

**BEFORE HEARINGS COMMISSIONERS**

**RC220060 & RC220072**

**FOR THE HURUNUI DISTRICT COUNCIL**

**UNDER THE**

Resource Management Act 1991 ("**Act**")

**IN THE MATTER OF**

an application for consent under section 88 of the Act for subdivision and land use consent for Stages 3-6 of a multi-staged residential development known as 'The Clearing' located at 64 Amberley Beach Road and 187 Carters Road, Amberley

**BETWEEN**

**UWC LIMITED**

Applicant

**AND**

**HURUNUI DISTRICT COUNCIL**

Consent authority

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**STATEMENT OF EVIDENCE OF DAVID COMPTON-MOEN**

**ON BEHALF OF THE APPLICANT, UWC LIMITED**

**29 MAY 2023**

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## Qualifications and experience

- 1 My full name is David John Compton-Moen.
- 2 I hold the qualifications of a Master of Urban Design (Hons) from the University of Auckland, a Bachelor of Landscape Architecture (Hons) and a Bachelor of Resource Studies (Planning and Economics), both obtained from Lincoln University. I have been a Registered Landscape Architect of the New Zealand Institute of Landscape Architects('NZILA') since 2001, a full member of the New Zealand Planning Institute, since 2007, and a member of the Urban Design Forum since 2012.
- 3 I am a Director at DCM Urban Design Limited, which is a private independent consultancy that provides Landscape and Urban Design services related advice to local authorities and private clients, established in 2016.
- 4 I have worked in the landscape assessment and design, urban design, and planning fields for approximately 25 years, here in New Zealand and in Hong Kong. During this time, I have worked for both local authorities and private consultancies, providing expert evidence for urban design, landscape and visual impact assessments on a wide range of major infrastructure and development proposals, including the following relevant projects:
  - (i) 2022-23 – Currently working with a local landowner in Amberley to obtain consent to develop 21 Saleyard Drive, Amberley (Business 1A zone) for medium density residential purposes.
  - (ii) 2021 – Working for Waimakariri District Council, I prepared Urban Design evidence to assist with Private Plan Change 30 – Ravenswood Key Activity Area (KAC) which sought to rezone parts of an existing ODP to increase the amount of Business 1 land and remove a portion of Residential 6A land.
  - (iii) 2020-21 – Working with Waimakariri District Council to assist with developing structure plans for Kaiapoi, Rangiora Northeast, Rangiora Southeast and Rangiora West.
  - (iv) 2020-21 – Working for Mike Greer Homes, I have worked on the master planning, urban design and landscape design for the following Medium Density Residential and Mixed-Use Developments:
    - (A) Madras Square – a mixed use development on the previously known 'Breathe' site (+90 homes).
    - (B) 476 Madras Street – a 98-unit residential development on the old Orion Site.
    - (C) 258 Armagh Street – a 33-unit residential development in the inner city.
    - (D) 33 Harewood Road – a 31-unit development adjacent to St James Park in Papanui.

- (v) 2020-23 – Working for several different consortiums, I have provided urban design and landscape advice for the following recent private plan changes in the Hurunui District:
  - (A) Lincoln South, Lincoln (PC69)
  - (B) Southeast Rolleston, Rolleston (PC78)
  - (C) Extension to Falcons Landing, Rolleston (PC75)
  - (D) Trents Road, Prebbleton (PC68)
  - (E) Holmes and Skellerup Block, Rolleston (PC73)
  - (F) South Skellerup Block, Rolleston (PC81)
  - (G) Two Chains Roadblock (B1 zone plan change), Rolleston (PC80)
  - (H) Wilfield, West Melton (PC67)
  - (I) Birchs Village, Prebbleton (PC79)
  
- (vi) Plan Change 57 by GW Wilfield Ltd to rezone existing Living 2 and Living 2A land at West Melton to Living (West Melton South) Zone, south of State Highway 73 at West Melton. Urban design advice to the Residential Chapter of the Hurunui District Plan Review (2017).
  
- (vii) Stage 3 Proposed District Plan Design Guides – Residential (High, Medium and Lower Density and Business Mixed Use Zones) for Queenstown Lakes District (2018-2020).
  
- (viii) Hutt City Council providing urban design evidence for Plan Change 43. The Plan Change proposed two new zones including a Suburban Mixed-use and Medium Density Residential as well as providing the ability for Comprehensive Residential Developments on lots larger than 2,000m<sup>2</sup> (2017-2019). The Medium Density Design Guide was a New Zealand Planning Institute Award winner in 2020.

