessary within the policy.

6.23 In my Whyte Revised Provisions, I have incorporated the enabling parts of Notified Policy 21.11.1.1.1 Interim use of land a. in relation to temporary activities, elements of recovery activities and land management activities into the new revised policy addressing non-residential activities (Whyte Proposal Policy 21.11.1.1.3).

6.24 I support the provision of a specific policy addressing residential activities and have suggested some minor wording changes to the provision suggested by Mr Eman, by removing the reference to "low density residential activities", removing the reference to "existing privately owned properties" and change in reference from "properties" to "sites" which is more consistent with terminology used in other parts of the Replacement Plan. With respect to the reference to "low density residential environment" my understanding from Mr Eman is that the purpose of this was to provide a policy basis to apply the Building Form Rules from the residential suburban zone to the FLRZ. Mr Eman and I are continuing to see if we can provide wording that addresses both of our concerns. This may be addressed further in Mr Eman's rebuttal. I consider that the retention of Mr Eman's suggested wording "to the extent compatible with the natural hazard risks and infrastructure limitations" is important it provides the basis for the rules.

21.11.1.1.2 Policy - Non-Residential Activities

6.25 Mr Eman has replaced Notified Policy 21.11.1.1.2 with a new policy addressing non-residential activities. I consider that having a specific policy addressing non-residential activities provides greater clarity of intention, and ease of implementation of proposal 21.11, and have therefore included Policy 21.11.1.1.3 - Non-residential activities in the Whyte Proposal. Mr Eman and I agree that this policy should address all non-residential activities including temporary activities and land management activities. We disagree however as to the wording of the policy addressing non-residential activities. The key reason we have not reached agreement reflects our differing views on whether the activity status for preschools, health care facilities, veterinary care facilities, education activities, place of assembly, spiritual activities should be discretionary (Eman) or non-complying (Whyte).

6.26 Mr Eman's policy is more suitable to a discretionary activity status whereas mine is more suitable to a non-complying activity status. The policy I have

drafted has been based on Notified Policy 21.11.1.1.1 but has been broadened to recognise existing commercial activities, including existing community activities within the FLRZ, and provide for limited expansion of these (consistent with the wording of Mr Eman). My proposed drafting also recognises there are a number of smaller scale non-residential activities that occur primarily in association with existing residential activities that are also appropriate to include (such as home occupations and home childcare activities).

6.27 Mr Eman has also deleted the Notified Policy 21.11.1.1.2 which was *"Recognise that the Flat Land Recovery Zone is an area susceptible to the risk of natural hazards"*. His rationale is that natural hazards are already addressed and managed through Chapter 5. While I agree that the provisions of Chapter 5 apply to the FLRZ, I consider that the particular and unique earthquake related circumstances that have led to the creation of this zone, and the influence of natural hazards, are of such significance that it is appropriate to retain a specific policy which simply recognises that the zone is an area susceptible to the risk of natural hazards. This policy also provides a basis for the unique management approach identifying this land as a FLRZ. Therefore I do not support the deletion of the notified Policy 21.11.1.1.2 Recognise risk and have retained this policy in the Whyte Provisions as Policy 21.11.1.1.1.

6.28 Neither Mr Eman nor myself propose changes to notified Policy 21.11.1.1.3, Management of Effects.

21.11.1.1.4 Policy - Future use

6.29 Mr Eman has recommended that the word "longer-term" be inserted into Policy 21.11.1.1.4. Consistent with my consideration of the use of this term in the objective I do not support its inclusion. I consider that retaining this policy and signalling that there will be a future process for this area is important and as such I support the retention of the policy generally as notified. I do support removing the specific reference to the "Residential Red Zone programme" and just referring to a "separate future process" which is more consistent with the Transition Recovery Plan. This change is reflected in my Whyte Proposal Policy 21.11.1.1.5.

6.30 As further discussed in **Attachment A**, I consider that the Whyte Provisions in **Attachment D** better implement Strategic Directions Objectives 3.1.1, 3.3.2, 3.3.6. 3.3.12 than either the Notified Proposal or the Eman Proposal.

Rules

- 6.31 The area where Mr Eman and I do not agree relates to the activity status for Pre-school activities, Health Care Facilities, Veterinary Care Facility, Education activity, Place of Assembly and Spiritual activities. Mr Eman and I agree that, given the potential level of intensification that may result from these activities, they are not appropriate to be provided for as permitted or controlled activities and they should be considered through a resource consent process in the FLRZ. The difference in our opinion as whether they are provided for as discretionary activities under Rule 21.11.2.2.4 D2-D7 (Eman Proposal) or as non-complying activities under Rule 21.11.2.2.5 NC 6-11 (Whyte Proposal).²⁹
- 6.32 Mr Rouse has concerns regarding the potential effect of increased intensification of non-residential activities within the FLRZ on horizontal infrastructure. He has identified that key infrastructure decisions with respect to the level and type of service that will be provided for Rooding, wastewater, water and stormwater within the FLRZ are yet to be made. To effectively integrate land-use and Infrastructure I consider that decisions relating to intensification of land uses beyond what is provided for as permitted and restricted discretionary activities should be made at the same time, or in conjunction with, the key strategic decisions on infrastructure. Given these infrastructure decisions have not been made at this time and that a number of them will be made through future processes, I consider that non-complying activity status for these non-residential activities is more appropriate in giving effect to the Regional Policy Statement particularly the integration of land-use and Infrastructure provisions. This will also achieve the objectives and policies in the Strategic Directions in that the FLRZ would recognise the infrastructure constraints within this area, including 3.3.12 Objective Infrastructure, Objective 6.2.1 Recovery Framework and policy 6.3.5 Integration of land use and infrastructure.
- 6.33 I have given serious consideration to the implications of a non-complying activity status in relation to the Strategic Directions Objective 3.3.2 and the Statement of Expectations in relation to where possible reducing reliance on resource consents. In this situation both Mr Eman and I consider that a resource consent should be required for these non-residential activities so neither of our suggested provisions reduces the reliance on resource

²⁹ To implement the Whyte Proposal, at 21.11.2.2.4 Discretionary Activities – remove Activity D2 to D7 and reinstate these as NC6 to NC11 in Rule 21.11.2.2.4.

consents. This is a unique zone established as a response to the significant impacts that occurred to this area as a result of the earthquakes. This is an area where in my view it is entirely appropriate to have greater controls than existed before the earthquake. Further, non-complying activity status may reduce the reliance on resource consents as it sends a strong signal that some activities are not anticipated in the zone and therefore less people may apply for consents. Given the interim nature of these provisions and the uncertainties that exist around future infrastructure and land use options I consider that non-complying activity status provides a clearer direction which is consistent with the outcome for the FLRZ at this time.

6.34 In considering whether it is appropriate to restrict non-residential activities I have considered the primary purpose of these activities occurring within residential zones. These types of activities typically:

- (a) provide for an existing and planned urban areas to meet the needs of the community as expressed in Strategic Directions Objective 3.3.11 Community facilities and education activities;
- (b) by their nature and character, need to be located in residential zones as expressed in Chapter 14-Residential 14.1.6 Objective non-residential activities; or
- (c) enable community activities and facilities within residential areas to meet community needs as expressed in Chapter 14-Residential 14.1.6.2 Policy - Community activities and facilities.³⁰

6.35 A key reason for determining that non-complying activity status is appropriate for these activities within the FLRZ is that fundamentally the FLRZ is not a residential area and nor does it have a residential population that would necessitate new activities of this nature being needed. I recognise that the use and repair of existing community facilities is provided for as a permitted activity and so any existing facilities will not be disadvantaged through the activity status being non-complying.

6.36 It is the combination of the nature and character of the current FLRZ, the low numbers of people living within the zone, the current infrastructure limitations that are still to be addressed in a strategic way, the recognition and acknowledgement that this zone is interim and that a future process will

³⁰ Chapter 14 – Residential Council's position - 23 April 2015 - Red line version attached to the Christchurch City Council's closing legal submissions to the Residential (Stage 1 hearing).

consider the appropriate future for this area that have led me to the view that non-complying activity status is more appropriate than discretionary for these non-residential activities. I therefore support the submission of the Crown that supported the Notified Proposal that had these non-residential activities having non-complying activity status.

6.37 I agree with Mr Eman that an unrestricted discretionary activity enables a full range of matters to be considered in any consent process however, as identified above my evaluation is based on matters wider than just the actual or potential effects of the activity itself.

6.38 I note in Mr Eman's section 32 report³¹ he states "*Subdivision, intensification and other new development activity will only be accommodated where they will not compromise options for long term recovery and future use of the zone*". If the Hearings Panel decides to retain activities D2 to D7 as discretionary activities then I consider a new policy should be inserted. This could read:

Policy - New Activities

- a. *Accommodate subdivision, intensification and other new development activity only where these activities will not compromise options for long term recovery and future use of the zone.*

Amended introductory note and Central City Planning Maps

6.39 In my *revised* provisions I have suggested some changes to the introductory note to the Proposal. I accept that this change was not requested through a submission. However, the changes I have put forward ensuring this text is consistent with the content of the recovery plans I have addressed above.

6.40 In addition, I have identified that a very small part of the FLRZ (bordered by Oxford Terrace, Willow Street and Bangor Street) is within the area subject to the Christchurch Central Recovery Plan, Te Mahere 'Maraka Ōtautahi' ("**CCRP**"). Within the CCRP the land is zoned as residential. To ensure consistency with the CCRP this land should not be within the FLRZ but be zoned as Central City Residential Zone. I have addressed this further in **Attachment A**.

³¹ Mr Eman Evidence in Chief, Attachment C Updated Section 32 report – final sentence paragraph b. page 17.

- 6.41 As further discussed in **Attachment A**, I consider that the proposed objectives, policies and rules I have outlined above give effect to the Regional Policy Statement, is consistent with the recovery plans, has particular regard to the Statement of Expectations, achieves the Strategic Directions Objectives and has particular regard to the Statement of Expectations.
- 6.42 The section 32 report prepared for the Notified Proposal is still an appropriate evaluation base for my Whyte Proposal, together with the justifications for my differences for departures from the Notified Provisions in this statement of evidence. In relation to the more permissive approach I have recommended in relation to permitted residential activities the Eman revised section 32 evaluation when addressing residential activities appropriately addresses these matters.