- 5 This evidence is provided in support of UWC Limited to subdivide a 32.7344ha site into 201 residential lots, associated streets and open spaces. The lot sizes range from 400m<sup>2</sup> to 1,028m<sup>2</sup>. My role has been to provide advice in relation to urban design, landscape character and visual amenity.
- 6 I have visited the site on numerous occasions, and I am familiar with the site and area having worked on the retirement village being developed on the property immediately to the north of the subject site and other projects in Amberley.
- 7 In preparing this statement of evidence I have considered the following documents:
- (a) National Policy Statement on Urban Development.
  - (b) Canterbury Regional Policy Statement (July 2021).
  - (c) Hurunui Operative District Plan planning provisions relevant to my area of expertise.
  - (d) Amberley Town Concept – A landscape Character Study prepared by Graham Densem (2007).
  - (e) The Landscape and Urban Design Evidence of Ms Wilkins, Novo Group.
  - (f) Section 42A Report and supporting Landscape Assessment Report prepared by Ms Smetham, consultant Landscape Architect dated November 2022.
  - (g) Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines (July 2022), NZILA.

### **Code of Conduct for Expert Witnesses**

- 8 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 10 The following aspects are considered to be the main issues to be addressed in considering this proposed rezoning:
- a. Amberley's Urban Form and Growth
  - b. Internal amenity and lot size
  - c. Open vistas and Entrance to Amberley
  - d. State Highway Landscape Treatment
  - e. Rural-Urban Interface (Southern Boundary)

## **AMBERLEY'S URBAN FORM AND GROWTH**

- 11 Amberley's population has grown significantly since the Town Concept Character Study was developed by Mr Densem in 2007 (2006 - 1,305 people). Based on the latest Statistic New Zealand results, Amberley now has a population of just over 2,300 people (2022). This is not dissimilar to many settlements or towns in proximity to Christchurch.
- 12 With an underlying residential zoning and within the Settlement Boundary, the proposed development area is considered to naturally extend existing residential development in Amberley towards the south. Located at the edge of existing residential settlement, the continuation of residential dwellings at similar or slightly higher density is likely to be seen as a natural extension when compared to the broader context.
- 13 With a gross density of 6hh/ha (a net density of 7.8hh/ha when open space and roads are accounted for), the development is considered low when compared to recent subdivisions being developed closer to the city. These developments typically have a minimum density of 15hh/ha stipulated with a view to creating greater housing supply, affordability and variety. Greater densities create greater variety of house types and lot sizes catering to a larger proportion of the housing market, including the possibility of creating affordable housing.
- 14 The proposal provides a significant amount of open space, being just over 10% of the development.
- 15 The proposed density is a balance between adding significant development capacity that contributes to well-functioning urban environments while also achieving the desired urban character for Amberley. In this respect I consider the proposal is appropriate.

## **INTERNAL AMENITY AND DENSITY**

- 16 While the development does not meet the District Plan requirements for minimum average lot size, it still provides a high degree of amenity. The variation in lot size is considered a positive attribute and with the design controls it will be possible to provide an impression of space along streets.
- 17 Using alone a minimum lot size rule is a crude tool managing character when other elements such as yard requirements, garage door placement, fencing controls, and site coverage also play roles in the character of a new development. Most people will not be able to discern between a 500m<sup>2</sup> section or a 700m<sup>2</sup> but will notice fencing, the placement of garaging or the depth of the front yard. The development does not seek to change the front yard requirement of 4.5m, or change the site coverage from 35%, or the 1m minimum side yard noting that increasing the yard requirements between dwellings would achieve a more spacious feel. The Landscape Study and Assessment Criteria 4.24.16(b)(i) refer to maintaining gardens on all sides (of a lot) as desired, but this is unlikely to occur with 1m minimum yard requirements. Trying influence character

utilising only a minimum 700m<sup>2</sup> lot size requirement is unlikely to achieve the outcome sought.

- 18 Modern house design typically includes internally accessed garaging, being located in the front half of the lot closest to the road. This varies from older developments where garaging was often located at the rear of the section in a separate or accessory building, accessed by a long driveway down the side of the house. The driveway itself provided breathing space between houses, as least on one side. This space is now typically occupied by a double garage. The image below, snip from Canterbury Maps, shows a relatively recent development in Amberley with lot sizes ranging from ~400m<sup>2</sup> to ~800m<sup>2</sup> and widths ranging from 16-27m. The key 'take-away' from this image though is that most new houses fill the width they are given, and the house size directly corresponds to lot size. Bigger properties will not necessarily provide more space.



Figure 1 - Aerial of a recent development in Amberley - NTS (Source: Canterbury Maps)

- 19 As a point of comparison, the image below is of an older part of Amberley. The section size ranges from 600-900m<sup>2</sup> with a typical lot width of 18m. Nearly all lots have a driveway down the side of the house and garaging in the rear. Front yard setbacks are fairly consistent, and while the age and style of the houses varying considerably, they all have a relatively low site coverage.