Margaret Jane Whyte
24 November 2015

ATTACHMENT A: HIGHER ORDER DOCUMENTS RELEVANT TO THE FLRZ

Regional Policy Statement

1. The Replacement Plan must give effect to the Canterbury Regional Policy Statement. Chapter 6 - Recovery and Rebuilding of Greater Christchurch is the key chapter. The purpose of Chapter 6 is to enable recovery by providing for development in a way that achieves the purpose of the Resource Management Act 1991. The provisions relating to integrating infrastructure and land use are of relevance. These include the following matters (which are summarised):
 - (a) Issue 6.1.1 - enabling recovery, rebuilding and development and the recognition that recovery and rebuilding in the short term critical and the community requires certainty around where recovery development will take place during the recovery period. This is to enable planning for delivery of infrastructure and protection of key resources such as strategic transport networks, water supply, and other significant natural and physical resources. In particular, it is important that resources are directed to specific geographic areas, to enable efficient and effective public investment in strategic, network and social infrastructure. The FLRZ is an interim zone which seeks to provide interim provisions while a separate process is undertaken that will look at integration between future land use and infrastructure decisions for the whole or part of the FLRZ.
 - (b) Issue 6.1.2 - addresses adverse effects arising from development. This issue recognises that development can result in adverse effects on the environment, which if not identified and avoided, remedied or mitigated where appropriate, could result in inappropriate outcomes for the region's natural and physical resources, and reduce Greater Christchurch's resilience and ability to provide for the needs of people and communities. Poorly planned development can increase risk from natural hazards and the effects of climate change, create resource use conflicts, increase community isolation and prevent the efficient and effective delivery of infrastructure and services. The purpose of the interim approach of the FLRZ is to seek to avoid poor development decisions being made for this area before all of the appropriate investigations, consultation and considerations has taken place.

- (c) Objective 6.2.1 - Recovery framework in particular clause (8) protects people from unacceptable risk of natural hazards and the effects of sea-level rise and clause (9) integrate strategic and other infrastructure and services with land use development. Integration of infrastructure with land use development is a key factor in the 'holding' nature of the FLRZ. This objective is one that I consider supports my provisions, especially for non-residential activities being non-complying.
- (d) Objective 6.2.4 - Integration of transport infrastructure and land use - prioritise the planning of transport infrastructure so that it maximises integration with the priority areas and new settlement patterns. Inappropriate intensification of land use in the FLRZ could run counter to this objective which seeks to prioritise the planning of transport infrastructure to priority areas.
- (e) Policy 6.3.5 - Integration of land use and infrastructure and ensuring that the nature, timing and sequencing of new development are co-ordinated, including in order to optimise the efficient and affordable provision of both development and the infrastructure. Again, integration of land use and infrastructure is a key factor in the FRLZ.

Recovery Strategy

2. The Recovery Strategy provides, in relation to the future long-term use of red zone:³²

"Future long-term use of red zone land will be considered once a substantial proportion of red zone land has been transferred to the Crown. CERA, on behalf of the Crown, will lead an assessment of future options for land use. The assessment will consider hazard risk, opportunities for economic return, natural features and ecology of the land and adjacent waterways. It will also consider any community input required as part of the process and look for consistency with urban growth policies for greater Christchurch. Land Information New Zealand and CERA will be responsible for interim land management."

3. I acknowledge, as does Mr Eman, that substantial tracts of red zone land has now been transferred to the Crown. However, as explained in my suggested revised note, a separate process (consistent with the LURP) is underway to assess future options for land use.

³² Recovery Strategy, page 40.

Recovery Plans

4. The Replacement Plan must not be inconsistent with a Recovery Plan. I now address the relevant Recovery Plans.
5. The Residential Red Zone Offer Recovery Plan (dated July 2015)³³ ("**RRZ Recovery Plan**") identifies that new Crown offers need to be made to the owners of vacant, insured commercial and uninsured improved red zone properties, and as soon as practicable. Its purpose is to enable the Chief Executive of CERA, on behalf of the Crown, to make decisions about new Crown offers. It is noted that there are a number of offers still open. The RRZ Recovery Plan specifically identifies in the section entitled "What is not covered in this Recovery Plan?" that the Minister's gazetted direction stated that a number of issues would not be addressed by this RRZ Recovery Plan as follows:³⁴
 - (a) zoning decisions (that is, the basis on which properties were zoned as red or green and the decision to make an offer to purchase properties only in the residential red zone);
 - (b) the Crown offer to purchase insured red zone properties;
 - (c) remediation or mitigation of land or natural hazards;
 - (d) interim or future use of the red zone; and
 - (e) District Plan zoning and provisions.
6. The Transition Recovery Plan (October 2015) entitled the *Greater Christchurch Earthquake Recovery: Transition to Regeneration (TRP)* ("**Transition Recovery Plan**")³⁵ sets out the transition of the Government's role in greater Christchurch. It provides a clear picture of the changes being made for the transfer of recovery responsibilities from CERA to other central government agencies over the next five years. In relation to the Residential Red Zone, the Transition Recovery Plan identifies:
 - (a) the development of a new joint Crown-Council entity called "Regenerate Christchurch" which will oversee the long-term development and enhancement of the central city, Christchurch's residential red zone and New Brighton (which include the FLRZ);

³³ The RRZ Recovery Plan was developed under section 16 of the CER Act.

³⁴ RRZ Recovery Plan, page 4.

³⁵ The Transition Recovery Plan was developed under section 16 of the CER Act.

- (b) that "as well as supporting the Christchurch City Council to achieve a city-wide vision, Regenerate Christchurch will place particular focus on, and lead work and, Christchurch Central, Christchurch's residential red zone and New Brighton"; and
 - (c) Regenerate Christchurch has a role in developing plans and strategies for the regeneration areas and its scope (for example for the future use of the Christchurch residential red zone).
7. The Transition Recovery Plan identifies that there are future processes including future planning processes anticipated to address issues associated with the Residential Red Zone, which is the area represented by the FLRZ. The identification of the FLRZ as an interim zone within the Replacement Plan is consistent with the identified future work that will take place for this area as signalled identified in the Transition Recovery Plan (and any successor plan).³⁶

CCRP

8. A very small part of the FLRZ (bordered by Oxford Terrace, Willow Street and Bangor Street) is within the area subject to the CCRP. The CCRP does not specifically address the Residential Red Zone and the area is shown as Central City Residential within the CCRP. I have attached the relevant Central City Zoning Planning Map as **Attachment E** to my evidence.
9. The Replacement Plan cannot be inconsistent with a Recovery Plan. It is considered that including land zoned Central City Residential in the CCRP to FLRZ is inconsistent with the CCRP. While I haven't identified any submission on Proposal 21 seeking this change, the Crown has lodged a general submission point on the Central City provisions to ensure that Proposal 13, addressing the whole of the Central City of which this land is within achieves consistency with the CCRP (submission point 3721.582). This potential scope issue will be discussed further in legal submissions. To ensure consistency with the CCRP this land should not be within the FLRZ but retained within the Central City Residential Zone. The further zoning for this small area will be able to be considered as part of the process to determine the future use of the Residential Red Zone.

³⁶ The Transition Recovery Plan is proposed to be repealed by the Greater Christchurch Regeneration Bill on enactment.

LURP

10. The LURP considered, but did not specifically address certain matters "because they will be dealt with through other programmes". In particular, the LURP states that *"the future use of land in the areas known as the residential red zone will be addressed through the Residential Red Zone Programme"*.³⁷ Therefore the provisions of the LURP do not apply to the land within the FLRZ because it identified that this land would be addressed by an alternative process. However, the FRLZ must not be inconsistent with this direction in the LURP. I consider this supports the non-complying activity status for non-residential development as detailed in my evidence. This alternative process has now been recognised in the Transition Recovery Plan (October 2015) which I have addressed above.

Statement of Expectations

11. The Statement of Expectations requires that the Replacement Plan:

"(a) clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans)—

(i) reliance on resource consent processes; and

(ii) the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and

(iii) the requirements for notification and written approval:

(b) contains objectives and policies that clearly state the outcomes that are intended for the Christchurch district:

...

(e) ensures sufficient and suitable development capacity and land for commercial, industrial, and residential activities:

12. With respect to matter (a)(i) (reducing reliance on resource consent processes), I acknowledge that Whyte Proposal is more restrictive, and therefore increases the resource consents required, for activities which may

³⁷ Land Use Recovery Plan Section 1.2 - What does the Land Use Recovery Plan, paragraph 3 page 8.

not have required consents under the Operative District Plan. However, given the unique nature of this zone and the earthquake related circumstances that have led to its establishment,³⁸ I consider that at this time it is not appropriate for the land subject to the FLRZ to provide for a wider range of activities.

13. Also, an appropriate range of activities have been provided for as permitted activities which will achieve the outcomes for the zone, which will reduce the reliance on resource consent processes. This is particularly the case for residential activities on private land and recovery focused activities. With respect to residential activities the Whyte Proposal recognises a number of properties with residential or commercial activities (87 privately owned properties in total over the 352 hectares of land) exist and the policies and rules provide for these activities to continue and for buildings associated with these activities to be rebuilt if necessary.
14. I consider that it is very important that the objective clearly reflects the outcome for the zone (matter (b)), and that the Proposal uses clear and concise language (matter (f)), as further discussed in my evidence.

Strategic Directions Objectives

15. The Strategic Directions decision determined the objectives that are to guide and influence the remainder of the Replacement Plan. The objectives provide the overarching direction for the Replacement Plan and have primacy over other objectives and policies which will be developed within each chapter. A number of the Strategic Directions Objectives are of particular relevance when considering the provisions of the FLRZ.
16. Within the Strategic Directions decision it is identified that Objectives 3.3.1 and 3.3.2 have primacy, which means that all of the remaining Strategic Directions objectives must be expressed and achieved in a manner consistent with these objectives.

³⁸ Prior to the earthquakes the area was primarily residential. However, as addressed in the evidence of Ms Jacka, Mr Clark and Mr Rouse the area suffered considerable impacts as a result of the earthquakes and undergone significant change. It is an area will be subject to further consideration with respect to potential future uses, including considering the ability to successfully undertake land remediation and provide infrastructure.

17. The objectives with primacy are Objective 3.1.1 relating to enabling recovery and facilitating the future enhancement of the district and Objective 3.3.2 which addresses clarity of language and efficiency, as set out below:

"3.3.1 Objective - Enabling recovery and facilitating the future enhancement of the district

The expedited recovery and future enhancement of Christchurch as a dynamic, prosperous and internally competitive city, in a manner that:

- (a) Meets the community's immediate and longer term needs for housing, economic development, community facilities, infrastructure, transport, and social and cultural wellbeing; and*
- (b) Fosters investment certainty; and*
- (c) Sustains the important qualities and values of the natural environment*

3.3.2 Objective - clarity of language and efficiency

The District Plan, through its preparation, change, interpretation and implementation:

- (a) Minimises:*
 - (i) transaction costs and reliance on resource consent processes; and*
 - (ii) the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
 - (iii) the requirements for notification and written approval; and*
- (b) Sets objectives and policies that clearly state the outcomes intended; and*
- (c) Uses clear concise language so that the District Plan is easy to understand and use."*

18. With respect to Objective 3.3.1, the FLRZ provides for a number of immediate recovery activities, including repair and maintenance works and land management activities which is consistent with Objective 3.3.1. The zone provides for existing residential, commercial and community activities to occur. However, it is recognised that the FLRZ provisions are interim provisions as long term land use, transport and infrastructure decisions will be an outcome of an alternative process. As such this zone is focussed on enabling existing activities to continue and providing for immediate recovery activities and not foreclosing future options for the land. What the future options may be is a matter for another process.