Figure 2 - Aerial of older section of Amberley - NTS (Source: Canterbury Maps)

- 20 It is highly unlikely the development will follow the character of the older parts of Amberley and will be more like the aerial in Figure 1. This places a greater reliance on the street to provide amenity, and eventually large trees (green, leafy townscape with simple spacious street). Most subdivisions typically suffer from being over 'fenced' which compartmentalises spaces into smaller and smaller units preventing a positive relationship between residents and street users.
- 21 The proposed subdivision has given careful consideration and application of design treatment to such matters as road hierarchy, spatial layout, pedestrian networks and proposed blue and green networks to create a well-functioning urban environment. A degree of spaciousness will be created through the road reserves and proposed green network while also recognising the need to provide greater housing stock. Fencing of front yards, or the lack of, will create a perceived 'wider' street corridor while also providing a higher level of passive surveillance over the public realm.
- 22 The development includes 3.5ha of open space with a shared path connection, creating a high level of public amenity and connectivity. There are few natural features of note within the site the exception of some existing trees and small gullies, with the existing vegetation consisting of exotic species sporadically placed. Where possible, existing large trees have maintained and incorporated into the design, along with the gully – these assists with providing an established feel to the development and additional amenity. The proposed green network is to be landscaped to a high level of amenity, ensuring an open character is maintained (refer to the Master Plan prepared by Novo Group).
- 23 Larger densities have not been proposal alongside adjoining rural properties as it is considered this interface can be dealt with through landscape and fencing controls. I consider this aspect in greater detail below under RURAL-URBAN INTERFACE (SOUTHERN BOUNDARY).

## **OPEN VISTAS AND ENTRANCE TO AMBERLEY**

- 24 I consider that 'urban' Amberley starts at approximately 200 Carters Road on the western side of the Carters Road. At this point the landuses are a mix of storage yards and residential dwellings with direct access out onto the state highway via a side access lane. The 40m wide road corridor allows for an open 'feel' to this space and even if both sides of the road were densely planted with shelter belts an open character with views to the north would be maintained. A similar example would be Two Chains Road near Rolleston which is 40m wide (two-chains) and framed by planting on either side. The road has an open vista in either direction.
- 25 On the eastern side of the state highway, the boundary treatment is a mix of planting and open fencing looking across open paddocks. The underlying zoning of this area is residential with housing along with associated curtilage anticipated to characterise the view. I acknowledge that the Densem Landscape Study (2007) recommended that a 20-40m wide strip be retained on the eastern side free of any dwellings to retain a 'rural feel', but this aspect has not been carried forward into the District Plan while the rezoning of the site to residential has.
- 26 In this aspect, I consider the use of 'rural feel' not to be an ideal description when trying to describe the character of a future residential (urban) development with lots at a minimum size of 700m<sup>2</sup> – the two aspects are at odds with each other. Even if all the lots were 2,000m<sup>2</sup> in size I do not think this would equate to 'rural character'. An extract from the Densem Landscape Study (P23 – Outer Suburbs Housing) supports this thinking...*'A distinction is made between 4- or 5-hectare developments, which retain significant rural character, and 2,000-5,000m<sup>2</sup> developments, which have little rural character and area essentially of spacious suburban character.'*
- 27 Overall, I consider that the master plan responds appropriately to the state highway corridor and with appropriate planting can successfully frame the entrance to Amberley without requiring additional space.

## **STATE HIGHWAY LANDSCAPE TREATMENT**

- 28 The imposition of a 1.8m high acoustic fence along the state highway is not an uncommon feature of developments bordering a busy, limited access road. With landscape planting, any visual amenity issues can be successfully addressed by screening the fence. The outcome is not dissimilar to the planting of a shelter belt along a road boundary as a permitted activity.
- 29 Planting will also address concerns of graffiti while concerns over creating litter traps or unsafe areas are largely unfounded given the nature of the road corridor.
- 30 I do not think the intention should be to maintain a rural character to this space, given it is zoned residential, but it is possible to provide a high level of amenity for residents by 'internalising' the development away from the state highway. The limited access nature



of the state highway means internalising the development is the best design outcome with the road unlikely to become a slow speed environment at any stage in the near future.

- 31 As outlined above, increasing the lot size to 1,000m<sup>2</sup> along the state highway will not maintain a rural character – it will still be urban. The best opportunity to retain rural character, if desired, along this part of the state highway is by way of dense landscape planting comparable to a shelter belt.