19. Objective 3.3.2 seeks to minimise transaction costs and reliance on resource consent processes, the number, extent, and prescriptiveness of development controls and design standards in the rules, and the requirements for notification and written approvals. These matters overlap with the Statement of Expectations clauses (a)(i), (ii) and (iii) and are discussed above.

Objective 3.3.6 provides:

"3.3.6 Objective - Natural hazards

- a. New subdivision, use and development, shall:*
- i. be avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable; and*
 - ii. otherwise be undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated;*
- b. Except that new strategic infrastructure may be located in areas where the risks of natural hazards to people, property and other infrastructure are assessed as being unacceptable, provided that:*
- i. there is no reasonable alternative; and*
 - ii. the strategic infrastructure has been designed to maintain, as far as practicable, its integrity and form during natural hazard events."*

20. Much of the land within the FLRZ is susceptible to natural hazard risk. As detailed in the evidence of Ms Jacka to the Stage 1 Natural Hazards hearing the flat land Residential Red Zone was subject to area-wide damage as a result of the earthquake events. Managing the risks of natural hazards to people, property and infrastructure impacts of the natural hazards was and remains a key driver for the zone. This is reinforced in the evidence for Mr Anderson for the Council, who explains that *"While it may be possible to treat some areas of the SPLR on a lot by lot basis using specific design I anticipate that treating multiple lots using area-wide engineering treatment methods will be the most technically and financially viable."*³⁹ The natural hazard provisions in Chapter 5 apply to the land in the FLRZ and the objective and policies within both the notified FLRZ and Whyte Proposal recognise the links between these two chapters.

³⁹ Mr Anderson for the Council, evidence in chief paragraph 5.21.

21. Objective 3.3.9 Natural and Cultural environment is relevant in so far as the zone includes land adjacent to the Avon River, the Coastal Environment and their margins. It provides:

"3.3.9 Objective - Natural and cultural environment

A natural and cultural environment where:

- a. *People have access to a high quality network of public open space and recreation opportunities, including areas of natural character and natural landscape; and*
 - b. *Important natural resources are identified and their specifically recognised values are appropriately managed, including:*
 - i. *outstanding natural features and landscapes, including the Waimakariri River, Lake Ellesmere/Te Waihora, and parts of the Port Hills/Nga Kohatu Whakarakaraka o Tamatea Pokai Whenua and Banks Peninsula/Te Pātaka o Rakaihautu; and*
 - ii. *the natural character of the coastal environment, wetlands, lakes and rivers, springs/puna, lagoons/hapua and their margins; and*
 - iii. *indigenous ecosystems, particularly those supporting significant indigenous vegetation and significant habitats supporting indigenous fauna, and/or supporting Ngāi Tahu Manawhenua cultural and spiritual values; and*
 - iv. *the mauri and life-supporting capacity of ecosystems and resources; and*
 - c. *Objects, structures, places, water/wai, landscapes and areas that are historically important, or of cultural or spiritual importance to Ngāi Tahu Manawhenua, are identified and appropriately managed."*
22. A key driver for the FLRZ is to keep future land use options open. What the future options for public open space and recreational linkages, including natural character and ecological linkages along the Avon River and the Coast may be is a matter for another process.
23. Objective 3.3.12 - Infrastructure is relevant. It provides:

"3.3.12 Objective - Infrastructure

- a. *The social, economic, environmental and cultural benefits of infrastructure, including strategic infrastructure, are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled; and*
- b. *Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects [...]*

- c. *The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and technical and operational needs of infrastructure."*

24. As addressed in the evidence of Mr Rouse the infrastructure of roading, wastewater, water and stormwater has been significantly affected within the FLRZ. Addressing the infrastructure needs, demands and making decisions about the levels and types of service that will be provided will form a key part of the successor to the Residential Red Zone Programme. The evidence of Mr Rouse is that infrastructure and land use should be integrated. This position is also consistent with Ms O'Brien's evidence on behalf of the Council at the Stage 1 Residential hearing. For those activities that are provided for within the FLRZ consideration has been given within the objective, policies and rules to require that infrastructure be available, as appropriate before the activities are commenced. In the Whyte Proposal Permitted Activity P1c., where activities could result in additional demands on infrastructure these activities are not encouraged and will require resource consent with the ability to provide infrastructure being a key consideration.
25. Objective 3.3.12 relates to temporary recovery activities. It provides:

"3.3.15 Objective - Temporary recovery activities

Temporary construction and related activities (including infrastructure recovery), and temporarily displaced activities, as a consequence of the Canterbury earthquakes are enabled by:

- a. *Permitting a range of temporary construction and related activities and housing, accommodation, business, services and community facilities, recognising the temporary and localised nature of such activities, and the need to manage any significant adverse effects; and*
- b. *Providing an additional transitional period for consideration of temporary construction and related activities and temporarily displaced activities, taking into account:*
 - i. *the need for the activity to remain for a longer period; and*
 - ii. *the effects on the surrounding community and environment; and*
 - iii. *any implications for the recovery of those areas of the district where the activity is anticipated to be located; and*
- c. *Accommodating the adverse effects associated with the recovery of transport and infrastructure networks recognising:*
 - i. *the temporary and localised nature of the effects of these activities; and*
 - ii. *the long-term benefits to community wellbeing; and*

- iii. *the need to manage and reduce adverse effects; and*
 - d. *Recognising the importance of aggregate extraction, associated processing (including concrete manufacturing) and transportation of extracted and processed product to support recovery."*
- 26. The Notified, Eman and Whyte Proposals for the FLRZ all recognise that there are and will continue to be a range of temporary activities, including relating to infrastructure maintenance, that needs to occur in the FLRZ.
- 27. Objectives 3.3.4 Housing capacity and choice, provides:
 - "3.3.4 Objective - Housing capacity and choice*
 - a. *For the period 2012 to 2028, an additional 23,700 dwellings are enabled through a combination of residential intensification, brownfield and greenfield development; and*
 - b. *There is a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including:*
 - i. *a choice in housing types, densities and locations; and*
 - ii. *affordable, community and social housing and papakāinga."*
- 28. It is important that the FLRZ does not foreclose options for potential future residential development. As explained in the evidence of Mr Anderson for the Council the most efficient way to enable such potential future use would be area-wide engineering treatment methods.
- 29. 3.3.5 Objective - Business and economic prosperity provides:
 - "3.3.5 Objective - Business and economic prosperity*
 - (a) *The critical importance of business and economic prosperity to Christchurch's recovery and to community wellbeing and resilience is recognised and a range of opportunities provided for business activities to establish and prosper."*
- 30. The FLRZ reflects the area after the Crown's RRZ offer. As explained in the evidence of Ms Jacka for the Stage 1 Natural Hazards Proposal, the offer regime was established to provide a prompt and certain outcome for those affected property owners who wished to accept it, enabling economic certainty for affected landowners.

31. 3.3.11 Objective - community facilities provides:

"3.3.11 Objective - Community facilities and education activities

- (a) The expedited recovery and establishment of community facilities and education activities in existing and planned urban areas to meet the needs of the community; and*
- (b) The co-location and shared use of facilities between different groups is encouraged."*

32. Future opportunities will be considered in an integrated manner when long-term planning is undertaken. In the FLRZ 87 privately owned properties remain. Therefore demand for Council facilities has significantly reduced along with the some 6,000 properties which have been cleared.⁴⁰

⁴⁰ Paragraph 5.4 of Mr Clark's evidence states that 6,030 Crown-owned properties in Christchurch City have had their dwellings and built structures cleared.

ATTACHMENT B - LIST OF DOCUMENTS AND EVIDENCE RELIED ON

- (a) The notified version of the Specific Purpose (Flat Land Recovery) Zone ("**Notified Proposal**").
- (b) The section 32 report for Notified Proposal.
- (c) The Recovery Strategy for Greater Christchurch, Mahere Haumanutanga_o Waitaha ("**Recovery Strategy**")
- (d) The Land Use Recovery Plan, Te Mahere Whakahaumanu Tāone ("**LURP**").
- (e) The Christchurch Central Recovery Plan, Te Mahere 'Maraka Ōtautahi' ("**CCRP**").
- (f) The Statement of Expectations contained in Schedule 4 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ("**Statement of Expectations**").
- (g) The Canterbury Regional Policy Statement ("**RPS**").
- (h) The Mahaanui Iwi Management Plan 2013.⁴¹
- (i) The Greater Christchurch Earthquake Recovery: Transition to Regeneration Transition Recovery Plan October 2015.
- (j) The Residential Red Zone Offer Recovery Plan July 2015.
- (k) The decision of the Hearings Panel on Proposal 3 (Strategic Directions) released on 26 February 2015 ("**Strategic Directions decision**").
- (l) The statement of evidence for the Crown of Ms Jacka for the Stage 1 Natural Hazards Proposal.
- (m) The statement of evidence for the Crown of Mr Nevell for the Phase 1 Temporary Activities hearing.
- (n) The statements of evidence for the Crown of Mr Rouse and Mr Clark for this hearing.
- (o) The statements of evidence for the Council of Mr Eman and Mr Anderson for this hearing.
- (p) Statement of evidence for the Council of Ms O'Brien for the Stage 1 Residential Hearing.

⁴¹ I have considered Mahaanui Iwi Management Plan 2013 which is a matter to be taken into account. In relation to this proposal the matters within this document are of most relevance to the management of water, stormwater and wastewater which are addressed to the extent relevant in my evidence.

ATTACHMENT C: TABLE RECORDING CROWN POSITION ON SUBMISSION POINTS ON SPECIFIC PURPOSE (FLAT LAND RECOVERY) ZONE

	Replacement Plan provisions and submissions points	Recommendation	Evidence paragraph reference
1.	<p>Proposal 21.11 Specific Purpose (Flat Land Recovery) Zone</p> <p>Retain the Specific Purpose (Flat Land Recovery) Zone as notified.</p> <p>Submission: 3721.1390 and 3721.1395</p>	<p>Amend provisions in accordance with Whyte Revised Proposal resulting in this submission being accepted in part.</p>	<p>Whyte Evidence</p>
2.	<p>Objective 21.11.1.1</p> <p>NZTA generally supports the intent of Objective 21.11.1.1 to protect the Flat Land Recovery Zone. The state highway is sited within this zone and any future land use in this zone will need to allow for the efficient operation, maintenance and development of the strategic road network.</p> <p>Retain Objective 21.11.1.1 as notified</p> <p>Submission: 3721.1396</p>	<p>Accept submission in part as Objective 21.11.1.12 be amended in accordance with Whyte Revised Proposal</p>	<p>Whyte 6.13 and 6.14.</p>
3.	<p>Rule 21.11.2.2.1(P3)</p> <p>NZFS Commission supports the requirement for alterations, additions, maintenance and repair of an existing residential unit, building, accessory building or built structure to comply with built form standards, specifically 14.2.3.13 referring to firefighting water supply and access. The NZFS Commission is conscious of the increased difficulties in access to firefighting water supply across the flat land recovery area and the implications this may have on buildings remaining in this zone in terms of fire risk (including the risk of fire spread).</p> <p>Retain 21.11.2.2.1(P3) as notified.</p> <p>Submission: 3721.1397</p>	<p>Accept submission.</p> <p>Rule 21.11.2.2.1 (P3) as notified has not been separated into two separate rules one addressing residential activities (P1) and one addressing commercial activities (P3).</p> <p>The requirement addressed by the submitter has been inserted into both.</p>	<p>Council accept/reject table Page 5</p>

	Replacement Plan provisions and submissions points	Recommendation	Evidence paragraph reference
4.	<p>21.11.2.2.1(P7)</p> <p>NZFS Commission supports the requirement for temporary buildings to comply with built form standards, specifically 14.2.3.13 referring to firefighting water supply and access. The NZFS Commission is conscious of the increased difficulties in access to firefighting water supply across the flat land recovery area and the implications this may have on buildings remaining in this zone in terms of fire risk (including the risk of fire spread).</p> <p>Retain 21.11.2.2.1(P7) as notified.</p> <p>Submission: 3721.139</p>	<p>Accept submission.</p> <p>Rule 21.11.2.2.1 (P7) as notified has not been amended other than a consequential change to renumber it as (P6).</p>	<p>Council accept/ reject table Page 5</p>
5.	<p>Rule 21.11.2.2.1(P9)</p> <p>NZTA supports Rule 21.11.2.2.1 (P9) to the extent that it provides for the operation, maintenance, repair, removal, replacement, relocation, and upgrading of existing and new roads.</p> <p>Retain 21.11.2.2.1(P9) as notified.</p> <p>Submission: 3721.1399</p>	<p>Accept submission.</p> <p>Rule 21.11.2.2.1 (P9) as notified has not been amended other than a consequential change to renumber it as (P8).</p>	<p>Council accept/ reject table Page 5</p>
6.	<p>Rule 21.11.2.2.3(RD3)</p> <p>The NZFS Commission supports the restricted discretionary status for activities that will not comply with providing for firefighting water supply.</p> <p>Retain 21.11.2.2.3(RD3) as notified.</p> <p>Submission: 3721.1400</p>	<p>Accept submission.</p> <p>Rule 21.11.2.2.3 (RDC) has not altered the activity status for activities that does not comply with providing firefighting water supply.</p>	<p>Council accept/ reject table Page 5</p>

	Replacement Plan provisions and submissions points	Recommendation	Evidence paragraph reference
7.	Further submission in support of Christchurch City Council New Rule 21.11.1.22 Submission: FS5030.135	Accept submission. The new restricted discretionary Rule is RD11 is inserted in Eman Revised Provisions.	Council accept/ reject table Page 7
8.	Further submission in support of Christchurch City Council seeking amendment to Rule Rule 21.11.2.2.5 (NC 6) Submission: FS5030.13	Accept submission. The change to NC6 is accepted.	Council accept/ reject table Page 8

ATTACHMENT D: WHYTE REVISED PROVISIONS

21.11 Specific Purpose (Flat Land Recovery) Zone

Changes have been incorporated into the Eman Revised Provisions. Insertions are shown in bold underlined red text. Deletions are shown as strikethrough and shaded text.

Changes to the introductory Note: below is not made in response to a submission but is suggested to ensure consistency with the relevant Recovery Plans.

Note: The ~~land within the~~ Specific Purpose (Flat Land Recovery) Zone is ~~a "holding" zone that will be subject to a later plan change to confirm the zoning pattern which will be informed by the outcome to be the subject of~~ **a separate future process to determine its future use. This process was outlined in** the 'Residential Red Zone **Programme' in the Recovery Strategy for Greater Christchurch, Mahere Haumanutanga o Waitaha and referred to in the Land Use Recovery Plan, Te Mahere Whakahaumanu Tāone. In the Greater Christchurch Earthquake Recovery: Transition to Regeneration (Transition Recovery Plan) 2015 it is stated that a new Crown-Council entity called 'Regenerate Christchurch' will oversee the long-term development and enhancement of Christchurch's residential red zone. Regenerate Christchurch has a role in developing plans and strategies for areas within its scope such as the residential red zone. The development of these plans and strategies will occur under a different timeframe to the Replacement District Plan process. programme. This programme is a direction specified in the Government's Recovery Strategy for Greater Christchurch and the Land Use Recovery Plan. Through this programme, CERA will undertake a public engagement process to discuss the options for the future use of the 'Residential Red Zone'. This programme is occurring under a separate process and timeframe to the Replacement District Plan process.**