### **RURAL / URBAN INTERFACE (SOUTHERN BOUNDARY)**

- 32 The development proposes a 3m wide landscape treatment along the southern boundary along with a 7.5m building restriction line combined with requiring lots adjoining the Rural Zone to be a minimum of 1,100m<sup>2</sup> in area. This is supported by Policy 4.12 of the District Plan, seeking to provide for a low-density residential environment at the outer edges of larger settlements, but this approach can result in adverse long-term urban form. An example is Prebbleton, and parts of Rolleston, where higher density development needed for housing supply and population growth has had to 'jump' over low-density housing without good connectivity possible.
- 33 The southern boundary of the site is approximately 476m long if a straight line is drawn behind Lot 1, DP513798 (zoned residential). There are 9 new lots (197m/41%) (13 new lots if the lots in the southwestern corner are counted although these are separated from the rural boundary by an open space corridor) proposed along this boundary with the remainder of the boundary being open space based on the updated Master Plan (May 2023).
- 34 Under the present rules it is possible for a dwelling to be built 7.5m from the rear boundary, subject to recession planes, on a 15m wide section. To achieve a 1,100m<sup>2</sup> section this would make the sections 73m long which is probably unlikely but is permitted under the current zone standards. There are similar examples in immediate proximity to the proposal which exhibit this form, being the properties at 148-160 Carter Road – 19m wide x 86m deep.
- 35 With this scenario it would be possible for 13 lots to be developed over the 197m length. I consider this a non-fanciful scenario. In this respect I do not consider that the smaller lots create any discernible difference that the proposed 3m landscape strip and 7.5m setback will not address. If there are any effects for an increase in built form, the magnitude of change is considered Very Low at most, or Less than Minor effects on visual amenity.

## **S42A REPORT AND LANDSCAPE ASSESSMENT**

36 I have read the Section 42a report and supporting Landscape Assessment prepared by Ms Smetham. Many of the urban design, landscape and visual amenity aspects have been commented on above under relevant issues but I also have the following comments:

- a. The S42a report (para 24) questions whether a dwelling would be able to be built on the lots with a 7.5m setback and a 4.5m front yard. The 9 lots which adjoin the southern boundary have an average depth of approximately 34.5m which still allows 22.5m for the construction of a house, and with a 15m wide section and side yards of 1m, a 351m<sup>2</sup> building envelope is available. In this instance the lots are 21m wide which allow for a 427.5m<sup>2</sup> building envelope. With lots averaging 732.5m<sup>2</sup> along the southern boundary, it is site coverage (35%), and not yard requirements, which will control the size of a new dwelling.
- b. I do not agree that the 1m rear yard offset (rule 4.3.6e) should be taken from the building restriction line. I consider that the rear yard requirement is measured from the property boundary.
- c. I agree with the comment in paragraph 80 of the S42a that the development will be more reliant on tree plantings in streets and parks for a treed character. I do not see this as a negative aspect though as the council has greater control/protection of other these trees to ensure a green/leafy character is maintained.
- d. I agree with the comment in paragraph 82 that the change from rural to residential is anticipated, but I also consider that the proposed design will result in a high amenity development which does not create unexpected change for adjoining landowners. The intention is not to retain a rural character but to create a spacious, green and leafy residential environment. The evidence of Ms Wilkins has addressed which recommendations have been adopted and which have been rejected. I agree Ms Wilkins' determination.
- e. In terms of amenity values, paragraph 85, I refer to the aerial photos above showing a relatively recent development. It is apparent that smaller lots typically have smaller houses, and it is possible to design houses for lot narrower than 15m. I live in a 1920's bungalow on a 14m section with an 8m wide house. All of the lots neighbouring our property are 14m wide with a high level of amenity. I have no concerns over the non-compliance of some lots' shape factor.

- f. I do not consider the concerns of a 3m high wall overshadowing or visually dominating an outdoor space outlined in paragraph 87 an issue for lots bordering the SH boundary. 3m is the same height as the wall of a neighbouring house, and the orientation of the lots allows for direct northern sunlight. I do note that these lots have been reconfigured in the latest master plan.
- g. The figure 3 on page 3 of the Landscape Assessment report is not exactly the same as the corresponding figure in the Te Tangi a te Manu on page 151. In the NZILA version 'Low' overlaps with Less than Minor and Minor as opposed to being purely Minor as shown in the Landscape Report.

## **CONCLUSION**

- 37 In conclusion, I consider that the proposal will result in a well-functioning urban environment and achieves the outcomes anticipated for Amberley. The site is within Amberley's settlement boundary and is zoned for residential development.
- 38 I consider that the proposal will result in a development with a high level of internal amenity with the proposed design controls, albeit with a higher density than anticipated. When compared a complying design with the proposed design, the magnitude of change/difference is considered Very Low.
- 39 The proposal will not have an effect on the quality of the entrance into Amberley with the landscaped bund and acoustic fencing, subject to the fence being screened by landscape planting, screening views of new dwellings and retaining a visual appearance similar to that of a rural shelter belt. The 40m wide road corridor (Carters Road) has the largest impact on the open vista into the town and this is not affected by the proposal.
- 40 The magnitude of change for adjoining rural properties on the southern boundary are considered Very Low with Less than Minor effects.

**David Compton-Moen**

**12 May 2023**