21.11.1 Objectives and Policies

21.11.1.1 Objective - ~~Protection of Activities in the Flat Land Recovery Zone~~

~~a. Protect the Flat Land Recovery Zone from inappropriate subdivision, land use and development that will:~~

- ~~i. compromise or impede options for the long term recovery and future use of the zone; or~~
- ~~ii. increase the risk to people's safety, property and infrastructure from the effects of natural hazards.~~

~~a. In the interim, a very low density residential environment that reflects the circumstances following the earthquakes and the infrastructure limitations of the area, whilst recognising that the area is undergoing considerable change and the longer-term potential of the area to contribute to the recovery and future enhancement of Christchurch.~~

a. Manage subdivision, land use and development of land in the Flat Land Recovery Zone in a manner that:

- i. reflects the changes that have occurred to the nature and range of land uses in the area following the earthquakes including the infrastructure limitations of the area;**
- ii. does not compromise or impede options for the long term recovery and future use of the zone.**
- iii. manages the risk to people's safety, property and infrastructure from the effects of natural hazards;**
- iv. recognises existing uses;**

21.11.1.1.1 Policy - Recognise risk

- a. Recognise that the Flat Land Recovery Zone is an area susceptible to the risk of natural hazards.

21.11.1.1.2 Policy - Interim use of land Residential Activities

- ~~a. Only activities comprising existing uses and their limited modification, temporary activities, and elements of immediate recovery activity, including land management activities will be accommodated within the Flat Land Recovery Zone.~~
- a. Provide for the continued use of existing privately owned properties sites in the Flat Land Recovery Zone for low density residential activities, to the extent compatible with the natural hazard risks and infrastructure limitations.

21.11.1.1.3 Policy - Recognise risk Non-residential Activities

- ~~a. Recognise that the Flat Land Recovery Zone is an area susceptible to the risk of natural hazards.~~

- ~~a. Provide for existing privately owned properties to be used for non-residential activities that:~~

- ~~i. are home occupations or provide community facilities and do not have significant adverse effects on residential activities or the transport network;~~
- ~~ii. are existing commercial activities and are subject to limited expansion; or~~
- ~~iii. are water or hazard management or mitigation activities~~

- a. Only the following non-residential activities will be accommodated within the Flat Land Recovery Zone:

- i. existing commercial and community activities and their limited modification;
- ii. temporary activities, land management activities, infrastructure, and water or hazard management or mitigation activities; and
- iii. home based activities, market or community gardens.

21.11.1.1.4 Policy - Management of effects

- a. Activities within the Flat Land Recovery Zone are managed to:
- i. reduce adverse amenity effects on occupied residential properties and effects at the interface with surrounding residential zones;
 - ii. sustain the qualities and values of the natural environment.

21.11.1.1.5 Policy - Future use

- a. The longer term future use of land in the Flat Land Recovery Zone will be considered following the completion of the Residential Red Zone programme under a separate future process which will inform future land use zoning and development options.

21.11.1.1.6 Policy – New Activities (Policy is only needed if D2-D6 are retained as discretionary activities)

- a. Accommodate subdivision, intensification and other new development activity only where these activities will not compromise options for long term recovery and future use of the zone.

21.11.2 Rules - Specific Purpose (Flat Land Recovery) Zone

All rules are the same as the Eman Revised Provisions except as set out below.

21.11.2.2 Activity Status Tables

21.11.2.2.1 Permitted Activities

Activity		Activity Specific Standards
P1	Residential Activity that occur within an existing a residential unit <u>on privately owned property as at 12 October</u>	<p>a. NIL The activity shall comply with the following Built form Standards of the Residential Suburban Zone: 14.2.3.1, 14.2.3.3, 14.2.3.4, 14.2.3.5, 14.2.3.6, 14.2.3.7, 14.2.3.8, 14.2.3.9 and 14.2.3.13, except as provided for on (b) below.</p> <p>b. In the case of the Specific Purpose (Flat Land Recovery) Zone at Brooklands (Planning Maps 2 and 6) the activity shall comply with the following Built Form Standards of the Residential Small Settlement Zone: 14.14.3.1, 14.14.3.2, 14.14.3.3, 14.14.3.4, 14.14.3.5, 14.14.3.6, and 14.14.3.8.</p> <p>c. <u>The site is able to be serviced for water supply, wastewater and stormwater.</u></p>

21.11.2.2.4 Discretionary Activities

Activity	
<u>D1</u>	<u>Bed and breakfasts, care for non-resident children, storage of heavy vehicles, dismantling, repair, or storage of motor vehicles and boats where the activity does not meet Activity Specific Standard (a) for that activity as a permitted activity in Rule 21.11.2.2.1 P12, P13, P16, or P17.</u>
<u>D2</u>	<u>Pre-school activity on privately owned property as at 12 October 2015.</u>
<u>D3</u>	<u>Health Care Facility on privately owned property as at 12 October 2015.</u>
<u>D4</u>	<u>Veterinary Care Facility on privately owned property as at 12 October 2015</u>
<u>D5</u>	<u>Education activity on privately owned property as at 12 October 2015</u>
<u>D6</u>	<u>Place of Assembly on privately owned property as at 12 October 2015.</u>
<u>D7</u>	<u>Spiritual activity on privately owned property as at 12 October 2015.</u>

Planning Maps

Remove the FLRZ from within the Central City Planning Maps and show the land as Central City Residential.

